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# FEDERAL REGISTER

Vol. 79 Tuesday,

No. 179 September 16, 2014

Pages 55351–55602

OFFICE OF THE FEDERAL REGISTER

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# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Parts 915 and 944

**[Doc. No. AMS–FV–14–0051; FV14–915–1 IR]**

## Avocados Grown in South Florida and Imported Avocados; Change in Maturity Requirements

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** This rule changes the maturity requirements currently prescribed under the Florida avocado marketing order (order). The order regulates the handling of avocados grown in South Florida and is administered locally by the Avocado Administrative Committee (Committee). The corresponding change in the avocado import regulation is required under section 8e of the Agricultural Marketing Agreement Act of 1937. This rule changes the maturity shipping schedule to allow certain sizes and weights of the Choquette avocado variety to be shipped to the fresh market earlier. With this change, the maturity schedule will better reflect the current maturity rate for the Choquette variety, facilitating the shipment of this variety as it matures.

**DATES:** Effective September 19, 2014; comments received by November 17, 2014 will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov*. All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov*. All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

**FOR FURTHER INFORMATION CONTACT:** Doris Jamieson, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 325–8793, or Email: *Doris.Jamieson@ams.usda.gov* or *Christian.Nissen@ams.usda.gov*.

Small businesses may request information on complying with this regulation by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov*.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement No. 121 and Marketing Order No. 915, both as amended (7 CFR part 915), regulating the handling of avocados grown in South Florida, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

This interim rule is also issued under section 8e of the Act (7 U.S.C. 608e), which provides that whenever certain specified commodities including avocados, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for domestically produced commodities.

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 12866, 13563, and 13175.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of import regulations issued under section 8e of the Act.

This rule changes the maturity requirements prescribed under the order. This rule changes the maturity shipping schedule to allow certain sizes and weights of the Choquette avocado variety to be shipped to the fresh market earlier. With this change, the maturity schedule will better reflect the current maturity rate for the Choquette variety, facilitating the shipment of this variety as it matures. This rule was unanimously recommended by the Committee at its April 9, 2014, meeting.

Section 915.51 of the order provides, in part, authority to issue regulations establishing specific maturity requirements for avocados. Section 915.52 of the order provides authority for the modification, suspension, or termination of established regulations. The maturity requirements for avocados grown in Florida are specified in § 915.332 of the order's rules and regulations. These requirements specify minimum weights and diameters to delineate specific shipping time frames for avocados. Maturity requirements for avocados imported into the United States are currently in effect under § 944.31.

The maturity requirements are designed to prevent the shipment of immature avocados. This helps to provide buyer confidence and consumer satisfaction essential for the successful marketing of the crop. The maturity schedule is usually divided into A, B, C, and D dates reflecting when a particular variety matures. Larger fruit within a variety mature earlier, while smaller-sized fruit take longer to mature. Consequently, the A dates are established so only the largest, most mature fruit are available for market for each variety early in its season. The D date marks the end of a variety's season when all fruit should be mature and releases all sizes and weights. The maturity requirements for the various varieties of avocados are different, as each variety has different growing and maturation characteristics. These dates are established based on a testing procedure developed in conjunction with USDA.

At the request of the Committee, Committee staff began pulling samples of the Choquette variety and testing the level of maturity. The Committee believed that due to cultural practices the variety might be maturing earlier, and the current B, C, and D dates might need to be adjusted. Following three years of testing, a maturity subcommittee reviewed the sample testing on the Choquette variety. Based on their review of the data, the subcommittee agreed that some weights and sizes were maturing earlier, and recommended to the full Committee that the B, C, and D dates for Choquettes each be moved up one week, respectively. The subcommittee concluded that these revised dates will better reflect the current maturity rate for Choquettes. The Committee agreed the changes will help facilitate the shipment of this variety as it matures, and will continue to ensure that the consumer will receive a quality avocado. Consequently, the Committee unanimously approved the change in dates.

This rule changes the B date for Choquettes listed on the maturity schedule from October 17 to October 10. This rule also changes the C date for Choquettes from October 31 to October 24, and the D date from November 14 to November 7. The corresponding sizes and weights associated with these dates remain unchanged. The dates on the maturity schedule are the basis for calculating the actual shipping dates (A, B, C, D dates) for each individual season. The actual shipping dates for an individual year are established as the Monday nearest to the date specified in the maturity schedule as specified in § 915.332.

Section 8e of the Act provides that when certain domestically produced commodities, including avocados, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, and maturity requirements. Since this rule changes the maturity requirements under the domestic handling regulations for avocados, a corresponding change to the import regulations must also be considered.

Maturity requirements for avocados imported into the United States are currently in effect under § 944.31. The same revisions of maturity dates will be made to § 944.31 as are being made to § 915.332. The Hass, Fuerte, Zutano, and Edranol varieties of avocados currently are exempt from the maturity schedule, and continue to be exempt under this rule. However, these varieties are not exempt from the import grade regulation, which is not being changed by this action. As it is the only marketing order covering avocados, import requirements are based on the marketing order for avocados grown in South Florida.

The revised shipping dates for Choquette variety avocados better reflect the current maturity rate for Choquettes and will help facilitate moving mature fruit to the fresh market. This change benefits importers as well as domestic growers and handlers.

**Initial Regulatory Flexibility Analysis**

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Import regulations issued under the Act are based on those established under Federal marketing orders.

There are approximately 30 handlers of Florida avocados subject to regulation under the order and approximately 300 producers of avocados in the production area. There are approximately 70 importers of West Indian and Guatemalan type avocado varieties like those grown in Florida. Small agricultural service firms, which include avocado handlers and importers, are defined by the Small Business Administration (SBA) as those whose annual receipts are less than $7,000,000, and small agricultural producers are defined as those having annual receipts less than $750,000 (13 CFR 121.201).

According to Committee data and information from the National Agricultural Statistical Service, the average price for Florida avocados during the 2011–12 season was approximately $20.79 per 55-pound bushel container and total shipments were slightly higher than 1.2 million 55-pound bushels. Using the average price and shipment information, the majority of avocado handlers could be considered small businesses under SBA's definition. In addition, based on avocado production, producer prices, and the total number of Florida avocado producers, the average annual producer revenue is less than $750,000. Information from the Foreign Agricultural Service, USDA, indicates that the dollar value of imported West Indian and Guatemalan type avocados was $15.5 million in 2013. Using these values, most importers would have annual receipts of less than $7,000,000 for avocados. Consequently, the majority of avocado handlers, producers, and importers may be classified as small entities.

The Dominican Republic, Peru, and Costa Rica, are the major production areas of avocado varieties other than Hass exporting avocados to the United States. In 2013, shipments of these type avocados imported into the United States totaled around 14,500 metric tons. Of that amount, 14,400 metric tons were imported from the Dominican Republic, 63 metric tons were imported from Peru, and 21 metric tons arrived from Costa Rica. Mexico, Chile, and Peru are the major Hass type avocado producing countries exporting avocados to the United States. In 2013, shipments of Hass type avocados imported into the United States totaled around 548,000 metric tons. Mexico accounted for 500,000 metric tons, with 23,400 metric tons from Chile, and 21,500 metric tons from Peru.

This rule changes the maturity requirements prescribed under the order's rules and regulations. This rule changes the maturity shipping schedule to allow certain sizes and weights of the Choquette avocado variety to be shipped to the fresh market earlier and makes a corresponding change to the avocado import regulation. With this change, the maturity schedule will better reflect the current maturity rate for the Choquette

variety, facilitating the shipment of this variety as it matures. Authority for this change is provided in §§ 915.51 and 915.52. This rule amends the provisions in §§ 915.332 and 944.31. This rule was unanimously recommended by the Committee at its April 9, 2014, meeting. The change in the import regulation is required under section 8e of the Act.

This action is not expected to increase the costs associated with the order's requirements or the avocado import regulation. Rather, it is anticipated that this action will have a beneficial impact. Based on several seasons of maturity testing, the Committee recommended moving the B, C, and D dates on the maturity schedule forward one week, respectively, for the Choquette variety allowing the associated sizes and weights to be shipped to the fresh market earlier. The revised dates better reflect the current maturity rate for Choquettes, and will facilitate the shipment of this variety as it matures, while continuing to ensure that only mature fruit is shipped to the fresh market. The benefits of this rule are expected to be equally available to all fresh avocado growers, handlers, and importers, regardless of their size.

Regarding alternatives to this action, the Committee considered making no change to the requirements or waiting for additional testing. However, they determined that there was sufficient data to warrant making these changes. Therefore, this alternative was rejected.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0189, (Generic Fruit Crops). No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large avocado handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

In addition, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Further, the Committee's meeting was widely publicized throughout the Florida avocado industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the April 9, 2014, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue.

Also, the Committee has a number of appointed subcommittees to review certain issues and make recommendations to the Board. The Committee's maturity subcommittee met on April 4, 2014, and discussed this issue in detail. That meeting was also a public meeting and both large and small entities were able to participate and express their views. Finally, interested persons are invited to submit comments on this interim rule, including the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide*. Any questions about the compliance guide should be sent to Jeffrey Smutny at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

This rule invites comments on a change to the maturity requirements currently prescribed under the Florida avocado marketing order and avocado import requirements. Any comments received will be considered prior to finalization of this rule.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that this interim rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

In accordance with section 8e of the Act, the United States Trade Representative has concurred with the issuance of this interim rule.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) These changes relax current requirements for the Choquette variety, allowing some fruit to ship earlier; (2) the Committee unanimously recommended these changes at a public meeting and interested parties had an opportunity to provide input; and (3) this rule provides a 60-day comment period and any comments received will be considered prior to finalization of this rule.

**List of Subjects**

*7 CFR Part 915*

Avocados, Marketing agreements, Reporting and recordkeeping requirements.

*7 CFR Part 944*

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Kiwifruit, Limes, Olives, Oranges.

For the reasons set forth in the preamble, 7 CFR parts 915 and 944 are amended as follows:

## PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

■ 1. The authority citation for 7 CFR part 915 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

■ 2. In § 915.332, Table I, the entry for ''Choquette'' is revised to read as follows:

**§ 915.332 Florida avocado maturity regulation.**

(a) * * *

(2) * * *

TABLE I

| Variety | A date | Min. wt. | Min. diam. | B date | Min. wt. | Min. diam. | C date | Min. wt. | Min. diam. | D date |
|---|---|---|---|---|---|---|---|---|---|---|
| * * | * | | * | | * | | * | | * | |
| Choquette | 9–26 | 28 | 4 4/16 | 10–10 | 24 | 4 1/16 | 10–24 | 20 | 3 14/16 | 11–7 |
| * * | * | | * | | * | | * | | * | |

* * * * *

## PART 944—FRUITS; IMPORT REGULATIONS

■ 3. The authority citation for 7 CFR part 944 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

■ 4. In § 944.31, Table I, the entry for ''Choquette'' is revised to read as follows:

**§ 944.31 Avocado import maturity regulation.**

(a) * * *

(2) * * *

TABLE I

| Variety | A date | Min. wt. | Min. diam. | B date | Min. wt. | Min. diam. | C date | Min. wt. | Min. diam. | D date |
|---|---|---|---|---|---|---|---|---|---|---|
| * * | * | | * | | * | | * | | * | |
| Choquette | 9–26 | 28 | 4 4/16 | 10–10 | 24 | 4 1/16 | 10–24 | 20 | 3 14/16 | 11–7 |
| * * | * | | * | | * | | * | | * | |

* * * * *

Dated: September 11, 2014.

**Rex A. Barnes,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2014–22052 Filed 9–15–14; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2014–0220; Airspace Docket No. 14–AEA–5]**

## Establishment of Class D Airspace and Amendment of Class E Airspace; Blackstone, VA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class D airspace and amends Class E airspace at Blackstone, VA, to accommodate the new air traffic control tower at Allen C Perkinson Blackstone Army Airfield. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at the airfield. This action updates the geographic coordinates of the airfield's Class E airspace, and adds exclusion of Restricted area airspace in Class D airspace.

**DATES:** Effective 0901 UTC, November 13, 2014. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

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

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15. For further information, you can contact the Airspace Policy and ATC Procedures Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 29591; telephone: 202–267–8783.

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

**SUPPLEMENTARY INFORMATION:**

### History

On May 23, 2014, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class D airspace and amend Class E airspace at Allen C Perkinson Blackstone Army Airfield, Blackstone, VA, (79–29696). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class D and E airspace designations are published in Paragraphs 5000 and 6005, respectively, of FAA Order 7400.9Y, dated August 6, 2014, and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

### The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class D airspace within a 4.2-mile radius of Allen C Perkinson Blackstone Army Airfield, Blackstone, VA, and amends Class E airspace extending upward from 700 feet above the surface within a 6.7-mile radius of the airfield, to support the operation of the new air traffic control tower. Also, the geographic coordinates of the airfield are adjusted to be in concert with the FAA's aeronautical database.

Additionally, this action amends the Class D description by adding the exclusion of that airspace within Restricted Area R–6602A and the Pickett 1 and 2 Military Operations Areas during the time those areas are active. Provisions to ensure the deconfliction between military activities and arrivals and departures at Allen C. Perkinson Blackstone Army Airfield will be specified in a Letter of Agreement between Air Traffic Control and the military using agencies.

Except for the changes noted above, this rule is the same as published in the NPRM.

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

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it adds and amends controlled airspace at Allen C. Perkinson Blackstone Army Airfield, Blackstone, VA.

### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment

### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### Adoption of the Amendment

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

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

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

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

### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014, is amended as follows:

*Paragraph 5000 Class D airspace.*

* * * * *

**AEA VA D Blackstone, VA [NEW]**

Allen C Perkinson Blackstone Army Airfield, VA

(Lat. 37°04′29″ N., long. 77°57′24″ W.)

That airspace extending upward from the surface up to and including 2,500 feet MSL within a 4.2-mile radius of Allen C Perkinson Blackstone Army Airfield; excluding that airspace within Restricted area R–6602A, Pickett 1 Military Operations Area, and Picket 2 Military Operations Area, when active. This Class D airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

* * * * *

**AEA VA E5 Blackstone, VA [AMENDED]**

Allen C Perkinson Blackstone Army Airfield, VA

(Lat. 37°04′29″ N., long. 77°57′24″ W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Allen C Perkinson Blackstone Army Airfield.

Issued in College Park, Georgia, on September 8, 2014.

**Myron A. Jenkins,**

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

[FR Doc. 2014–21912 Filed 9–15–14; 8:45 am]

BILLING CODE 4910–13–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2013–0441; Airspace Docket No. 13–ASO–11]**

## Establishment of Class E Airspace; Pine Knot, KY

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Pine Knot, KY, to accommodate a new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) serving Mc Creary County Airport. This action enhances the safety and management of Instrument Flight Rules (IFR) operations at the airport.

**DATES:** Effective 0901 UTC, November 13, 2014. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

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

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

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

**SUPPLEMENTARY INFORMATION:**

### History

On June 2, 2014, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish Class E airspace at Pine Knot, KY (79 FR 31236) Docket No. FAA–2013–0441. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Y dated August 6, 2014, and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

### The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface within a 9.3-mile radius of Mc Creary County Airport, Pine Knot, KY, providing the controlled airspace required to accommodate the new RNAV (GPS) Standard Instrument Approach Procedures developed for the airport. This action provides for the safety and management of IFR operations at the airport.

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

### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### Adoption of the Amendment

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

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

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

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

### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, effective September 15, 2014, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

* * * * *

**ASO KY E5 Pine Knot, KY [New]**

Mc Creary County Airport, KY
(Lat. 36°41′43″ N., long. 84°23′29″ W.)

That airspace extending upward from 700 feet above the surface within a 9.3-mile radius of Mc Creary County Airport.

Issued in College Park, Georgia, on September 8, 2014.

**Myron A. Jenkins,**

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

[FR Doc. 2014–21910 Filed 9–15–14; 8:45 am]

**BILLING CODE 4910–13–P**

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2013–1074; Airspace Docket No. 13–ASO–26]**

## Establishment of Class E Airspace; Cynthiana, KY

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E Airspace at Cynthiana, KY, to accommodate a new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAP) serving Cynthiana-Harrison County Airport. This action enhances the safety and management of Instrument Flight Rules (IFR) operations at the airport.

**DATES:** Effective 0901 UTC, November 13, 2014. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

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

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

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

**SUPPLEMENTARY INFORMATION:**

### History

On May 23, 2014, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish Class E airspace at Cynthiana, KY (79 FR 29697) Docket No. FAA–2013–1074. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Y dated August 6, 2014, and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

### The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface within a 7.8-mile radius of Cynthiana-Harrison County Airport, Cynthiana, KY, providing the controlled airspace required to accommodate the new RNAV (GPS) Standard Instrument Approach Procedures developed for the airport. This action provides for the safety and management of IFR operations at the airport.

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

### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### Adoption of the Amendment

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

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

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

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

### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, effective September 15, 2014, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

* * * * *

**ASO KY E5 Cynthiana, KY [New]**

Cynthiana-Harrison County Airport, KY
(Lat. 38°21′58″ N., long. 84°17′00″ W.)

That airspace extending upward from 700 feet above the surface within a 7.8-mile radius of Cynthiana-Harrison County Airport.

Issued in College Park, Georgia, on September 8, 2014.

**Myron A. Jenkins,**

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

[FR Doc. 2014–21911 Filed 9–15–14; 8:45 am]

BILLING CODE 4910–13–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2014–0271; Airspace Docket No. 13–AWP–16]**

**RIN 2120–AA66**

## Modification and Establishment of Area Navigation (RNAV) Routes; Western United States

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action modifies three RNAV Q-routes and establishes five Q-routes originating in Oakland Air Route Traffic Control Center's (ARTCC) airspace. The routes promote operational efficiencies for users and provide connectivity to current and proposed RNAV en route and terminal procedures. Also, two waypoints and a fix name is changed for Q–120, and Q–128, as the proposed names already were in use.

**DATES:** Effective date 0901 UTC, November 13, 2014. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

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

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

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

**SUPPLEMENTARY INFORMATION:**

### History

On June 9, 2014, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify three RNAV Q-routes and establish 5 Q-routes originating in Oakland Air Route Traffic Control Center's (ARTCC) airspace (79 FR 32883). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

### Differences From the NPRM

This rule changes the name of 3 waypoints. For Q–120, MENSE waypoint is changed to BETBE and LIITL waypoint is changed to TRAKY. For Q–128, NOBBY is changed to VLUST. The coordinates for these waypoints remain the same. These waypoint name changes were necessary as the proposed names already were in use or proposed in another project.

### The Rule

The FAA is amending Title 14, Code of Federal Regulations (14 CFR) part 71 modifying 3 RNAV Q-routes and establishing 5 Q-routes originating in

the Oakland ARTCC airspace. The routes run generally west-east, connecting the San Francisco and Los Angeles terminal areas with destinations to the east. The modified routes connect to new Standard Instrument Departure (SID) and Standard Terminal Arrival (STAR) procedures as designed in the Northern California (NorCal) Metroplex. The routes provide options to traverse or circumnavigate the restricted area R–2508 complex. The routes are described below.

*Q–120:* Q–120 extends between the Sacramento, CA, VORTAC (SAC) and the Redwood Falls, MN, VOR/DME (RWF). The modifications remove the SAC VORTAC at the west end of the route and replace it with the new ORRCA waypoint (WP). Additional WPs are added along the route. On the east end, the RWF VOR/DME is removed from the route and a new endpoint is established using the existing UFFDA WP, MN. The UFFDA WP is located approximately 41 nautical miles (NM) west of the RWF VOR/DME, thereby shortening the length of Q–120 by that distance. Two waypoints along the route, MENSE and LIITL, are renamed BETBE and TRAKY, respectively.

*Q–128:* Q–128 extends between the Linden, CA, VORTAC (LIN) and the Memphis, TN, VORTAC (MEM). The modifications remove the LIN VORTAC from the route and is replaced with the new SYRAH, CA, WP. The SYRAH WP is located approximately 7 NM southwest of the LIN VORTAC. The Bartlesville, OK, VOR/DME (BVO) is removed from the route and replaced with the VEGUC, OK, WP (approximately 12 NM southeast of the BVO) VOR/DME. The Razorback, AR, VORTAC (RZC) is also removed from the route and replaced by the renamed VLUST, AR, WP. The VLUST WP is approximately 1 NM northeast of RZC VORTAC. The MEM VORTAC is removed from the route and replaced by the MUDHO, MS, WP (approximately 7 NM southwest of the MEM VORTAC). From the MUDHO WP, Q–128 is extended by approximately 160 NM to the southeast terminating at the new east end JILLS, AL, WP. The JILLS WP is located approximately 11 NM northwest of the Crimson, AL, VORTAC (LDK).

*Q130:* Q130 extends between the LIN VORTAC and the Panhandle, TX, VORTAC (PNH). The modifications remove the LIN VORTAC from route and replace it with the new SYRAH, CA, WP. The Rattlesnake, NM, VORTAC (RSK) is also replaced by the new HASSL, UT, WP; and the existing TAHIB, UT, WP, is inserted between the ROCCY, UT, WP and the DIXAN, NM, WP. The PNH VORTAC remains as the eastern endpoint of Q–130.

The changes to Q–120, Q–128, and Q–130 support Performance Based Navigation procedures into or out of terminal areas and reduce the reliance on ground-based navigation aids by replacing some facilities in the route descriptions with GPS waypoints.

The following new routes are established:

*Q–158:* Q–158 extends from a new NTELL, CA, WP (located west of restricted area R–2508, near the Clovis, CA, VORTAC (CZQ), transiting through the northern part of R–2508, and the new JEDNA, NV, WP (northwest of Las Vegas, NV).

*Q–160:* Q–160 begins at the new SHVVR, CA, WP, then transits through the northern part of R–2508, and ends at the existing BIKKR, CA, WP, where it links to Q–158.

*Q–162:* Q–162 extends between the NTELL WP and the MYCAL, NV, WP. From NTELL, Q–162 circumnavigates around the north end of R–2508 through the existing CABAB, CA, WP and the KENNO, NV, WP, then turns southeastward through the gap between restricted areas R–2508 and R–4807A/R–4808N, to the MYCAL WP, where it links to Q–158.

*Q–164:* Q–164 extends between the NTELL, CA, WP and the existing ROCCY, UT, WP. Q–164 provides east- and west-bound routing north of the R–2508 and R–4807/R–4808 complexes.

*Q–166:* Q–166 begins at the VIKSN, CA, WP, then transits through the northeast corner of R–2508, and ends at the BIKKR, CA, WP. Q–166 connects with Q–162 at the VIKSN WP and with Q–158 and Q–160 at the BIKKR WP.

It should be noted that the routes that transit through R–2508 (i.e., Q–158, Q–160 and Q–166) are only available during times when the restricted airspace has been released to the FAA for joint use in accordance with a joint use agreement.

This action promotes user operational efficiencies and provides connectivity to current and proposed RNAV en route and terminal procedures.

High altitude RNAV routes are published in paragraph 2006 of FAA Order 7400.9Y dated August 6, 2014, and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The RNAV routes listed in this document are subsequently published in the Order.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the route structure as required to enhance the safe and efficient flow of air traffic in the western United States.

**Environmental Review**

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policy and Procedures'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**Adoption of the Amendment**

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

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

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

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

**§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014, is amended as follows:

*Paragraph 2006 United States area navigation routes.*

* * * * *

**Q120 ORRCA, CA to UFFDA, MN [Amended]**

| | | |
|---|---|---|
| ORRCA, CA | WP | (Lat. 38°26′37″ N., long. 121°33′06″ W.) |
| BETBE, NV | WP | (Lat. 39°53′32″ N., long. 119°05′50″ W.) |
| ZORUN, NV | WP | (Lat. 39°59′00″ N., long. 118°55′00″ W.) |
| GALLI, NV | WP | (Lat. 40°19′10″ N., long. 118°07′18″ W.) |
| JAJAY, NV | WP | (Lat. 40°44′03″ N., long. 116°49′33″ W.) |
| TRAKY, NV | WP | (Lat. 41°21′36″ N., long. 114°44′31″ W.) |
| PROXI, UT | WP | (Lat. 41°58′21″ N., long. 112°31′34″ W.) |
| Big Piney, WY (BPI) | VOR/DME | (Lat. 42°34′46″ N., long. 110°06′33″ W.) |
| JUGIV, WY | WP | (Lat. 42°57′44″ N., long. 108°08′43″ W.) |
| HIKOX, WY | WP | (Lat. 43°12′16″ N., long. 106°52′19″ W.) |
| JASTI, SD | WP | (Lat. 44°01′24″ N., long. 101°26′26″ W.) |
| UFFDA, MN | WP | (Lat. 44°29′46″ N., long. 96°05′25″ W.) |

**Q128 SYRAH, CA to JILLS, AL [Amended]**

| | | |
|---|---|---|
| SYRAH, CA | WP | (Lat. 37°59′28″ N., long. 121°06′11″ W.) |
| JSICA, NV | WP | (Lat. 38°31′14″ N., long. 117°17′13″ W.) |
| TABLL, UT | WP | (Lat. 38°39′56″ N., long. 113°10′35″ W.) |
| EDLES, UT | WP | (Lat. 38°40′40″ N., long. 109°56′27″ W.) |
| FLOOD, CO | WP | (Lat. 38°20′24″ N., long. 105°05′38″ W.) |
| ZAROS, CO | WP | (Lat. 37°59′22″ N., long. 102°20′22″ W.) |
| VEGUC, OK | WP | (Lat. 36°48′52″ N., long. 96°00′45″ W.) |
| VLUST, AR | FIX | (Lat. 36°15′13″ N., long. 94°06′27″ W.) |
| ECIGE, AR | WP | (Lat. 35°33′53″ N., long. 91°54′08″ W.) |
| MUDHO, MS | WP | (Lat. 34°56′30″ N., long. 90°06′26″ W.) |
| JILLS, AL | WP | (Lat. 33°19′27″ N., long. 87°44′47″ W.) |

**Q130 SYRAH, CA to Panhandle, TX (PNH) [Amended]**

| | | |
|---|---|---|
| SYRAH, CA | WP | (Lat. 37°59′28″ N., long. 121°06′11″ W.) |
| JSICA, NV | WP | (Lat. 38°31′14″ N., long. 117°17′13″ W.) |
| REANA, NV | WP | (Lat. 38°24′00″ N., long. 114°20′00″ W.) |
| ROCCY, UT | WP | (Lat. 37°49′42″ N., long. 112°00′00″ W.) |
| HASSL, UT | WP | (Lat. 37°34′12″ N., long. 110°53′01″ W.) |
| TAHIB, UT | WP | (Lat. 37°03′15″ N., long. 108°47′44″ W.) |
| DIXAN, NM | WP | (Lat. 36°16′51″ N., long. 105°57′20″ W.) |
| MIRME, NM | WP | (Lat. 35°47′01″ N., long. 103°50′32″ W.) |
| Panhandle, TX (PNH). | VORTAC | (Lat. 35°14′06″N., long. 101°41′57″ W.) |

**Q158 NTELL, CA TO JEDNA, NV [New]**

| | | |
|---|---|---|
| NTELL, CA | WP | (Lat. 36°53′59″ N., long. 119°53′22″ W.) |
| PPARK, CA | WP | (Lat. 36°46′49″ N., long. 118°38′49″ W.) |
| TRTIS, CA | WP | (Lat. 36°36′37″ N., long. 117°06′57″ W.) |
| BIKKR, CA | WP | (Lat. 36°34′00″ N., long. 116°45′00″ W.) |
| MYCAL, NV | WP | (Lat. 36°27′37″ N., long. 116°15′51″ W.) |
| JEDNA, NV | WP | (Lat. 36°19′24″ N., long. 115°39′22″ W.) |

**Q160 SHVVR, CA TO BIKKR, CA [New]**

| | | |
|---|---|---|
| SHVVR, CA | WP | (Lat. 37°14′24″ N., long. 119°48′49″ W.) |
| FAANG, CA | INT | (Lat. 37°00′00″ N., long. 118°35′03″ W.) |
| RIVVO, CA | WP | (Lat. 36°39′10″ N., long. 117°06′15″ W.) |
| BIKKR, CA | WP | (Lat. 36°34′00″ N., long. 116°45′00″ W.) |

**Q162 NTELL, CA TO MYCAL, NV [New]**

| | | |
|---|---|---|
| NTELL, CA | WP | (Lat. 36°53′59″ N., long. 119°53′22″ W.) |
| CABAB, CA | WP | (Lat. 37°16′36″ N., long. 118°43′12″ W.) |
| VIKSN, CA | WP | (Lat. 37°21′03″ N., long. 117°53′36″ W.) |
| KENNO, NV | WP | (Lat. 37°17′53″ N., long. 117°18′37″ W.) |
| ESSAA, NV | WP | (Lat. 37°04′05″ N., long. 116°55′59″ W.) |
| TUMBE, NV | WP | (Lat. 36°48′20″ N., long. 116°40′03″ W.) |
| MYCAL, NV | WP | (Lat. 36°27′37″ N., long. 116°15′51″ W.) |

**Q164 NTELL, CA TO ROCCY, UT [New]**

| | | |
|---|---|---|
| NTELL, CA | WP | (Lat. 36°53′59″ N., long. 119°53′22.21″ W.) |
| CABAB, CA | WP | (Lat. 37°16′36″ N., long. 118°43′12″ W.) |
| KICHI, NV | WP | (Lat. 37°58′00″ N., long. 117°11′00″ W.) |
| KATTS, NV | WP | (Lat. 38°20′00″ N., long. 116°20′00″ W.) |
| KITTN, NV | WP | (Lat. 38°19′44″ N., long. 114°57′41″ W.) |
| ROCCY, UT | WP | (Lat. 37°49′42″ N., long. 112°00′00″ W.) |

**Q166 VIKSN, CA TO BIKKR, CA [New]**

| | | |
|---|---|---|
| VIKSN, CA ..... | WP | (Lat. 37°21′03″ N., long. 117°53′36″ W.) |
| UHILL, CA ..... | WP | (Lat. 36°53′48″ N., long. 117°13′36″ W.) |
| BIKKR, CA ..... | WP | (Lat. 36°34′00″ N., long. 116°45′00″ W.) |

Issued in Washington, DC, on September 9, 2014.

**Ellen Crum,**

*Acting Manager, Airspace Policy and Regulations Group.*

[FR Doc. 2014–21914 Filed 9–15–14; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### 24 CFR Parts 5 and 232

**[Docket No. FR—5794–I–01]**

**RIN 2502–AJ25**

## Federal Housing Administration (FHA): Section 232 Healthcare Facility Insurance Program—Aligning Operator Financial Reports With HUD's Uniform Financial Reporting Standards

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

**ACTION:** Interim rule.

**SUMMARY:** Through a final rule published on September 7, 2012, HUD revised the regulations for FHA's program for insurance of health care facilities under section 232 of the National Housing Act (Section 232 program). In the September 7, 2012, final rule, HUD retained the longstanding requirement that owners and borrowers participating in the Section 232 program submit audited financial statements to HUD, and added the requirement that operators of Section 232 facilities also submit financial statements to HUD on a quarterly and annual basis. However, the September 7, 2012, rule placed operators on a different submission deadline than that required of owners. This interim rule revises the financial reporting deadlines for operators to bring them in-line with the reporting periods prescribed in HUD's Uniform Financial Reporting Standards, to which owners and borrowers are subject.

**DATES:** *Effective date:* October 16, 2014.

*Comment due date:* November 17, 2014.

**ADDRESSES:** Interested persons are invited to submit comments on this interim rule to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Communications must refer to the above docket number and title. There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

*Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Room 10276, Washington, DC 20410–0500.

*Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *www.regulations.gov* Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

**Note:** To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the rule.

*No Facsimile Comments.* Facsimile (FAX) comments are not acceptable.

*Public Inspection of Public Comments.* All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at 202–402–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service, toll-free, at 800–877–8339. Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Vance T. Morris, Office of Residential Care Facilities, Office of Healthcare Programs, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6264, Washington, DC 20410–8000; telephone number 202–708–0599 (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 1–800–877–8339.

### I. Supplementary Information

#### *A. Background*

Section 232 of the National Housing Act (12 U.S.C. 1715w) (Section 232) authorizes FHA to insure mortgages made by private lenders to finance the development of nursing homes, intermediate care facilities, board and care homes, and assisted living facilities (collectively, residential healthcare facilities). The Section 232 program allows for long-term, fixed-rate financing for new and rehabilitated properties for up to 40 years. Existing properties without rehabilitation can be financed with or without Ginnie Mae® [1] Mortgage Backed Securities for up to 35 years. Eligible borrowers under the Section 232 program include investors, builders, developers, public entities, and private nonprofit corporations and associations. The documents executed at loan closing provide that the borrower may not engage in any other business or activity.

As the need for residential care facilities increased, requests to FHA to make mortgage insurance available for such facilities also increased. Updates to the Section 232 program regulations, codified at 24 CFR part 232, were needed to ensure that program requirements are sufficient to meet increased demand, and prevent mortgage defaults that not only impose a risk to the FHA insurance fund but can jeopardize the safety and stability of Section 232 facilities and their residents.

#### *B. September 7, 2012 Regulatory Revisions*

In 2012, HUD commenced the rulemaking process to make the updates needed to the Section 232 program regulations, regulations that had not been revised since 1996. By final rule published on September 7, 2012, at 77 FR 55120, HUD revised the Section 232

[1] Ginnie Mae is a registered service mark of the Government National Mortgage Association; see *http://www.ginniemae.gov/.*

program regulations to reflect current policy and practices, and improve accountability and strengthen risk management in the Section 232 program. The September 7, 2012, final rule was preceded by a proposed rule published on May 3, 2012, at 77 FR 26304.

Included in the updates made by the 2012 rulemaking were revisions to 24 CFR 5.801 (Uniform Financial Reporting Standards) and 24 CFR 232.1009 (Financial Reports), both of which contained reporting requirements applicable to the Section 232 program. HUD revised these regulatory sections to include operators of projects insured or held by HUD as entities that must submit financial statements to HUD. Owners and borrowers have long been required to submit financial reports

Sections 5.801(c)(4) and 232.1009 provide that operators must submit financial statements to HUD quarterly within 30 calendar days of the date of the end of each fiscal quarter, and 60 calendar days from the end of the fiscal-year-end quarter to submit final fiscal year end quarter and fiscal year-to-date reports to HUD. The other entities required to submit reports were provided slightly longer periods to prepare and submit the reports than that provided to operators. In the September 7, 2012, final rule, commenters asked that HUD extend the 30-day filing deadline for end-of-each quarterly report to 60 days. HUD declined to provide the extension and stated that receipt of unaudited quarterly and year-to-date operator financial statements promptly at the end of each quarter is needed for effective monitoring of a property's financial operations and the trend of those operations. HUD further stated that in recognition of the intricacies involved in developing year-end financial statements, HUD extended the submission of the final quarter and year-to-date operator certified statements submitted for the 4th fiscal quarter to 60 calendar days (originally proposed to be 30 calendar days) following the end of the fiscal year. (See 77 FR 55122 and 55132.)

*C. This Interim Rule*

This interim rule increases the amount of time operators have to comply with the reporting requirements provided in §§ 5.801(c)(4) and 232.1009. With almost two years of administering the Section 232 program under the revised regulations, HUD has determined that it can provide operators additional time to submit financial reports and maintain the effective monitoring of a property's financial operations and the trend of those operations, which was of concern to HUD in the September 7, 2012, rule.

This interim rule provides that operators will have an additional 30 calendar days to comply with the financial statement reporting requirements. Operators will now have 60 calendar days following the end of a fiscal quarter and 90 calendar days following the end of the fiscal-year-end quarter to comply with HUD's financial statement reporting requirements.

In addition to the changes to 24 CFR 5.801(c)(4) and 24 CFR 232.1009, HUD further revises § 232.1009, to include language that HUD included in § 5.801(c)(4), and that is that HUD may direct the submission of reports (referred to as forms in the regulatory text) to the lender or another third party in addition to or in lieu of submission to HUD.

## II. Justification for Interim Rulemaking

HUD generally publishes rules for advance public comment in accordance with its rules on rulemaking at 24 CFR part 10. However, under 24 CFR 10.1, HUD may omit prior public notice and comment if it is ''impracticable, unnecessary, or contrary to the public interest.'' This interim rule relaxes a reporting requirement for operators by allowing operators more time to comply with HUD's financial statement reporting requirements. Allowing operators the additional time to submit financial statements responds positively to prior public comment from operators received in response to the 2012 rulemaking. HUD believes it is not necessary to delay implementation of this change to first take public comment, given the prior public comment already submitted on this issue. As stated in the preamble, allowing operators additional time to submit their financial reporting requirements does not adversely affect the monitoring contemplated by HUD in the 2012 rulemaking.

Although HUD has determined that good cause exists to publish this rule for effect without prior solicitation of public comment, HUD recognizes the value and importance of public input in the rulemaking process. Accordingly, HUD is issuing these regulatory amendments on an interim basis and providing a 60-day public comment period. All comments will be considered in the development of the final rule.

## III. Findings and Certifications

*Executive Order 13563, Regulatory Review*

The President's Executive Order (EO) 13563, entitled ''Improving Regulation and Regulatory Review,'' was signed by the President on January 18, 2011, and published on January 21, 2011, at 76 FR 3821. This EO requires executive agencies to analyze regulations that are ''outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.'' Section 4 of the EO, entitled ''Flexible Approaches,'' provides, in relevant part, that where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, each agency shall identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. HUD submits that the changes made by this rule to the Section 232 regulations are consistent with the EO's directions as the rule reduces the burden on regulated parties by allowing for less restrictive reporting periods.

*Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

The changes required by this rule do not impose significant economic impacts on these small entities or otherwise adversely disproportionately burden such small entities. In fact, such small entities should benefit from the less restrictive reporting period. Accordingly, the undersigned certifies that this rule will not have a significant economic impact on a substantial number of small entities.

*Environmental Impact*

This interim rule does not direct, provide for assistance or loan and mortgage insurance for, otherwise govern or regulate real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction; or establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. This interim rule is limited to changing submission deadlines for required reports. Accordingly, under 24 CFR 50.19(c)(1), this rule is categorically excluded from environmental review under the

National Environmental Policy Act of 1969 (42 U.S.C. 4321).

*Executive Order 13132, Federalism*

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either: (1) Imposes substantial direct compliance costs on State and local governments and is not required by statute, or (2) preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rule will not have federalism implications and would not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

*Unfunded Mandates Reform Act*

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

*Information Collection Requirements*

The information collection requirements contained in this rule were reviewed by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), and assigned OMB Control Number 2502–0605. In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number.

*Catalogue of Federal Domestic Assistance*

The Catalogue of Federal Domestic Assistance Number for the Mortgage Insurance Nursing Homes, Intermediate Care Facilities, Board and Care Homes and Assisted Living Facilities mortgage insurance programs is 14.129.

**List of Subjects**

*24 CFR Part 5*

Administrative practice and procedure, Aged, Claims, Grant programs-housing and community development, Individuals with disabilities, Intergovernmental relations, Loan programs-housing and community development, Low and moderate income housing, Mortgage insurance, Penalties, Pets, Public housing, Rent subsidies, Reporting and recordkeeping requirements, Social security, Unemployment compensation, Wages.

*24 CFR Part 232*

Fire prevention, Health facilities, Loan programs-health, Loan programs-housing and community development, Mortgage insurance, Nursing homes, Reporting and recordkeeping requirements.

Accordingly, parts 5 and 232 of title 24 of the Code of Federal Regulations are amended as follows:

## PART 5—GENERAL HUD PROGRAM REQUIREMENTS; WAIVERS

■ 1. The authority citation for 24 CFR part 5 continues to read as follows:

**Authority:** 42 U.S.C. 1437a, 1437c, 1437d, 1437f, 1437n, 3535(d), and Sec. 327, Pub. L. 109–115, 119 Stat. 2936.

■ 2. In § 5.801, revise paragraph (c)(4) introductory text to read as follows:

**§ 5.801 Uniform financial reporting standards.**

* * * * *

(c) * * *

(4) For entities listed in paragraph (a)(6) of this section, the financial information to be submitted to HUD in accordance with paragraph (b) of this section must be submitted to HUD on a quarterly and fiscal-year-to-date basis, within 60 calendar days of the end of each quarterly reporting period deadline, except that the final fiscal-year-end quarter and fiscal-year-to-date reports must be submitted to HUD within 90 calendar days of the end of the fiscal-year-end quarter, or within such additional time as may be provided by the Commissioner for good cause shown. HUD may direct that such forms be submitted to the lender or another third party in addition to or in lieu of submission to HUD.

* * * * *

## PART 232—MORTGAGE INSURANCE FOR NURSING HOMES, INTERMEDIATE CARE FACILITIES, BOARD AND CARE HOMES, AND ASSISTED LIVING FACILITIES

■ 3. The authority citation for 24 CFR part 232 continues to read as follows:

**Authority:** 12 U.S.C. 1715b, 1715w; 42 U.S.C. 3535(d).

■ 4. Revise § 232.1009 to read as follows:

**§ 232.1009 Financial reports.**

(a) The borrower must provide HUD and lender an audited annual financial report based on an examination of its books and records, in such form and substance required by HUD in accordance with 24 CFR 5.801 and 24 CFR 200.36.

(b) Operators must submit financial statements quarterly within 60 calendar days of the date of the end of each fiscal quarter, setting forth both quarterly and fiscal year-to-date information, except that the final fiscal year end quarter must be submitted to HUD within 90 calendar days of the end of the quarter, in accordance with 24 CFR 5.801(c)(4), or within such additional time as may be provided by the Commissioner for good cause shown. HUD may direct that such forms be submitted to the lender or another third party in addition to or in lieu of submission to HUD.

Dated: September 10, 2014.

**Carol J. Galante,**

*Assistant Secretary for Housing—Federal Housing Commissioner.*

[FR Doc. 2014–22069 Filed 9–15–14; 8:45 am]

BILLING CODE 4210–67–P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### 26 CFR Part 31

**[TD 9692]**

**RIN 1545–BL92**

## Authority for Voluntary Withholding on Other Payments

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Final regulations and removal of temporary regulations.

**SUMMARY:** This document contains final regulations under section 3402(p) of the Internal Revenue Code (Code) relating to voluntary withholding agreements. The final regulations allow the Secretary to issue guidance in the Internal Revenue Bulletin to describe payments for which the Secretary finds that income tax withholding under a voluntary withholding agreement would be appropriate. The regulations affect persons making and persons receiving payments for which the IRS issues subsequent guidance authorizing the parties to enter into voluntary withholding agreements.

**DATES:** *Effective Date:* These regulations are effective on September 16, 2014.

*Applicability Date:* For date of applicability, see § 31.3402(p)–1(d).

**FOR FURTHER INFORMATION CONTACT:** Linda L. Conway-Hataloski at (202) 317–6798 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

## Background

This document contains amendments to 26 CFR part 31 under section 3402(p) of the Code. On November 29, 2013, Treasury and the IRS published in the **Federal Register** temporary regulations (TD 9646) at 78 FR 71476 and a notice of proposed rulemaking by cross-reference to temporary regulations (REG–146620–13, 78 FR 71542) under section 3402(p) of the Code relating to voluntary withholding.

Two written comments responding to the notice of proposed rulemaking were received but neither comment addressed issues relevant to the notice of proposed rulemaking or the temporary regulations. No public hearing was requested or held. Accordingly, the proposed regulations (which cross referenced the temporary regulations) are adopted without change as final regulations.

## Explanation of Provisions

These final regulations under section 31.3402(p)–1 adopt without change the proposed regulations and the temporary regulations that allow the Secretary to describe other payments subject to voluntary withholding agreements in guidance published in the Internal Revenue Bulletin (IRB). Similarly to the proposed and the temporary regulations, these final regulations also provide that the IRB guidance will set forth requirements regarding the form and duration of the voluntary withholding agreement specific to the type of payment from which withholding is authorized.

## Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, these regulations have been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business, and no comments were received.

## Drafting Information

The principal author of these regulations is Linda L. Conway-Hataloski, Office of Division Counsel/Associate Chief Counsel (Tax Exempt and Government Entities). However, personnel from other offices of the IRS and Treasury participated in their development.

## List of Subjects in 26 CFR Part 31

Employment taxes, Income taxes, Penalties, Pensions, Railroad retirement, Reporting and recordkeeping requirements, Social security, Unemployment compensation.

## Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 31 is amended as follows:

## PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE

■ **Paragraph 1.** The authority citation for part 31 continues to read in part as follows:

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

■ **Par. 2.** Section 31.3402(p)–1 is amended by:

■ 1. Revising the headings of paragraphs (a) and (b).

■ 2. Removing the language ''3402(b)'' in the first sentence and ''3402(p)'' in the third sentence of paragraph (a) and ''3402(p)'' in the five places that it appears in paragraph (b) and adding ''3402(p)(3)(A)'' in their place.

■ 3. Adding paragraphs (c) and (d).

The revisions and additions read as follows:

### § 31.3402(p)–1 Voluntary Withholding Agreements.

(a) *Employer-employee agreement.* * * *

(b) *Form and duration of employer-employee agreement.* * * *

(c) *Other payments.* The Secretary may issue guidance by publication in the Internal Revenue Bulletin (IRB) (which will be available at *www.IRS.gov*) describing other payments for which withholding under a voluntary withholding agreement would be appropriate and authorizing payors to agree to withhold income tax on such payments if requested by the payee. Requirements regarding the form and duration of voluntary withholding agreements authorized by this paragraph (c) will be provided in the IRB guidance issued regarding specific types of payments.

(d) *Effective/applicability date.* (1) This section applies on and after September 16, 2014.

### § 31.3402(p)–1T [Removed]

■ **Par. 3.** Section 31.3402(p)–1T is removed.

**John Dalrymple,**

*Deputy Commissioner for Services and Enforcement.*

Approved: September 8, 2014.

**Mark J. Mazur,**

*Assistant Secretary of the Treasury (Tax Policy).*

[FR Doc. 2014–22036 Filed 9–15–14; 8:45 am]

BILLING CODE 4830–01–P

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## GENERAL SERVICES ADMINISTRATION

## 41 CFR Part 102–117

**[FMR Change-2014–04; FMR Case 2013–102–1; Docket 2013–0009, Sequence 1]**

**RIN 3090–AJ35**

## Federal Management Regulation (FMR); Transportation Management, Transportation Officer Obligating Authority

**AGENCY:** Office of Government-Wide Policy (OGP), General Services Administration (GSA).

**ACTION:** Final rule.

**SUMMARY:** GSA is amending the Federal Management Regulation (FMR) to recommend that agencies provide written authority to Transportation Officers (TO) who acquire transportation services utilizing a rate tender acquisition for freight and cargo, including household goods (HHGs). Further, GSA recommends that those who acquire transportation services should be trained in transportation management and/or have relevant transportation experience in order to properly manage the acquisition.

**DATES:** *Effective* September 16, 2014.

**FOR FURTHER INFORMATION CONTACT:** For clarification of content, contact Ms. Lee Gregory, Office of Asset and Transportation Management (MA), Office of Government-wide Policy (OGP), at 202–507–0871 or by email at *lee.gregory@gsa.gov.* For information pertaining to status or publication schedules, contact General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street NW., ATTN: Hada Flowers, Washington, DC 20405–0001. Please cite FMR Case 2013–102–1.

**SUPPLEMENTARY INFORMATION:**

## A. Background

Agencies are authorized to procure transportation services either through the Federal Acquisition Regulation

(FAR) by utilizing a contract or via 49 U.S.C. 10721 (for rail transportation), 49 U.S.C. 13712 (for surface transportation), 49 U.S.C. 15504 (for pipeline transportation) by utilizing rate tenders.

Rate tenders are an alternative method of acquiring transportation services that is neither mandatory nor exclusive. In order to determine which method is better suited for the acquisition of transportation services, an evaluation of the transportation services to be acquired must be made. The FMR discusses the criteria for choosing between rate tender and FAR acquisitions in FMR sections 102–117.30 through 102–117.55.

The FAR requires that a Contracting Officer (CO) receive clear instructions in writing regarding the CO's authority (48 CFR 1.603–3). Only a CO may enter into contracts and sign on behalf of the Government. In contrast, there is no analogous regulation for Federal TOs under which an appointing official authorizes them to acquire transportation services.

A TO who acquires transportation services through a rate tender acquisition should be qualified and trained in transportation management and/or have relevant transportation experience in order to properly manage and obligate funds for the acquisition.

GSA reviewed the transportation management policy regarding TOs and the acquisition of transportation services, and published a proposed rule in the **Federal Register** on August 16, 2013 (78 FR 49994). The proposed rule recommended that TOs who obligate Government funds for rate tender acquisitions of transportation services should be properly authorized in writing by their agencies. The proposed rule also recommended that TOs be qualified and trained in transportation management and/or have relevant transportation experience in order to properly manage a rate tender acquisition.

**B. Public Comments and Responses**

In the proposed rule, GSA provided the public a 60-day comment period which ended on October 15, 2013. GSA received comments from the Department of Energy (DOE), the National Archives and Records Administration (NARA), and from a commercial Transportation Service Provider (TSP). The final rule reflects the following changes made as a result of some of these comments.

*Comment:* DOE suggested that the duties associated with a Certifying Officer releasing funds from a Third Party Payment System (TPPS) to a TSP be added in the section identifying TO responsibilities.

*Response:* The Department of Treasury and an agency's Chief Financial Officer, or similar agency official, is the source for providing relevant and current information regarding the duties and responsibilities of Certifying Officers. An agency can supplement this regulation in internal policies to meet its missions and goals. Therefore, no change was made as a result of this comment.

*Comment:* DOE recommended including two additional definitions to FMR section 102–117.25, Electronic Funds Transfer (EFT) and TPPS.

*Response:* As neither EFT nor TPPS are used in the part, GSA declines to define the terms in FMR section 102–117.25.

*Comment:* DOE suggested that training as a ''Certifying Officer'' should be added to the recommendations regarding what training and/or experience is suggested for an agency to warrant an individual to acquire transportation services.

*Response:* After review, GSA included language in section FMR 102–117.380(a) addressing acquisition and certifying officer training.

*Comment:* DOE stated that the duties of a Contracting Officer's Representative (COR) and of a Certifying Official are integral to acquiring transportation services and closing out a Bill of Lading (BOL). Therefore, DOE suggested that the responsibilities of acting as a COR and/or Certifying Official should be included in FMR sections 102–117.25, 102–117.365, and 102–117.390.

*Response:* GSA defers to agencies to determine whether or not the TO is also a COR and/or Certifying Official. Using the phrases ''include, but are not limited to,'' ''may include,'' and ''baseline'' provide flexibility to your agency to include other responsibilities such as serving as a COR and/or Certifying Official. Therefore, no change was made to FMR sections 102–117.25 and 102–117.390 as suggested by DOE.

GSA also notes that this final rule does not contain the proposed FMR section 102–117.410, *Is a Transportation Officer liable for his/her actions?* GSA determined that this topic is outside the intended scope of this rule.

*Comment:* NARA inquired as to the training source(s) for the twelve (12) hours of continuing education training for TOs that is recommended in FMR section 102–117.395.

*Response:* GSA defers to agencies to determine the type(s), source(s), and subject(s) of the training. For example, your agency may identify the GSA Federal Transportation and Logistics Management eLearning site as an acceptable training source for TOs. This eLearning site is available at *http://transportationofficer.golearnportal.org/.* Similarly, another program may be deemed acceptable. As such, no change was made as a result of this comment.

*Comment:* NARA questioned whether in FMR section 102–117.365, the reference to TO duties including ''signing a BOL'' constitutes stating that the shipment was received intact and whether it should be the responsibility of the TO to sign BOLs. NARA stated that its agency BOLs are created and forwarded to appropriate offices. The shipments are received and signed for by the agency representatives in the field, who are not considered TOs, but rather receivers of the services. TSPs require the signed BOLs for invoicing.

Further, NARA stated that it does not have dedicated personnel at its facilities' loading docks. Based upon the proposed language, NARA believes that all individuals receiving at the loading dock would need to be warranted.

*Response:* In response to NARA's question of whether signing BOLs confirms that the shipment was received intact and whether it should be the TO's responsibility to sign every BOL, this would be determined by the internal policies of each agency. After review of NARA's comments, the word ''may'' was added to FMR section 102–117.365 to read as follows, ''A *Transportation Officer's (TO) responsibilities may include:''* to provide flexibility to agencies.

*Comment:* A commercial TSP stated that the proposed regulation was written with the terms ''should'' and ''we recommend,'' and that it appeared that there is no enforcement authority to make this mandatory. The commercial TSP wanted to know if this was correct.

*Response:* GSA does not have the authority to make this a required program, and therefore, instead strongly recommends it. Agencies have the authority to mandate this recommendation through internal policies and procedures.

*Comment:* A commercial TSP stated that the proposed rule appeared to change the FMR for transportation services that utilize a rate tender acquisition. The commenting party asked if the intent was to change the Federal Travel Regulation (FTR), and if so, how this would affect GSA's Centralized Household Goods Traffic Management Program (CHAMP), which is run predominately under tenders.

*Response:* This rule does not change the FTR. This rule increases assurance that agency TOs, including those

utilizing a rate tender acquisition for HHGs, have the appropriate background to perform their duties.

*Comment:* A commercial TSP asked if the Office of Government-wide Policy (OGP) is aware that if any tariff is used to establish transportation pricing for a movement of HHGs, a rate is being tendered off of that tariff, regardless of whether the shipment is booked via CHAMP, via the schedule, or via an independent contract. If OGP disagreed, the commercial TSP asked for an explanation.

*Response:* This comment is outside the scope of this rule.

*Comment:* A commercial TSP asked if OGP is aware that ''GSA Post Audits'' requires all TSPs handling any HHGs off of the schedule or independent contracts to submit copies of their tariff so that they can properly audit all shipments tendered off of that tariff.

*Response:* This comment is outside the scope of this rule.

*Comment:* A commercial TSP suggested additional language to FMR section 102–117.390, to specify that anyone who acquires transportation services should be trained in transportation management or have relevant transportation experience in order to properly manage the acquisition.

*Response:* GSA added the suggested language to the summary section of the final rule and notes that FMR section 102–117.380, in effect, includes equivalent language.

Finally, GSA also notes that this final rule does not contain the proposed section 102–117.405, *Are there dollar limits on transportation service acquisitions?* GSA determined that this topic is addressed in FMR section 117.380(b).

### C. Substantive Changes

This final rule:

- Defines the terms ''Third Party Logistics,'' ''Transportation Officer,'' and ''Transportation Officer Warrant'';
- Recommends that rate tender acquisitions of transportation services for an agency be performed only by a warranted Transportation Officer;
- Lists the suggested minimum elements of a Transportation Officer warrant;
- Outlines the suggested minimum recommendations for training and/or experience to be a warranted Transportation Officer; and
- Recommends agency procedures for creating a warranted Transportation Officer program.

### D. Executive Orders 12866 and 13563

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

### E. Regulatory Flexibility Act

While these revisions are substantive, this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The final rule is also exempt from the Administrative Procedures Act per 5 U.S.C. 553(a)(2) because it applies to agency management or personnel policies related to transportation management.

### F. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FMR do not impose recordkeeping or information collection requirements, or the collection of information from offeror, contractors, or members of the public that require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, *et seq.*

### G. Small Business Regulatory Enforcement Fairness Act

This final rule is also exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management or personnel.

### List of Subjects in 41 CFR Part 102–117

Transportation Management.

Dated: August 5, 2014.

**Dan Tangherlini,**

*Administrator of General Services.*

For the reasons set forth in the preamble, GSA amends 41 CFR part 102–117 as follows:

## PART 102–117—TRANSPORTATION MANAGEMENT

■ 1. The authority citation for 41 CFR part 102–117 continues to read as follows:

**Authority:** 31 U.S.C. 3726; 40 U.S.C. 121(c); 40 U.S.C. 501, *et seq.;* 46 U.S.C. 55305; 49 U.S.C. 40118.

■ 2. Amend § 102–117.25 by alphabetically adding the definitions ''Third Party Logistics (3PL)'', ''Transportation Officer (TO)'', and ''Transportation Officer Warrant'' to read as follows:

### § 102–117.25 What definitions apply to this part?

* * * * *

*Third Party Logistics (3PL)* is an entity that provides multiple logistics services for use by customers. Among the transportation services that 3PLs generally provide are integration transportation, warehousing, cross-docking, inventory management, packaging, and freight forwarding.

* * * * *

*Transportation Officer (TO)* is a person authorized, in accordance with this part, to select transportation service providers using rate tenders. Duties may include, but are not limited to, selecting Third Party Logistics (3PL) or Transportation Service Providers (TSP), and issuing bills of lading.

*Transportation Officer Warrant* is an agency-issued document that authorizes a Transportation Officer (TO) to procure transportation services using rate tenders, which may include, but are not limited to, selecting Third Party Logistics (3PL) or Transportation Service Providers (TSP), issuing bills of lading, and otherwise performing the duties of a TO.

* * * * *

■ 3. Add Subpart M, consisting of §§ 102–117.365 through §§ 102–117.400 to read as follows:

### Subpart M—Recommendations for Authorization and Qualifications to Acquire Transportation Using a Rate Tender

Sec.

102–117.365 What are the responsibilities of a Transportation Officer?
102–117.370 Should I have a Transportation Officer warrant to acquire transportation services using a rate tender?
102–117.375 Are there instances where a Transportation Officer warrant is not necessary to acquire transportation services?
102–117.380 What should be contained in a Transportation Officer warrant to acquire transportation services?
102–117.385 Is there a standard format for a Transportation Officer warrant?
102–117.390 What are the recommended Transportation Officer training and/or experience levels?
102–117.395 Should I continue my training to maintain my warrant?
102–117.400 How should my warrant be documented?

## Subpart M—Recommendations for Authorization and Qualifications to Acquire Transportation Using a Rate Tender

### § 102–117.365 What are the responsibilities of a Transportation Officer?

A Transportation Officer's (TO) responsibilities may include:

(a) Negotiating rates;

(b) Signing bills of lading (BOL);

(c) Approving additional accessorial charges;

(d) Selecting and procuring services of a TSP;

(e) Selecting and procuring services of a 3PL;

(f) Serving as a transportation subject matter expert to a Contracting Officer (CO); and/or

(g) Other roles/responsibilities, such as serving as a certifying official for BOL or as a disbursement official.

### § 102–117.370 Should I have a Transportation Officer warrant to acquire transportation services using a rate tender?

Yes, it is recommended that you have a written document, such as a warrant, issued by the head of your agency or their designee, which expressly allows you to acquire transportation services for using approved non-Federal Acquisition Regulation (FAR) acquisition methods for specified transportation services, and states a dollar limit or range for the warrant authority.

### § 102–117.375 Are there instances where a Transportation Officer warrant is not necessary to acquire transportation services?

Yes, a Transportation Officer warrant is not necessary to:

(a) Ship packages through a contract under the GSA Schedules program, including any Blanket Purchase Agreement, as these are FAR-based contracts;

(b) Ship packages or other materials through any other FAR-based contract; or

(c) Send items through the United States Postal Service.

### § 102–117.380 What should be contained in a Transportation Officer warrant to acquire transportation services?

The warrant for authority to acquire transportation services for freight and cargo, including HHGs, issued by the agency head or their designee should:

(a) State that you have sufficient experience (any combination of Federal, public, and/or commercial) and/or training in transportation services, including any relevant acquisition or certifying officer training, that qualifies you to acquire the transportation services needed by your agency;

(b) List the maximum dollar limit, if any, and any other limits, such as the types of services that you may acquire;

(c) State your agency's necessary conditions to maintain the warrant; and

(d) Include an expiration date for the warrant, recommended not to exceed three years from the date of issuance.

### § 102–117.385 Is there a standard format for a Transportation Officer warrant?

No. GSA can provide your agency with a suggested format. Agencies could also model the Transportation Officer warrant after the Contracting Officer warrant, or they may establish their own format.

### § 102–117.390 What are the recommended Transportation Officer training and/or experience levels?

(a) The following are suggested agency transportation officer training and/or experience baselines:

(1) For a Basic (Level 1) Transportation Officer Warrant:

(i) Twenty-four (24) hours of training in Federal transportation; or

(ii) Two (2) years of Federal, public, and/or commercial experience in acquiring transportation through rate tenders.

(2) For an Experienced (Level 2) Transportation Officer Warrant:

(i) Thirty-two (32) hours of training in transportation, including twenty (20) hours of training in Federal transportation; or

(ii) Three (3) years of Federal, public, and/or commercial experience in acquiring transportation through rate tenders.

(3) For a Senior (Level 3) Transportation Officer Warrant:

(i) Sixty (60) hours of training in transportation, including forty (40) hours of training in Federal transportation; or

(ii) Five (5) years of Federal, public, and/or commercial experience in acquiring transportation through rate tenders.

(b) GSA created an online eLearning Transportation Officer training site to provide a standard Governmentwide body of transportation knowledge available to all agencies. This Web-based eLearning site is available at *http://transportationofficer.golearnportal.org/.*

### § 102–117.395 Should I continue my training to maintain my warrant?

Yes, you should continue your training. Your agency will determine the continuing education that applies specifically to your warrant. It is recommended that at least twelve (12) hours of transportation training per year be completed in order to maintain a Transportation Officer warrant.

### § 102–117.400 How should my warrant be documented?

The head of your agency or their designee should state, in writing, that you have the recommended training and/or experience suggested by § 102–117.390. You should retain a copy of this Transportation Officer warrant. Agency heads or their designee(s) may amend, suspend, or terminate warrants in accordance with agency policies and/or procedures.

[FR Doc. 2014–22093 Filed 9–15–14; 8:45 am]

BILLING CODE 6820–14–P

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## 42 CFR Part 37

**[Docket No. CDC–2014–0011; NIOSH–276]**

**RIN 0920–AA57**

## Specifications for Medical Examinations of Coal Miners

**AGENCY:** Centers for Disease Control and Prevention, HHS.

**ACTION:** Interim final rule; correction.

**SUMMARY:** On August 4, 2014, the Department of Health and Human Services (HHS) published an interim final rule to amend its regulations to establish standards for the approval of facilities that conduct spirometry examinations and to require that all coal mine operators submit a plan for the provision of spirometry and X-ray examinations to all surface and underground coal miners. The title of Part 37 was not properly amended to reflect the application of these provisions to all coal miners, including miners who work in or at surface coal mines, and not only underground coal miners.

**DATES:** Effective September 16, 2014, and applicable beginning August 4, 2014.

**FOR FURTHER INFORMATION CONTACT:** A. Scott Laney, Research Epidemiologist, Division of Respiratory Disease Studies, NIOSH, Centers for Disease Control and Prevention, 1095 Willowdale Road, MS HG900.2, Morgantown, WV 26505–2888; (304) 285–5754 (this is not a toll-free number); *alaney@cdc.gov.*

**SUPPLEMENTARY INFORMATION:** On August 4, 2014, HHS published an interim final rule in the **Federal Register** to amend its regulations in 42 CFR Part 37 to establish standards for the approval of facilities that conduct spirometry

examinations and to require that all coal mine operators submit a plan for the provision of spirometry and X-ray examinations to all surface and underground coal miners [79 FR 45110]. Because it lacked a specific amendment doing so, the interim final rule did not revise the part 37 heading to reflect the application of these provisions to all coal miners, including miners who work in or at surface coal mines, and not only underground coal miners. This correction revises the heading to 42 CFR part 37.

**List of Subjects in 42 CFR Part 37**

Health care, Lung diseases, Medical research, Mine safety and health, Miners.

For reasons discussed in the preamble, HHS amends 42 CFR part 37 by making the following correcting amendment:

## PART 37—SPECIFICATIONS FOR MEDICAL EXAMINATIONS OF COAL MINERS

■ 1. The authority citation for part 37 continues to read as follows:

**Authority:** Sec. 203, 83 Stat. 763; 30 U.S.C. 843, unless otherwise noted.

■ 2. The heading for part 37 is revised to read as set forth above.

Dated: September 10, 2014.

**C'Reda Weeden,**

*Executive Secretary to the Department, Department of Health and Human Services.*

[FR Doc. 2014–22032 Filed 9–15–14; 8:45 am]

**BILLING CODE 4163–18–P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### 45 CFR Part 89

### Interim Guidance for Implementation of the Organizational Integrity of Entities Implementing Programs and Activities Under the Leadership Act

**AGENCY:** Office of Global Affairs (OGA), Department of Health and Human Services (HHS).

**ACTION:** Notice of interim guidance.

**SUMMARY:** This document provides interim guidance on the implementation of section 301(f) of the Leadership Act in light of the Supreme Court's decision in *Agency for Int'l Dev.* v. *Alliance for Open Soc'y Int'l, Inc.,* 133 S. Ct. 2321 (2013) (''*AOSI decision*''). While HHS awarding agencies have implemented the *AOSI* decision since its issuance, this document serves to clarify HHS policy. HHS is also currently developing an amendment to its regulations listed under ''Organizational Integrity of Entities Implementing Programs and Activities under the Leadership Act'' to ensure consistency with the decision. HHS has been coordinating its implementation activities with the Department of State, Office of the Global AIDS Coordinator (OGAC) and with the United States Agency for International Development (USAID). While issued through OGA, this guidance represents the views of the various agencies within HHS that issue awards with Leadership Act HIV/AIDS funds, namely, the Centers for Disease Control and Prevention, the National Institutes of Health, and the Health Resources and Services Administration.

**DATES:** Effective September 16, 2014.

**FOR FURTHER INFORMATION CONTACT:** Erin Eckstein, Office of Global Affairs, Department of Health and Human Services, Room 639H, 200 Independence Avenue SW., Washington, DC 20201, Telephone (202) 205–3569.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 301(f) of the Leadership Act, subject to limited exceptions, prohibits the use of Leadership Act HIV/AIDS funds ''to provide assistance to any group or organization that does not have a policy explicitly opposing prostitution and sex trafficking.'' Interpreting the policy requirement, in 2010, HHS provided, through rulemaking, that, unless exempted through statute, contractors, grantees, applicants or awardees who receive Leadership Act funds for HIV/AIDS programs directly or indirectly from HHS must ''agree that they are opposed to the practices of prostitution and sex trafficking.'' 45 CFR 89.1(b) [1].

In 2005, section 301(f) was challenged as unconstitutional, and in 2013, the Supreme Court affirmed a Second Circuit decision that upheld a lower court's preliminary injunction prohibiting the application of the policy requirement to domestic (United States) organizations, finding that such a condition of federal funding violates the First Amendment. Consistent with the Supreme Court's decision, the requirement to have a specific policy as stated in section 301(f) no longer applies to U.S. organizations.

In coordination with OGAC and USAID, HHS has ceased applying the policy pledge requirement to U.S. organizations, whether they are prime recipients or subrecipients of Leadership Act HIV/AIDS funds. However, the requirement remains applicable to foreign organizations.

**Guidance**

U.S. organizations that are prime recipients or subrecipients of Leadership Act HIV/AIDS funds are not required to have a policy explicitly opposing prostitution and sex trafficking. The Department of Health and Human Services applies the requirement of the Leadership Act that organizations have a policy explicitly opposing prostitution and sex trafficking only to foreign organizations, including foreign affiliates of United States organizations, whether prime recipients or subrecipients, unless exempted by the Act or implementing regulations. *See, e.g.,* 48 CFR 352.270–8 (2010).

HHS is currently developing an amendment to its regulation at 45 CFR part 89 to reflect the *AOSI* decision and HHS's implementation of that decision with respect to U.S. organizations and foreign organizations that are recipients of Leadership Act HIV/AIDS funds.

**Authority:** 45 CFR part 89; Section 301(f) of the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, Public Law 108–25, as amended, 22 U.S.C. 7601–7682 (''Leadership Act'').

Dated: September 11, 2014.

**Jimmy Kolker,**

*Assistant Secretary for Global, Affairs, Office of Global Affairs.*

[FR Doc. 2014–22051 Filed 9–12–14; 11:15 am]

**BILLING CODE 4150–38–P**

[1] Title 45, Subtitle A, Subchapter A, Part 89 in the Electronic Code of Federal Regulations (*http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=70aabffdee1bdb20e22fdde1663cbbaa&ty=HTML&h=L&r=PART&n=45y1.0.1.1.46*).

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 20

**[PS Dockets No. 11–153, 10–255; FCC 14–118]**

### Facilitating the Deployment of Text to 911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this *Second Report and Order,* the Federal Communications Commission (Commission) requires that Commercial Mobile Radio Service (CMRS) providers and other providers of interconnected text messaging applications (collectively, ''covered text providers'') be capable of supporting

text-to-911 service by December 31, 2014. Covered text providers will have until June 30, 2015, or six months from the date of a Public Safety Answering Point (PSAP) request, whichever is later, to implement text-to-911 for that PSAP. These rules will provide the public with an additional means through which individuals can reach emergency services.

**DATES:** This final rule is effective October 16, 2014 except for the amendments to § 20.18(n)(10)(i) and (ii), (n)(10)(iii)(C), and (n)(11), which have new information collection requirements and will not be effective until approved by the Office of Management and Budget (OMB). The Commission will publish a document in the **Federal Register** announcing OMB approval and the relevant effective date.

**FOR FURTHER INFORMATION CONTACT:** Dana Zelman of the Policy and Licensing Division of the Public Safety and Homeland Security Bureau, (202) 418–0546 or *dana.zelman@fcc.gov.* For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, contact Benish Shah, (202) 418–7866, or send an email to *PRA@fcc.gov.*

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Second Report and Order* in PS Docket Nos. 10–255 and 11–153, released on August 13, 2014. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street SW., Washington, DC 20554, or online at *http://www.fcc.gov/document/fcc-adopts-text-911-rules.* The *Third Further Notice of Proposed Rulemaking* that was adopted concurrently with the *Second Report and Order* will be published elsewhere in this issue of the **Federal Register**.

## Summary of the Second Report and Order

### Introduction

1. In this *Second Report and Order,* we affirm the Commission's commitment to ensuring access to emergency services for all Americans. The Commission's rules must evolve as legacy networks and services transition to next generation technologies, and as consumer expectations and needs evolve. Current trends in mobile wireless usage show the continued evolution from a predominantly voice-driven medium of communication to one based more on text and data transmissions. The need to provide text-to-911 service in a timely manner is made more pressing because many consumers believe text-to-911 is already an available service, because of the unique value of text-to-911 for the millions of Americans with hearing or speech disabilities, and because of the crucial role it can play in protecting life and property when making a voice call would be dangerous, impractical, or impossible due to transmission problems.

2. In the *Second Report and Order,* we require that Commercial Mobile Radio Service (CMRS) providers and other providers of interconnected text messaging applications (collectively, ''covered text providers'') be capable of supporting text-to-911 service by December 31, 2014.[1] Covered text providers will have until June 30, 2015, or six months from the date of a Public Safety Answering Point (PSAP) request, whichever is later, to implement text-to-911 for that PSAP.

### Background

3. In September 2011, the Commission released a *Notice of Proposed Rulemaking* (*NPRM*), 26 FCC Rcd 13615, which sought comment on a number of issues related to the deployment of Next Generation 911 (NG911), including how to implement text-to-911. In the *NPRM,* the Commission stated that sending text messages, photos, and video clips has become an everyday activity for mobile device users on 21st century broadband networks, and that adding non-voice capabilities to our 911 system will substantially improve emergency response, save lives, and reduce property damage, as well as expand access to emergency help, both for people with disabilities and for people in situations where placing a voice call to 911 could be difficult or dangerous.

4. In December 2012, AT&T, Sprint Nextel, T-Mobile, and Verizon Wireless entered into a voluntary agreement with the National Emergency Number Association (NENA) and APCO International (APCO) in which each of the four carriers agreed to be capable of providing text-to-911 service to requesting PSAPs by May 15, 2014 (Carrier–NENA–APCO Agreement). As part of the Carrier–NENA–APCO Agreement, the four major carriers committed to implementing text-to-911 service to a PSAP making a ''valid'' request of the carrier ''within a reasonable amount of time,'' not to exceed six months. Carriers promised to meet these commitments ''independent of their ability to recover these associated costs from state or local governments.'' The commitments specifically did not extend to customers roaming on a network.

5. Also in December 2012, the Commission released a *Further Notice of Proposed Rulemaking* (*Further Notice*), 27 FCC Rcd 15659, which proposed, *inter alia,* to require all CMRS providers, as well as interconnected text messaging providers, to support text messaging to 911 in all areas throughout the nation where PSAPs are capable of and prepared to receive the texts. The Commission defined interconnected text messaging applications as those using IP-based protocols to deliver text messages to a service provider and the service provider then delivers the text messages to destinations identified by a telephone number, using either IP-based or Short Message Service (SMS) protocols. The *Further Notice* stated that ''the record indicates that text-to-911 is technically feasible and can be achieved in the near term at reasonable cost to PSAPs, CMRS providers, and providers of interconnected text.'' The *Further Notice* noted the extent to which consumers had begun to gravitate toward IP-based messaging applications as their primary means of communicating by text, that consumers may reasonably come to expect these applications to also support text-to-911, and that consumer familiarity is critical in emergency situations where each second matters. To that end, the *Further Notice* sought to ensure consumers' access to text-to-911 capabilities on the full array of texting applications available today—regardless of provider or platform.

6. Recognizing that text-to-911 would not be rolled out uniformly across the country or across text messaging

[1] In general, ''text messaging'' refers to any service that allows a mobile device to send information consisting of text to other mobile devices by using domestic telephone numbers. Examples of text messaging include Short Message Service (SMS), Multimedia Messaging Service (MMS), and two-way interconnected text applications. ''Covered text providers'' includes all CMRS providers, as well as all providers of interconnected text messaging services that enable consumers to send text messages to and receive text messages from all or substantially all text-capable U.S. telephone numbers, including through the use of applications downloaded or otherwise installed on mobile phones. 47 CFR 20.18(n)(1). For purposes of text-to-911, we divide text applications into two broad categories: (1) Interconnected text applications that use IP-based protocols to deliver text messages to a service provider, and the service provider then delivers the text messages to destinations identified by a telephone number, and (2) non-interconnected applications that only support communication with a defined set of users of compatible applications but do not support general communication with text-capable telephone numbers. We limit initial application of our text-to-911 requirements to interconnected texts, as the term ''interconnected'' has been defined for purposes of text-to-911, and this definition should not be construed as affecting the definition of ''interconnected service'' in the context of section 332 of the Communications Act. 47 U.S.C. 332(d)(2).

platforms, the Commission took steps to provide consumers with clarity regarding the availability of text-to-911. In May 2013, the Commission issued a *Report and Order,* 28 FCC Rcd 7556, requiring covered text providers to provide consumers attempting to send a text to 911 with an automatic bounce-back message when the service is unavailable. The Commission found a ''clear benefit and present need'' for persons who attempt to send text messages to 911 to know immediately if their text cannot be delivered to the proper authorities. The Commission noted specifically that, ''[a]s these applications proliferate, consumers are likely to assume that they should be as capable of reaching 911 as any other telephone number.''

7. In January 2014, we adopted a *Policy Statement,* 29 FCC Rcd 1547, stating that the Commission believes that every provider of a text messaging service that enables a consumer to send text messages using numbers from the North American Numbering Plan (NANP) should support text-to-911 capabilities. The Commission clarified that it intends to take a technologically neutral approach to any rules adopted for text-to-911 service, and it encouraged voluntary agreements to support text-to-911.

8. In 2014, we released a *Second Further Notice of Proposed Rulemaking* (*Second Further Notice*), 29 FCC Rcd 1547, seeking comment on technical issues for the implementation of text-to-911 service with respect to interconnected text providers, the provision of location information with texts to 911, and roaming support for text-to-911 service.

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9. As we observed in the *Second Further Notice,* the progress already made by the four signatories to the Carrier–NENA–APCO Agreement by January 2014 ''illustrates the technical feasibility'' of text-to-911 implementation for other CMRS providers, including small and rural providers, particularly in light of adoption of the ATIS standard for text-to-911 over the SMS platform. Subsequent progress reports by these four providers have served further to confirm that view, and over a year ago the Competitive Carriers Association (CCA) supported the proposed deadline of December 31, 2014, as an achievable goal. There is substantial evidence in the record supporting those views, as to both CMRS providers and interconnected text providers. Nor is there any serious question as to the overwhelming public interest benefits to be derived from prompt implementation of text-to-911 or the relatively minimal cost of such a requirement to covered providers and PSAPs.

**Adoption of Text-to-911 Requirements**

10. In this *Second Report and Order,* the Commission requires that all CMRS and interconnected text providers (collectively, ''covered text providers'') must be capable of supporting text-to-911 by December 31, 2014. ''Text-to-911'' refers to a service by which a consumer may send a text message to 911 in search of emergency assistance. A 911 text message is a message, consisting of text characters, sent to the short code ''911'' and intended to be delivered to a PSAP by a covered text provider, regardless of the text messaging platform used.[2] Covered text providers have six months from December 31, 2014—*i.e.,* until June 30, 2015—to begin delivering 911 text messages to PSAPs that have submitted a valid request for text-to-911 service on or before December 31, 2014, unless another timeframe is mutually agreed upon by the individual PSAP and the covered text provider. Covered text providers have six months from any valid PSAP request received after December 31, 2014, to commence delivery of text-to-911 for that PSAP. In the sections to follow, we explain the basis for adopting text-to-911 rules, including the significant and potentially life-saving benefits that text-to-911 affords, and set forth the scope and extent of our text-to-911 requirements. We also show that the deadlines adopted are achievable and technically feasible for covered text providers.

**Public Policy Analysis**

11. In the *Further Notice,* the Commission sought comment on a case study concerning the costs and benefits associated with implementing text-to-911 service. It also observed that the four major CMRS providers had voluntarily agreed to implement text-to-911 capability without seeking recovery of such costs from state or local government, which suggested that the implementation costs associated with text-to-911 are manageable. Subsequently, in the *Second Further Notice,* we sought comment on the cost of implementation for other covered text providers (including small and rural CMRS providers, as well as providers of interconnected text messaging services).

12. *Availability and Ease of Use.* The effectiveness of the legacy voice 911 system is in large part derived from its ease of use. People faced with the stress of emergency situations can communicate more quickly and effectively when they are able to use the same ubiquitous technologies that they use for everyday communications. This principle, which has long been applicable to voice calling, is increasingly true for text messaging communication as well. CTIA estimates that 2.19 trillion text messages were sent in 2012, and according to the Pew Center, more than 7 out of 10 cell phone users send or receive text messages. Another report suggests that 91 percent of smartphone owners actively use SMS. Moreover, the average in billable minutes of mobile voice use of the four major CMRS providers has declined steadily since 2009, with evidence that the decline is due to substitution of mobile voice by mobile messaging and other mobile data services. Thus, as the Commission has stated before, expanding existing text technology to support 911 will provide the public with a familiar mode of communication for emergency use, and we anticipate that subscribers will continue to use text messaging at the same or a greater rate than in the past.

13. *Enhanced Access for People with Disabilities.* Another benefit of widespread text-to-911 availability will be enhanced access to emergency services for people with disabilities. Currently, approximately 48 million people in the United States are deaf or hard of hearing, and approximately 7.5 million people have speech disabilities. Moreover, as people age, they become more likely to encounter hearing loss, with the result that such challenges are borne disproportionately by the elderly.

14. In the *Second Further Notice,* we explained that people who are deaf, hard of hearing, or speech disabled have been consistently migrating away from specialized legacy devices, and towards more ubiquitous forms of text messaging communications because of the ease of access, wide availability, and practicability of modern text-capable devices. This migration has had the unique benefit of bringing these users into the mainstream of our nation's communications systems, but it also has led some commenters to suggest that it leaves people who are deaf, hard of hearing, or speech disabled without an effective, reliable and direct means of accessing 911 services in the event of an emergency.

[2] We clarify that legacy devices that are incapable of sending texts via three digit short codes are not subject to our text-to-911 requirements, provided the software for these devices cannot be upgraded over the air to allow text-to-911. If the device's text messaging software can be upgraded over the air to support a text to 911, however, then the covered text provider must make the necessary software upgrade available.

15. The Commission's Emergency Access Advisory Committee (EAAC) noted that individuals who are deaf, hard of hearing, or speech-disabled and need to communicate with 911 via voice currently have no direct means of accessing 911 while mobile other than through attaching a separate teletype (TTY) device to their cellphone. However, the vast majority of people who are deaf, hard of hearing, or speech-disabled has discarded TTYs or has never acquired or used a ''mobile'' TTY, and thus no longer has a practicable means of directly accessing 911. Nevertheless, the EAAC found that many individuals who are deaf have service plans that include SMS. One key finding of the EAAC is that ''individuals with disabilities should be able to call 9–1–1 using the same means they use for everyday telecommunication.''

16. Today, in the absence of text-to-911, individuals who are deaf, hard of hearing, or speech disabled and who do not use TTYs have no other feasible option but to rely on telecommunications relay services (TRS) to access 911 emergency services, unless they are with another individual who can make a voice call on their behalf. Many have criticized TRS as serving only as an indirect means of emergency access that can result in delays and translation errors.

17. Moreover, enabling direct text messaging to 911 by the many people who are deaf, hard of hearing, or speech disabled will allow them to use mass market communication devices that have more advanced and increasingly evolving capabilities. While some commenters have been less supportive of SMS-to-911 because it does not support real-time text—*i.e.,* the ability to send and receive text simultaneously with the time that it is typed without having to press a ''send'' key—they have given some support to SMS as a viable near-term solution because of its ease of use for people with disabilities and ubiquity in mainstream society. Respondents to the EAAC survey expressed a clear preference for calling a PSAP using the same technology that they use on a daily basis. Furthermore, 87.7 percent of EAAC respondents reported having used SMS text messaging and 46.1 percent reported having used SMS text messaging ''almost every day.''

18. *Alternative Means of Emergency Communication for the General Public.* The ability to send text messages to 911 also will provide important benefits as an alternative means of emergency communication for the general public. For example, in the 2007 shooting incident at Virginia Tech, a number of students attempted unsuccessfully to send SMS text messages to 911, so as not to be heard and located by the shooter. During the course of Black Hawk County, Iowa's text-to-911 trial, text messaging has been used in domestic and child abuse situations in which the victim feared that the suspect would overhear the call to 911. Vermont's text-to-911 trial also demonstrated text-to-911's efficacy in cases involving suicide and domestic violence.

19. Text-to-911 can also provide a means of access to 911 when voice networks are compromised or congested. In large-scale disasters, for example, landline and mobile voice networks may become overloaded, making it difficult to place a 911 voice call. In such cases, it may be much more likely for SMS and IP-based text messages to 911 still to be successfully transmitted because they consume far less bandwidth than voice and, given the packet-switched nature of text messages, can take advantage of alternate spectrum resources and traffic channels. In other words, people in disaster areas may still be able to send text messages to 911 even if they cannot place a voice call.

20. *Estimated Valuation of Benefits Floor.* In an effort to quantify the benefits associated with text-to-911, we conducted a cost-benefit analysis of the potential effect of text-to-911 specifically in the area of cardiac emergencies—a category that represents less than 10 percent of 911 calls but for which detailed statistical information is available. As detailed in the *Further Notice,* even when we limit our analysis of benefits to this subset of total emergencies, we find that the potential benefits floor for text-to-911 for just this one category of 911 calls is $63.7 million annually, solely based on potential use by the population with the most severe hearing and speech disabilities. These life-saving benefits provide a useful reference point for assessing the importance of timely and effective 911 communications to response time and positive outcomes for medical emergencies.

21. We emphasize that these benefits for cardiac emergencies represent only a subset of the total benefits that will be generated by text-to-911. And no commenter claims that text-to-911 will not yield these benefits. Moreover, the record reflects numerous other benefits that are less quantifiable but that may result in similar or even more substantial benefits. These benefits, though not specifically quantifiable, provide convincing evidence that the aggregate benefits of text-to-911 will significantly exceed the specific benefits quantified here.

22. Few commenters questioned our cost-benefit analysis from the *Further Notice.* T-Mobile submitted that it is ''concerned about the Commission's reliance on the Cardiac Study,'' but offered no alternative calculation of benefits or evidence that the Commission's estimate was unreasonable. APCO has previously argued that cost-benefit analyses ''can obscure inherently qualitative social benefits'' and urged the Commission ''to resist the temptation to rely on [the *Further Notice's*] analysis in its final decision, as it could establish a dangerous precedent for future matters involving public safety.'' We agree with APCO that relying on cost-benefit analyses may result in the subordination of important public policy objectives to market forces. We recognize that public safety interests are not driven solely by economic considerations. However, in this instance, our cost-benefit analysis and public policy objectives dictate the same result.

**Implementation Costs**

23. *CMRS Providers.* The record indicates that the cost for CMRS providers to implement a text-to-911 solution is significantly less than the benefits floor discussed herein. By one estimate, the total cost for all CMRS providers to implement text-to-911 nationwide will be approximately $4 million annually over a period of five years (totaling $20 million). At $20 million for the five year projection, this five year total cost is approximately one-third the annual potential benefits floor of $63.7 million. Thus, considering the total estimated $20 million implementation cost of text-to-911, we expect that this cost will be far exceeded by the program's estimated benefits floor in the first year of text-to-911 deployment alone.

24. In the *Second Further Notice,* we sought comment on the specific costs of requiring CMRS providers—other than those that are a party to the Carrier-NENA–APCO Agreement—to support text-to-911 service. We noted that small and rural CMRS providers may be able to achieve cost savings in their implementation by leveraging some of the text-to-911 infrastructure that would be in place by May 15, 2014, given that the four major CMRS providers would be providing text-to-911 by this date.

25. We recognize that small and rural CMRS providers may face a comparatively larger financial burden in complying with our text-to-911 requirements than larger CMRS providers, and would prefer not to make

the investment necessary for providing text-to-911 service until PSAPs have declared that they are ready for it. However, we believe that the deadline the Commission adopts in this *Second Report and Order* will encourage PSAPs to commit the necessary system upgrades necessary to make text-to-911 available more promptly. We also find that these costs are justified in light of the significant benefits. We expect, however, that once the initial implementation costs have been incurred to implement the system, CMRS providers' recurring costs of carrying text-to-911 traffic will be negligible, because it is a relatively small part of the network and will place only negligible demands on network capacity that is designed to handle larger volumes of voice and data services. Moreover, given the magnitude of public benefits at stake compared to the costs, we believe that the minimal cost burden for small and rural CMRS providers to implement text-to-911 is justified.

26. *Interconnected Text Providers.* In the *Second Further Notice,* we provided our own estimates and sought comment on the associated costs for implementing each of the four delivery models for interconnected text providers and any other potential initial or ongoing costs of implementation. In response, several commenters provided dollar estimates for the anticipated costs of implementation of text-to-911 by interconnected text providers that were relatively consistent with our estimates.

27. While we recognize that the text-to-911 requirements we adopt today will impose costs on interconnected text providers, we believe those costs are reasonable, particularly in light of the significant public safety benefits of providing text-to-911 service. We find that our proposed cost estimates for implementation of text-to-911 by interconnected text providers are supported by the record. To the extent parties such as ITIC and textPlus disagree, they have failed to support their claims with any documented evidence. For example, ITIC does not reveal how comprehensive the price disclosures were, or who provided the estimates, or how they would scale over such a large volume of users. As such, we are unpersuaded by ITIC's unsubstantiated and vague estimates. Finally, neither ITIC nor textPlus explain why our methodology is unreasonable. Ultimately, we realize that imposing text-to-911 requirements is not without a cost to these providers. At the same time, however, we find that these costs are justified and reasonable in light of the fundamental public interest benefits to be gained, the need to provision text-to-911 service to ensure that all Americans have access to emergency services, and the increasing reliance on OTT text applications.[3]

28. We also emphasize that costs likely will vary based on the particular text-to-911 solution an interconnected text provider chooses to implement. Because text traffic in the CMRS network-based delivery model would be routed over CMRS networks, there should be little cost to interconnected text providers to support text-to-911. However, we believe that the question of reasonable compensation may be resolved through direct billing of the underlying user through his or her SMS plan, or through business arrangements between interconnected text providers and CMRS providers. We remind CMRS providers of our fundamental view that text-to-911 will provide significant benefits to all consumers.

29. Finally, we agree with parties who argue that supporting text-to-911 must be factored into the general cost of doing business and that ''the provision of emergency services to their customers is not an optional feature, it is necessary infrastructure.'' Accordingly, we find that the costs of implementation by interconnected text providers are outweighed by the public interest benefits in ensuring that Americans have access to emergency services through interconnected text messaging.

30. *PSAPs.* Based on the record in this proceeding, the success of various text-to-911 trials, and the recent modest increase in PSAP adoption, we find that our text-to-911 rules will not impose an undue burden on PSAP operations. First, PSAPs retain discretion as to whether it will accept text messages. We strongly encourage PSAPs to implement text-to-911 in their jurisdictions and expect that consumer demand and considerations of public safety will drive this investment. Investments made now by PSAPs and covered text providers to support text-to-911 can also be leveraged to support future NG911 deployments and, accordingly, serve as building blocks towards an IP-based emergency network. Second, PSAPs have several options for the receipt of text messages, including options that will impose minimal costs on the PSAP. For example, while some PSAPs may choose to implement text-to-911 using existing equipment, such as existing NG911 customer-premises equipment (CPE), web browsers, or TTY terminals, other PSAPs may choose to upgrade their equipment to receive text messages in a manner that will also support additional data once in an NG911 environment. Third, PSAPs that have already implemented text-to-911 or participated in text trials have provided anecdotal evidence that texts to 911 will not likely overwhelm any PSAP and that text-to-911 service saves lives.

31. We conclude that the benefits floor for the first year of text-to-911 is $63.7 million. Balanced against the cost estimates in the record, the implementation of text-to-911 will provide substantial benefits both for people with disabilities and the general public in a variety of scenarios. In addition to the life-saving benefits, implementing text-to-911 could yield other benefits, such as reduced property losses and increased probability of apprehending criminal suspects. We note that text-to-911 is not a market-driven service. However, we find that there is demand for the service from deaf, hard of hearing, and speech-disabled individuals, and to date, the marketplace has not responded to this demand. Accordingly, we find that adopting text-to-911 requirements for covered text providers is justified given this cost-benefit analysis.

**Delivery of Text-to-911 by All Covered Text Providers**

32. We adopt a two-step obligation for covered text providers to implement text-to-911. All covered text providers must be capable of supporting text-to-911, independent of whether they have received a PSAP request, by December 31, 2014. Then, covered text providers would have six months from the date that an individual PSAP provides notice that it is ''text-ready'' to undertake necessary network and protocol configuration to deliver texts to an individual PSAP.

33. *Scope.* As in the *Bounce-Back Order,* 28 FCC Rcd 7556, we define ''covered text providers'' to include all CMRS providers, as well as all providers of interconnected text messaging services that enable consumers to send text messages to and receive text messages from all or substantially all text-capable U.S. telephone numbers,

[3] ''Over-the-top'' (OTT) generally refers to applications that operate on Internet protocol (IP)-based mobile data networks and that consumers can typically install on data-capable mobile devices. In contrast, SMS requires use of an underlying carrier's SMS Center (SMSC) to send and receive messages from other users. Multi-media Messaging Service (MMS)-based messaging makes use of the SMSC but also involves the use of different functional elements to enable transport of the message over IP networks. OTT text applications enable consumers to send text messages using SMS, MMS or directly via IP over a data connection to dedicated messaging servers and gateways. OTT texting applications may be provided by the underlying mobile CMRS provider or a non-affiliated third-party, and may be ''interconnected'' or ''non-interconnected.''

including through the use of applications downloaded or otherwise installed on mobile phones.[4] We find that imposing the same requirements and deadlines to both CMRS and interconnected text messaging service providers is necessary to serve the public interest. The scope we adopt today is particularly important given existing and predicted future trends toward greater use of non-CMRS applications for texting, and in light of our recognition that the transition to NG911 ''is still in the early stages.'' Thus, as NENA has noted, the Commission's proposals ''represent the logical next steps aimed at sustaining this momentum and minimizing consumer confusion about the availability and functionality'' of text-to-911.

34. One of the Commission's mandates under the Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. 111–260, Oct. 8, 2010, 124 Stat. 2751 (CVAA), is to expand access to emergency communications for individuals with disabilities. In order for the Commission to achieve this goal, it is necessary to include both CMRS and providers of interconnected text messaging services within the scope of the requirement. Many interconnected text providers offer the same functions as CMRS-provided text messaging; for this reason, individuals with disabilities may opt for such a service in lieu of a CMRS-based text messaging plan or may rarely or never use the built-in CMRS text messaging capability. In such cases, if interconnected text providers are not required to support text-to-911, these individuals may remain unaware of the potential availability of this capability through CMRS providers, or find it difficult to navigate to any such capability during emergency situations where time is critical.

35. Second, imposing the same requirements on both CMRS and interconnected text providers will respond to consumers' reasonable expectations and reduce consumer confusion. As noted earlier, consumers may incorrectly assume that unavailability of text-to-911 through OTT texting services upon which they rely would be replicated on the CMRS native text platform, or face critical delays in determining how to migrate to that platform in an emergency.

*Technical Feasibility and the ''Text-Capable'' Deadline*

36. We find that it is technically feasible for all covered text providers to be capable of supporting text-to-911. Given that all covered text providers have at least one technically feasible and achievable path to implementation, we establish a single, uniform deadline of December 31, 2014 for all covered text providers to be ''text-capable.'' We believe that this deadline achieves our goal of ensuring that text-to-911 is implemented as swiftly as feasibly possible. We also believe there are benefits to adopting a uniform deadline for all covered text providers. By this ''text-capable'' deadline, a covered text provider should have made any preparations necessary to provide text-to-911, including, for example: (1) Determining the particular solution it will use for delivering texts to 911, including the capability to obtain location information sufficient to route texts to 911 to the appropriate PSAP; (2) identifying and/or entering into any necessary contractual arrangements with other stakeholders to implement text-to-911, including, but not limited to, arrangements for routing interconnected text-to-911 traffic; and (3) adopting requisite budgetary and other resource allocation plans to provide for delivery of text-to-911 in accordance with our requirements.[5]

37. Based on the record, adoption of the ATIS/TIA J–STD–110 standard, and existing text-to-911 deployments by AT&T, Sprint, T-Mobile, and Verizon Wireless, it is clear that it is technically feasible for CMRS providers to support text-to-911. In the *Second Further Notice,* we proposed to require all covered text providers be capable of supporting text-to-911 service by December 31, 2014. In response, a number of public safety and technology vendors express support for this proposed deadline with regard to CMRS providers.

38. We are unpersuaded by arguments by some small and rural CMRS providers that, absent a PSAP request for service, covered text providers should not be required to develop text-to-911 capability. CCA supported the December 31, 2014 deadline over a year ago. CCA does not challenge the feasibility of meeting that deadline, but argues that such a deadline is not likely to help the Commission achieve its goal because ''PSAPs are the gatekeepers for this service, and until the Commission finds a way to increase PSAP adoption, the deadline imposed on carriers will not further the Commission's objectives.'' We agree that the Commission needs to encourage PSAP adoption, but we believe that establishing a set deadline is the best means by which to do so. As APCO argues, absent a date certain by which covered text providers will make text-to-911 available, PSAPs will not have any incentive to commit to necessary system upgrades for text-to-911. We believe that the ''text-capable'' deadline we adopt today will serve to encourage PSAPs to plan for and request text-to-911 service. Furthermore, the implementation of text-to-911 is already underway. We recognize that there may be a number of factors that PSAPs must address before implementing text-to-911 and that might result in a later deployment timeframe, including funding or other resource issues, determining how best to integrate their chosen delivery method (TTY, web browser, or i3 ESinet/IP interface) with their existing PSAP infrastructure, or assessing how to incorporate text-to-911 as part of a larger migration to NG911.

39. We are also unpersuaded by other arguments in the record that we should adopt a different deadline. For example, CCA suggests that ''the Commission should benchmark smaller wireless providers' implementation deadline from adoption of a final order, rather than the predetermined December 31, 2014 date.'' Adopting a December 31, 2014 deadline, consistent with our proposal in the *Second Further Notice,* is based on our evaluation of the comments in the record, as well as the demonstrated ability of CMRS providers to deliver texts to 911, given text-to-911 deployments already in existence. And

[4] We exclude text messaging services that use U.S. telephone numbers for administrative or identification purposes only, but that are not interconnected. We also exclude relay service providers, mobile satellite service (MSS), and in-flight text messaging services from the scope of our requirements at this time. Sprint, a major IP relay provider, states that ''relay services are not delivered via SMS and should remain separate until a more robust, reliable text-to-911 messaging service becomes available . . . Likewise, disability groups oppose incorporating relay services into a text-to-911 mandate. We also agree that airborne text-to-911 communications presents particular challenges, due to the unique nature of in-flight service, and that MSS is a specialized offering with a focus on enterprise and government users. We therefore exclude these services from the scope of our text-to-911 requirements. Finally, we exclude from our requirements at this time 911 text messages that originate from Wi-Fi only locations or that are transmitted from devices that cannot access the CMRS network. We defer consideration of whether to extend text-to-911 requirements to these services until a future time.

[5] While we do not require each of these steps nor intend for this list to be exhaustive, a covered text provider that has completed each of these steps will be considered text-capable under our rules. We further note that satisfying this text-capable requirement does not necessarily entail the expenditure of funds, provided the covered text provider takes all necessary steps to be able to provide text-to-911 within six months of receiving a PSAP request. Whether the expenditure of funds is necessary to comply with our requirements is a business and operational decision that may vary by individual covered text provider.

small and rural CMRS providers should be able to leverage some of the text-to-911 databases and other infrastructure that text-to-911 vendors have had in place since May 15, 2014 to support provision of text-to-911 by AT&T, Sprint, T-Mobile, and Verizon Wireless. We therefore believe that a December 31, 2014 text-capable deadline should be achievable and technically feasible.

40. The record also demonstrates that there is at least one technically feasible approach that exists today for interconnected text providers to support text-to-911 by December 31, 2014, with additional solutions under development. The record shows that interconnected text providers could feasibly implement at least one proposed text-to-911 delivery model—the CMRS network-based model [6]—by December 31, 2014. In light of the fact that multiple interconnected text providers filed comments in the record indicating that a December 31, 2014 deadline is technically feasible, we are unpersuaded by other parties who suggest interconnected text providers will need additional time, or that adopting a deadline for interconnected text providers would be inappropriate at this time. We also disagree that certain technical issues justify a later deadline for interconnected text providers. Based on consideration of the record as a whole, we believe a December 31, 2014 deadline is reasonable.

41. In light of our commitment to technologically neutral rules, as the Commission emphasized in the *Policy Statement,* we do not mandate any particular model for implementing text-to-911. Because SMS is the most common texting technology in use today, and virtually all wireless consumers already have access to it and are familiar with its use, we expect that most CMRS providers will initially support SMS-based text-to-911. However, we acknowledge that CMRS providers may eventually seek to migrate customers away from SMS.[7] We do not require CMRS providers to support SMS-based text-to-911 indefinitely, so long as they provide their customers with at least one text-to-911 option per device that works across the provider's entire network coverage area. CMRS providers may select any reliable method or methods (*e.g.,* SMS, IP-based) for text routing and delivery.[8] Although covered text providers may utilize a messaging platform that can support multiple addresses or enable sending images and video, covered text providers must ensure that these features do not interfere with the delivery of the text portion of the message to a PSAP.[9]

42. With respect to interconnected text providers, we anticipate that many will choose the CMRS network-based solution to deliver texts-to-911, at least as an interim measure. We expect CMRS providers will continue to allow access to capabilities necessary for transmission of text-to-911 communications by other covered text providers. In order to facilitate the use of this method, CMRS providers shall allow access to capabilities necessary for transmission of text-to-911 communications by other covered text providers. We incorporate this requirement into our rules.[10] We make clear, however, that we do not require CMRS providers to reconfigure any SMS text-to-911 platforms in order to facilitate the ability of other covered text providers to access the CMRS providers' networks, and that CMRS providers' obligation to allow access to CMRS networks is limited to the extent that the CMRS providers offers SMS. It is the responsibility of the covered text provider selecting the CMRS network-based solution to ensure that its text messaging service is technically compatible with the CMRS provider's SMS networks and devices, and in conformance with any applicable technical standards.[11] Further, we find that it is reasonable for CMRS providers to receive commercially reasonable compensation for the delivery of 911 text messages. We do not require CMRS providers to allow text-to-911 traffic over their SMS networks from end users that do not have an SMS plan (an SMS plan may include a bulk messaging plan, a pre-paid messaging plan, or a per-message plan).[12] In this way, CMRS providers may receive commercially reasonable compensation for delivery of texts to 911 directly from the end user. All covered text providers using the CMRS network-based delivery model for text-to-911 must clearly inform consumers that, absent an SMS plan with the consumer's underlying CMRS provider, the covered text provider may be unable to deliver 911 text messages. As noted earlier, CMRS providers may choose to migrate away from SMS platforms in favor of newer technologies; we therefore limit the scope of this access requirement to the extent that CMRS providers offer SMS.[13]

[6] The ''CMRS network-based model'' is premised upon a texting application's use of the wireless device's native SMS application programming interface (API) after recognizing that the user is sending a text message to the text short code ''911.'' This functionality is distinct from the application's normal operating mode, which is generally designed to route a text via a means other than the native SMS capability of the device. Upon invoking the native SMS texting application, the text-to-911 message will be handled by the underlying CMRS provider, *i.e.,* the text will be routed through the CMRS provider's (or its agent's) TCC, which is the functional element of the Short Message Service Center (SMSC) dedicated to routing texts to the appropriate PSAP.

[7] For example, T-Mobile notes its plan to migrate former MetroPCS subscribers from their legacy CDMA network to its HSPA and LTE networks. It argues that ''the Commission should exempt networks that will be decommissioned within eighteen months of the effective date of the new mandate . . . To do otherwise would mandate wasteful investment in a capability that will be soon discarded along with the rest of that network.'' We agree and, accordingly, will exempt networks that will be decommissioned before June 30, 2016, on the condition that subscribers are migrated by that date to networks with the required text-to-911 capability.

[8] We expect parties will take other necessary measures to facilitate text-to-911, such as ensuring the interconnection of various TCCs. TCC interconnection is addressed in the revised J–STD–110.a. We will continue to monitor the progress of text-to-911 implementation, including the status of interconnection between TCCs and whether additional action may be necessary.

[9] For example, a consumer may send a text message to 911 and include other telephone numbers in the address field in addition to the short code ''911.'' The covered text provider must ensure that processing of the text for delivery to the non-911 addresses does not affect the delivery of the text to the PSAP and any subsequent two-way text exchange between the texter and the PSAP. Likewise, if a consumer attaches multimedia to a text message to 911, the covered text provider must ensure delivery of the text portion of the message without interference or alteration of the text and subject to the requirements for text delivery set forth by the PSAP.

[10] Some commenters argue that it is device manufacturers or the device's operating system (OS)—not the CMRS provider—that affects whether a text message originating in a non-native text application will be able to access the CMRS network. In the event covered text provider cannot deliver texts to 911 for a particular device due to that device's OS, they should seek a waiver of our rules.

[11] We expect CMRS providers to make any necessary specifications for accessing their SMS networks available to other covered text providers upon request, and to inform such covered text providers in advance of any changes to these specifications.

[12] Rather than directly billing the end user, CMRS providers and interconnected text messaging providers may choose to negotiate an agreement, pursuant to commercially reasonable price and other terms, that may address questions relating to compensation. Parties are not required to enter into any such arrangement. Regardless of how the CMRS provider receives reasonable compensation, however, the CMRS provider's obligation to carry text-to-911 traffic is limited to end users with an SMS plan, as noted above.

[13] Even if a covered text provider chooses to implement the CMRS network-based approach for delivery of 911 text messages, we affirm that each individual covered text provider is individually responsible for its compliance with the text-to-911 requirements set forth herein, including responsibility for educating its users regarding how text-to-911 might work for their particular interconnected text messaging applications. Furthermore, we do not specify or require any terms or conditions governing the relationships between covered text providers and CMRS providers, beyond specifying that, to the extent they enter into business agreements regarding access to SMS

Continued

CMRS providers are not subject to any obligation to maintain the SMS network for use by other covered text providers. In this manner, we do not establish ''an open-ended obligation to third-party competitors.'' We do, however, require that the CMRS provider must provide reasonable advance notice to the affected covered text providers about its choice to migrate to a new technology not less than 90 days prior to the migration to such technology. We believe this framework will spur innovation from interconnected text providers to actively develop solutions to support text-to-911 without reliance on CMRS providers' underlying networks. We nevertheless encourage parties to negotiate solutions to facilitate continued compliance with our text-to-911 requirements, including solutions whereby CMRS providers would continue to carry other covered text providers' texts to 911 over their new networks where technically feasible, again pursuant to commercially reasonable business arrangements negotiated on an individualized basis.

43. Finally, any covered text provider that is unable to meet the text-capable deadline may seek waiver relief. We decline to adopt a waiver standard that would be specific to our text-to-911 requirements. The Commission may grant relief pursuant to the waiver standards set forth in Sections 1.3 and 1.925 of its rules, and we believe these provisions are sufficient to address any requests for relief of the text-to-911 requirements, which we will evaluate based on the facts and circumstances of the particular request.

*Six-Month Implementation Period To Deliver Texts To Text-Ready PSAPs*

44. Subsequent to the ''text-capable'' deadline, we require covered text providers to commence delivery of texts to 911 within six months of a valid PSAP request. For all PSAP requests received on or before December 31, 2014, covered text providers must commence text-to-911 service to such PSAPs by June 30, 2015. We find that a six-month implementation window for all covered text providers to begin delivering text-to-911 service to requesting PSAPs is both technically and economically feasible.

45. The *Second Further Notice* proposed to require covered text providers to implement text-to-911 service within six months of a ''valid PSAP request.'' In response, several commenters agree that a six-month implementation period is sufficient for all CMRS providers, including small and rural CMRS providers.

46. On the other hand, Rural Wireless Association (RWA) argues for permitting CMRS providers up to one year after a PSAP request to begin delivering text messages to that PSAP. RWA states that ''[f]or carriers deploying LTE-only networks, texting cannot be provided absent the integration of IP Multimedia Subsystem (IMS) software into the LTE core, which is dependent on the release of IMS software by major equipment and software vendors.'' On balance, we believe that the December 31, 2014 initial ''text-capable deadline,'' combined with a subsequent six-month period to deliver texts to requesting PSAPs, provides covered text providers with a sufficient amount of time to implement our requirements.[14] We disagree with RWA that small and rural CMRS providers need more time to become capable of supporting text-to-911 traffic from covered text providers utilizing the CMRS network-based model. CMRS providers need not play an active role in the routing of such traffic and need only refrain from interfering with access to necessary CMRS capabilities. Further, RWA's argument with respect to obtaining IMS software represents a business concern that should be addressed through marketplace negotiations. Accordingly, with regard to PSAPs making valid requests for service by December 31, 2014, all covered text providers should commence delivery of texts no later than June 30, 2015.

47. For the purposes of our rules, a ''valid PSAP request'' means that: (1) The requesting PSAP is, and certifies that it is, technically ready to receive 911 text messages in the format requested; (2) the appropriate local or State 911 service governing authority has specifically authorized the PSAP to accept and, by extension, the covered text provider to provide, text-to-911 service; and (3) the requesting PSAP has notified the covered text provider that it is both technically ready to receive 911 text messages and has been authorized to accept such messages. We note that the elements of a ''valid PSAP request,'' which we describe here, are generally consistent with the terms of the Carrier–NENA–APCO Agreement. The requesting PSAP may notify a covered text provider by either registering in the Commission's database, or providing the covered text provider with any other written notification that is reasonably acceptable to the covered text provider. Additionally, while we decline to extend the six-month implementation period for small and rural carriers as RWA suggests, we will allow PSAPs and covered text providers the opportunity to mutually consent to an alternative implementation timeframe, beyond the standard six-month implementation window, as suggested by Verizon. We agree with Verizon that this will ''enable service providers to flexibly handle unforeseen delays on an informal basis with individual PSAPs, without the need to burden the Commission with waiver requests.'' We require covered text providers to notify the Commission of any such alternative arrangements and deployment schedules within 30 days of entering into such an agreement.[15] We anticipate that any PSAPs requesting text-to-911 service will want to deploy the service as swiftly as possible, and therefore, that PSAPs will not agree to an alternative timeframe unless there is a legitimate reason for doing so.

*Notification to Covered Text Providers*

48. In order to facilitate implementation of our text-to-911 requirements, we will implement a centralized database, to be administered by the Commission, that will reflect the text-readiness of individual PSAPs. We find that a centralized approach would best serve the interests of both PSAPs and covered text providers in the implementation process, rather than requiring PSAPs to make individual requests for text-to-911 service. For example, a PSAP registry will address concerns raised in the record by public safety entities regarding the volume of covered entities that might be subject to our text-to-911 requirements, and the associated burden of reaching out to each of them to request text-to-911. Utilizing a centralized database would allow PSAPs to indicate their readiness to receive texts to 911 in one place, which would in turn serve as notice to all covered text providers, regardless of whether the PSAP has a previous relationship with the covered text provider.

49. Accordingly, the Commission will establish and maintain a centralized database so as to provide PSAPs with an option to register their text-readiness. Registration in the Commission's PSAP database will commence the six-month implementation timeframe for covered text providers in their area. In order for a PSAP to register in our database as

networks, the terms of such agreements should be commercially reasonable.

[14] We note that the requirements adopted herein do not suspend the timelines agreed upon in the Carrier–NENA–APCO Voluntary Agreement.

[15] The covered text provider must file such notification in PS Docket Nos. 10–255 and 11–153, and may request confidential treatment of its filing or a portion of the filing pursuant to § 0.459 of the Commission's rules. 47 CFR 0.459.

''text-ready,'' the requesting PSAP must certify that it is technically ready to receive 911 text messages in the format requested, and the appropriate local or State 911 service governing authority has specifically authorized the PSAP to accept and, by extension, the covered text provider to provide, text-to-911 service. The database will include contact information so that covered text providers may coordinate with PSAPs regarding the specific implementation criteria, like the PSAP's selected method of receiving texts. PSAPs that are already accepting texts as of December 31, 2014 will be presumed to be ''text-ready'' and will be automatically registered in the database, unless they inform the Commission otherwise.

50. A centralized database addresses requests from public safety entities seeking a more streamlined process to request text-to-911 service. Covered text providers should periodically review the text-readiness of PSAPs in their service areas and reach out to these PSAPs as necessary to coordinate implementation of text-to-911 service. To the extent possible, we encourage PSAPs and covered text providers to follow the processes recommended by CSRIC in its recent report, CSRIC IV WG1, Final Report on PSAP Best Practices, (rel. June 18, 2014) (*CSRIC PSAP Best Practices Report*), available at *http://transition.fcc.gov/pshs/advisory/csric4/CSRIC_IV_WG-1_Task-2_Final_061814.pdf,* outlining best practices and guidelines for PSAPs making requests for text-to-911 service.[16]

51. We direct the Public Safety and Homeland Security Bureau (PSHSB) to develop, implement, and maintain the centralized database for purposes of implementing our text-to-911 requirements. PSHSB should provide additional information regarding the database, including the availability of the database for PSAP registration, in a subsequent Public Notice. In the interim, PSAPs that are text-ready before the database is publicly available may file notifications with the Commission.[17] We also direct PSHSB to maintain and regularly update its Web site to identify any new PSAPs that have provided notice of their text readiness, and to supplement updates to the Web site with regular Public Notices.

52. While registration in the database is one way by which PSAPs may trigger text-to-911 obligations by covered text providers, and the record suggests that it is the most efficient mechanism, we do not require its use. The obligations of covered text providers may also be triggered by any other written notification to them by PSAPs. Finally, we note that PSAPs retain the choice of whether to receive texts to 911, as well as whether to participate in registering as ''text-ready'' in our centralized database. Not registering in the database will not preclude PSAPs from being able to obtain text-to-911 service. That is, covered text providers still must provide text-to-911 service within six months of receiving a valid PSAP request, irrespective of whether a PSAP has registered as ''text-ready'' with the Commission.

**Routing of Text Messages to 911**

53. We require covered text providers to route texts to 911 using coarse location (cell ID and cell sector) or other equivalent means that allows the covered text provider to route a text to the appropriate PSAP. The record in this proceeding, as well as the current ATIS/TIA Joint Standard 110 (J–STD–110), demonstrate that coarse location is currently feasible for text-to-911 purposes, and it is already being used to route texts to the proper PSAP in active text-to-911 deployments. The ATIS/TIA J–STD–110 defines coarse location information as ''typically the initial location estimate of the mobile device,'' consisting of ''the Latitude/Longitude (X/Y) coordinates representing the geographic center (centroid) of the cell site/cell site sector area currently associated with the mobile device where the emergency communication dialogue was initiated.''

54. On June 18, 2014, CSRIC IV WG1 released a report, CSRIC IV WG1, Final Report—Investigation into Location Improvements for Interim SMS (Text) to 9–1–1 (rel. June 19, 2014) (*CSRIC Enhanced Location Report*), available at *http://transition.fcc.gov/pshs/advisory/csric4/CSRIC_IV_WG-1_Task-1_Final_061814.pdf,* evaluating the ability of covered text providers to generate and deliver enhanced—that is, more granular than coarse—location information with text to 911. CSRIC concludes that ''there is no solution for generating enhanced location in an SMS text to 9–1–1 session for any currently deployed systems that does not require user equipment ('UE') changes, network changes, or both.'' CSRIC further notes that ''some existing technologies, upon which the SMS text to 9–1–1 service is based, face challenges and provide for extremely limited additional standards development.'' CSRIC recommends that the Commission ''refrain from wireless E9–1–1 Phase II-like mandates for SMS text to 9–1–1 service and instead encourage further development and implementation of more robust . . . solutions.'' CSRIC also stated in its *PSAP Best Practices Report* that, under the J–STD–110, ''only coarse location is required, any rebid functionality is OPTIONAL.''

55. The CSRIC report and the consensus in the record lead us to conclude that enhanced location information cannot be supported by all currently available location technologies or all devices and operating systems. However, to wait for the capability to support more granular location data—rather than adopting a coarse location requirement now—would delay the implementation of text-to-911. We note that some form of location information is necessary in order to route a text message to the appropriate PSAP and to implement text-to-911 rules. Thus, based on CSRIC's findings and other record support that coarse location is currently feasible, and except with respect to interconnected text providers that do not access the CMRS network, we require that covered text providers must obtain location information sufficient to route texts to the appropriate PSAP, using coarse location information or an equivalent means. The Commission has previously noted that J–STD–110 permits a CMRS provider to provide enhanced location information where possible. To the extent it is feasible, we encourage them to do so.

56. In the event a covered text provider implements a text-to-911 solution that does not access the CMRS network—and therefore cannot provide coarse location—the covered text provider must obtain sufficient location information through some other means (*e.g.,* through commercial location-based services or through the device's location application programming interface) to route the text to the appropriate PSAP. All covered text providers using device-based location information that requires consumer activation must clearly inform consumers that they must grant permission for the text messaging application to access the wireless

[16] In its *PSAP Best Practices Report,* CSRIC includes an ''SMS Text-to-9–1–1 Readiness Questionnaire'' for PSAPs to complete and return to covered text providers as part of the text-to-911 implementation process, in order to provide full and consistent information regarding the PSAP's technical and operational capabilities to receive texts to 911. We anticipate that covered text providers may seek a waiver of the implementation deadline because a PSAP that requests text messages is not, in fact, text-ready. To the extent the PSAP has undertaken the best practices referenced in CSRIC's report, we will adopt a rebuttable presumption that a PSAP is text-ready and has submitted a valid PSAP request, thereby placing the burden on carriers to show otherwise.

[17] Parties should file in PS Docket Nos. 10–255 and 11–153.

device's location information in order to enable text-to-911. If a consumer does not permit this access, then the application must provide an automated bounce-back message.

57. Finally, we emphasize that this approach is only an interim solution, and that we intend to require the delivery of enhanced location information with texts to 911 as soon as it is technically feasible to do so.

**Liability Protection**

58. In the *Further Notice,* the Commission recognized that adequate liability protection is needed for PSAPs, CMRS providers, interconnected text providers, and technology vendors to proceed with implementation of text-to-911. The Commission noted that the New and Emerging Technologies 911 Improvement Act, Public Law 110–283, July 23, 2008, 122 Stat. 2620 (NET 911 Act); 47 U.S.C. 615a, expanded the scope of state liability protection by requiring states to provide parity in the degree of protection provided to traditional and non-traditional 911 providers. In the Next Generation 9–1–1 Advancement Act of 2012, Public Law 112–96, Feb. 22, 2012, 126 Stat. 156; 47 U.S.C. 1472, section 6506 (NG911 Advancement Act), Congress further extended these parity provisions to providers of NG911 services. The *Further Notice* sought comment on whether providers of text-to-911 service have sufficient liability protection under current law to provide text-to-911 services to their customers. The Commission observed that under the Carrier–NENA–APCO Agreement, the four major CMRS providers have committed to deploy text-to-911 capability without any precondition requiring additional liability protection other than the protection afforded by current law. Nevertheless, the *Further Notice* sought comment on whether the Commission could take additional steps—consistent with our regulatory authority—to provide additional liability protection to text-to-911 service providers.

59. In January 2014, the Commission sought further comment on whether adopting the proposed text-to-911 requirements would assist in mitigating liability concerns by establishing standards of conduct that could be invoked by covered text providers in defense against state tort liability or similar claims. In response, several commenters argue that liability protection for 911 market participants should be established on a national scale. For example, AT&T argues that ''[Text-to-911] . . . demands a national plan and . . . clear and unambiguous, comprehensive, standardized, nationwide liability protection that applies equally to all parties in the stream of commerce that support it.''

60. With regard to parity of liability protection for interconnected text providers, VON Coalition urges the Commission to expand liability protection for these providers and notes that ''exposing interconnected text providers to unlimited liability for 911 texts will chill investment, research and development in these important services.'' However, two commenters suggest that the NET 911 Act provides a sufficiently flexible definition of ''other emergency communication service provider,'' such that any new entrants to this market—*i.e.,* non-CMRS covered text providers—would be entitled to the parity of liability protection set forth in the NET 911 and NG911 Advancement Acts, and therefore, would not be exposed to unlimited liability.

61. Based on our interpretation of the statute, we conclude that covered text providers subject to our text-to-911 requirements fall within the scope of ''other emergency communications service providers'' under section 201(a) of the NET 911 Act. Under section 201(a), ''other emergency communications service providers'' include ''an entity other than a local exchange carrier, wireless carrier, or an IP-enabled voice service provider that is required by the Federal Communications Commission consistent with the Commission's authority under the Communications Act of 1934 to provide other emergency communications services.'' [18] We find interconnected text providers within the scope of our jurisdiction and require them to support text-to-911 service. We also find that text-to-911 service, as we require in this *Second Report and Order,* satisfies the definition of ''other emergency communications services,'' because it clearly provides ''emergency information'' to a PSAP via radio communications. Accordingly, we conclude that Congress intended that all covered text providers should be given parity of liability protection for the provision of text-to-911.

**Treatment of Voluntary Agreement**

62. In the *Second Further Notice,* we sought comment on whether and how any rules adopted in this proceeding could provide a ''safe harbor'' option for companies that have entered into voluntary agreements with public safety that the Commission has determined serves the public interest. Several commenters state that such an approach would be appropriate for covered text providers who have entered into voluntary agreements to support text-to-911.

63. We find it unnecessary to adopt any ''safe harbor'' provisions at this time. The only parties to date that have entered into a voluntary agreement to support text-to-911 are the CMRS provider parties to the Carrier–NENA–APCO agreement. Because the scope of the rules adopted in this *Second Report and Order* is consistent with the scope of their obligations under the voluntary agreement, there is no need for a ''safe harbor.'' Since no other parties would be eligible for safe harbor status, we decline to adopt any such provision here.

**Consumer Education**

64. The Commission has already committed PSHSB and the Consumer and Governmental Affairs Bureau (CGB) to implement a comprehensive consumer education program concerning text-to-911, and to coordinate their efforts with state and local 911 authorities, other federal and state agencies, public safety organizations, industry, disability organizations, and consumer groups, consistent with those voluntary measures taken under the Carrier–NENA–APCO Agreement. We find that the Commission's Web site, together with the continued efforts of PSHSB and CGB, should continue to serve as a leading means of consumer education, and direct the Bureaus to continue their collaborative efforts.

65. We also expect that relevant text-to-911 stakeholders will join in and enhance these educational efforts. As we implement a comprehensive plan for educating the public on the availability and features of text-to-911, we must consider all angles of engaging and educating the public, including those who are deaf, hard of hearing or have speech disabilities. An effective public education campaign should invest not only in traditional methods of outreach,

[18] The Commission noted in the Further Notice that the Carrier–NENA–APCO Agreement does not address liability protection, indicating that the four CMRS provider parties were willing to proceed with the implementation of Text-to-911 under the existing law at the time, including the NET 911 Act. The NET 911 Act alternatively defines ''other emergency communication service providers'' to include, in the absence of a Commission requirement, ''an entity that voluntarily elects to provide other emergency communications services and is specifically authorized by the appropriate local or State 9–1–1 service governing authority to provide other emergency communications services.'' We find that the voluntary provision of text-to-911 service, in response to an authorized PSAP request, falls within the scope of ''other emergency communication services,'' and accordingly, would also receive parity of liability protection for such service under the NET 911 Act.

such as Web sites and targeted education for more vulnerable segments of the population (including people with disabilities and children), but also in new forms of media—specifically, text messaging. We therefore encourage covered text providers to use text messaging to inform consumers of the availability of text-to-911 once this service has commenced in a given area.

**Legal Authority**

66. In the *Bounce-Back Order,* the Commission closely examined our legal authority in connection with text-to-911 service and identified multiple, independent bases of legal authority to support action in that context. In particular, the Commission found that several provisions of Title III provide the Commission with direct authority to impose text-to-911 bounce-back requirements on CMRS providers, that the CVAA vests the Commission with direct authority to impose 911 bounce-back requirements on both CMRS providers and other providers of interconnected text messaging applications, including OTT providers, and that the agency has ancillary authority to apply 911 bounce-back requirements to providers of interconnected text messaging services, including OTT providers. The Commission explained, *inter alia,* that imposing 911 bounce-back rules on interconnected text providers was reasonably ancillary to the Commission's Title III mandate regarding the use of spectrum, to its CVAA mandate regarding the migration to fully NG911 capable systems, and to the Commission's statutory authority to adopt 911 regulations that ensure that consumers can reach emergency services so as to promote the safety of life and property.

67. In response to the *Second Further Notice,* no commenter objects to the Commission's authority to require CMRS providers to support text-to-911. On the other hand, several commenters question the Commission's authority over interconnected text providers. For example, VON Coalition does not dispute that the Commission's direct authority under the CVAA extends to the regulation of interconnected text providers. However, it raises two separate questions about the use of that direct authority here. First, it argues that the CVAA precludes any requirement for the use of proprietary technology, and that the ''network and server-based models'' would violate this mandate. Second, it suggests that these two models—in contrast to the ''SMS–API model''—''may'' violate the CVAA's mandate that they be ''achievable.'' Although Verizon does not assert that the Commission does not have jurisdiction, it similarly cautions that ''the Commission's authority to regulate OTT text messaging services and applications is limited,'' and that the Commission should therefore ensure that any rule adopted under the CVAA is both technically feasible and achievable.

68. VON Coalition's assertion that we are mandating the use of proprietary technologies, systems, or services, contrary to the CVAA, is incorrect. We recognize that most covered text providers may well use the interim SMS standard initially; indeed, VON Coalition appears to have no objection to its implementation by December 31, 2014, assuming the cooperation of CMRS providers. However, we do not require the use of any specific technology or text messaging protocol, as long as the technology or protocol utilized is capable of properly routing and delivering a text to 911. Finally, we determine that the text-to-911 rules are achievable and technically feasible.

69. As to the alternate basis for authority over interconnected text providers (*i.e.,* as ancillary to the Commission's direct sources of statutory authority), VON Coalition seeks to cabin the ancillary authority outlined in the *Bounce-Back Order* as designed solely ''to ensure that misleading messages are not sent via radio spectrum.'' We disagree. Although we need not rely on such ancillary authority given the direct authority provided by the CVAA, there are multiple reasons why mandating text-to-911 capability by interconnected text providers is within the broad scope of the Commission's ancillary authority.

70. As outlined in the *Bounce-Back Order,* the Commission has broad authority under Title III to prescribe the nature of the service provided by CMRS providers, and it is undisputed that such authority extends to requiring text-to-911 capability. Given the growing use of third-party text applications over CMRS networks by their customers, ensuring that those applications provide text-to-911 capability is reasonably necessary to promote that capability over spectrum authorized for use under Title III. Moreover, as the Commission discussed at length in the *Bounce-Back Order,* consumer confusion over which texting services would offer text-to-911 would undermine the Commission's ability to implement text-to-911 effectively. Similarly, the purpose of the CVAA was to expand access to emergency services for consumers with disabilities, and if our work is undermined by consumer confusion, we will not be able to fulfill our statutory grant of authority pursuant to the CVAA. As applied here, extending text-to-911 requirements to interconnected text providers as well as CMRS providers will support the widespread availability of text-to-911 to those who are deaf, hard of hearing, or speech-disabled, serve to eliminate consumer confusion about the reliability of text-to-911, and thereby assist the Commission in achieving its mandate under the CVAA. This is particularly true in situations where voice calls are dangerous, impractical, or simply incapable of being transmitted, or where time is too critical to require a consumer to determine whether or how she might rely on an alternative CMRS voice or texting capability.

71. We also find that adopting text-to-911 rules is reasonably ancillary to the purpose of 911-related statutes. Ensuring that consumers can rely on increasingly popular and data-rich texting applications to obtain access to 911 service promotes the availability and effectiveness of 911 service consistent with the central purpose of these statutes.

72. We do not interpret these sources of authority as granting the Commission unbounded authority to adopt regulations. Our exercise of ancillary authority here falls squarely within the core of general grant of jurisdiction in Title I with respect to ''all interstate and foreign communication by wire and radio.'' This limited but important context is one where Congress has consistently acted and directed the Commission to ensure that consumers using advanced services, including those provided by entities that the Commission has not classified as telecommunications carriers, and particularly those who are deaf, hard of hearing, or speech disabled, can reach emergency services. Indeed, one of the principal purposes of the Commission, as set forth by Congress in section 1 of the Communications Act, 47 U.S.C. 151, is to ensure that we exercise our substantive grants of authority in a manner that ''promot[es] safety of life of property.'' We thus find that the exercise of our authority in this case is not only directly authorized by but also reasonably ancillary to the effective performance of our statutorily mandated responsibilities. We find that we could not fully realize those responsibilities if consumers do not view text-to-911 as a reliable means of reaching 911.

**Task Force on Optimal PSAP Architecture**

73. We find that further examination is needed, in cooperation with state, local, and tribal jurisdictions and their

associated PSAPs, on the current structure and architecture of our nation's PSAPs. The large number of PSAPs, now nearing 6800, potentially increases the costs and resources needed from the communications industry, public safety community, and state, local, and tribal governments. In particular, we are interested in determining whether additional consolidation of PSAP facilities and architecture would promote greater efficiency of operations, safety of life, and cost containment, while retaining needed integration with local first responder dispatch and support. This issue is especially timely as public safety communications systems are converting to NG911 in the coming years. It is also important because a number of states continue to divert critical E911 funding from its intended purposes to unrelated functions. Specifically, the most recent annual FCC report to Congress on this issue found that four states are still diverting such funds and, equally troubling, one state and four territories declined to even respond to our inquiry.

74. CSRIC last updated the Commission on this subject with the issuance of its 2010 final report on public safety consolidation, CSRIC I, WG 1–A, Final Report—Key Findings and Effective Practices for PSAP Consolidation (rel. Oct. 2010), available at *http://transition.fcc.gov/pshs/docs/csric/CSRIC-1A-Report.pdf*. In its report, CSRIC's working group stated that ''[r]ecent trends toward regional, multi-jurisdictional and multi-disciplinary solutions with standards based shared systems have demonstrated that they can lead to technical, operational, and financial advantages for the participants.'' While that report is useful, a new review and updated data, given the numerous changes in technology, would be informative. Accordingly, we direct PSHSB, consistent with any and all requirements of the Federal Advisory Committee Act, to convene a task force that includes representatives from state, local and tribal authorities and the currently constituted CSRIC to study and report findings and recommendations on the following issues by April 30, 2015: (1) Optimal PSAP system and network configuration in terms of emergency communications efficiency, performance, and operations functionality; (2) cost projections for conversion to and annual operation of PSAPs that incorporate such optimal system design; (3) comparative cost projections for annual maintenance of all existing PSAPs annually and upgrading them to NG911; (4) recommendations on ways to prevent states from diverting E911 funding to other purposes; and (5) whether states that divert E911 funds should be ineligible to participate on various FCC councils, committees, and working groups. These recommendations will provide a benchmark for the Commission, state, local, and tribal authorities, PSAPs and others to compare approaches for improving the effectiveness and efficiency of the nation's current and future 911 system.

**Procedural Matters**

75. *Accessible Formats.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

76. *Regulatory Flexibility Act.* As required by the Regulatory Flexibility Act of 1980, as amended (RFA) the Commission incorporated an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in the *Second Further Notice of Proposed Rulemaking* (*Second Further Notice*). No comments were filed addressing the IRFA regarding the issues raised in the *Second Further Notice*. Because the Commission amends the rules in this *Second Report and Order,* the Commission has included this Final Regulatory Flexibility Analysis (FRFA). This present FRFA conforms to the RFA.

**Final Regulatory Flexibility Analysis**

*A. Need for, and Objectives of, the Adopted Rules*

77. Wireless consumers are increasingly using text messaging as a means of everyday communication on a variety of platforms. The legacy 911 system, however, does not support text messaging as a means of reaching emergency responders, leading to potential consumer confusion and even to possible danger. As consumer use of CMRS provider-based and third party-provided texting applications expands and evolves, the 911 system must also evolve to enable wireless consumers to reach 911 in those emergency situations where a voice call is not feasible or appropriate.

78. In this *Second Report and Order,* we adopt rules that set timeframes that will enable Americans to send text messages to 911 (text-to-911) across platforms. Specifically, we require all CMRS providers and providers of interconnected text messaging applications (collectively, ''covered text providers'') to be able to support the ability of consumers to send text messages to 911 no later than December 31, 2014. We also require that covered text providers must begin delivering text-to-911 service by June 30, 2015, or within six months from the date it receives a valid PSAP request, whichever is later, unless the PSAP and covered text provider mutually agree to an alternate timeframe and the covered text provider timely notifies the Commission within 30 days of the agreement.

79. Our requirements build on the voluntary commitment by the four largest CMRS providers—in an agreement with the National Emergency Number Association (NENA), and the Association of Public Safety Communications Officials (APCO) (Carrier–NENA–APCO Agreement)—to make text-to-911 available to their customers by May 15, 2014. The requirements we adopt here are largely consistent with the Carrier–NENA–APCO Agreement.

80. Establishing timeframes for the addition of text capability to the 911 system for all consumers will vastly enhance the system's accessibility for over 40 million Americans who are deaf, hard of hearing, or speech-disabled. It will also provide a vital and lifesaving alternative to the public in situations where 911 voice service is unavailable or placing a voice call could endanger the caller. Indeed, as recent history has shown, text messaging is often the most reliable means of communications during disasters where voice calls cannot be completed due to capacity constraints. Finally, implementing text-to-911 represents a crucial next step in the ongoing transition of the legacy 911 system to a NG911 system that will support not only text but will also enable consumers to send photos, videos, and data to PSAPs, enhancing the information available to first responders for assessing and responding to emergencies.

81. Our approach to text-to-911 is also based on the presumption that consumers in emergency situations should be able to communicate using the text applications they are most familiar with from everyday use. Currently, the most commonly used texting technology is Short Message Service (SMS), which is available, familiar, and widely used by virtually all wireless consumers. The four major CMRS providers have been using SMS-based text for their initial text-to-911

deployments, and we expect other initial deployments to be similarly SMS-based.

82. As a result of the rapid proliferation of smartphones and other advanced mobile devices, some consumers are beginning to move away from SMS to other IP-based text applications, including downloadable software applications provided by parties other than the underlying CMRS provider. To the extent that consumers gravitate to such applications as their primary means of communicating by text, they may reasonably come to expect these applications to also support text-to-911, as consumer familiarity is vital in emergency situations where seconds matter. Therefore, in this *Second Report and Order,* we ensure that consumers have access to the same text-to-911 capabilities on the full array of interconnected texting applications that they use ubiquitously within a reasonable timeframe.

*B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA*

83. No commenter raised issues in response to the IRFA included in the *Second Further Notice*. The Commission concludes that the mandates adopted here provide covered text providers and PSAPs with a sufficient measure of flexibility to account for technical and cost-related concerns. In the event that small entities face unique circumstances that restrict their ability to comply with the Commission's rules, the Commission can address them through the waiver process. The Commission has determined that implementing text-to-911 is technically feasible and the cost of implementation is small.

*C. Description and Estimate of the Number of Small Entities to Which the Adopted Rules Would Apply*

84. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the rules adopted, herein. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. Below, we describe and estimate the number of small entity licensees that may be affected by the adopted rules.

85. *Small Businesses, Small Organizations, and Small Governmental Jurisdictions.* Our action may, over time, affect small entities that are not easily categorized at present. The Commission's current Master PSAP registry indicates that there are more than 6,000 active PSAPs, which we conclude fall into this category. Should a PSAP choose to implement text-to-911, they will be affected by the adopted rules. We emphasize, however, that PSAPs retain the choice of whether to implement text-to-911; any PSAP that chooses not to implement text-to-911 will not be affected by the adopted rules. As of 2009, small businesses represented 99.9% of the 27.5 million businesses in the United States, according to the SBA. Additionally, a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 2007, there were approximately 1,621,315 small organizations. Finally, the term ''small governmental jurisdiction'' is defined generally as ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' Census Bureau data for 2007 indicate that there were 89,527 governmental jurisdictions in the United States. We estimate that, of this total, as many as 88,761 entities may qualify as ''small governmental jurisdictions.'' Thus, we estimate that most governmental jurisdictions are small.

85. *Other Small Entities to Which the Adopted Rules Would Apply.* The following small entities may be affected by the adopted rules: Wireless Telecommunications Carriers (except satellite); Incumbent Local Exchange Carriers (Incumbent LECs); Competitive Local Exchange Carriers (Competitive LECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers; Broadband Personal Communications Service; Narrowband Personal Communications Services; Rural Radiotelephone Service; Wireless Communications Services; 220 MHz Radio Service—Phase I Licensees; 220 MHz Radio Service—Phase II Licensees; Wireless Telephony; Satellite Telecommunications Providers; Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing; Semiconductor and Related Device Manufacturing; Software Publishers; Internet Service Providers; Internet Publishing and Broadcasting and Web Search Portals; All Other Information Services; and All Other Telecommunications.

The full Final Regulatory Flexibility Analysis (FRFA), which includes descriptions and estimates of these small entities, can be found in the *Second Report and Order,* available at *http://www.fcc.gov/document/fcc-adopts-text-911-rules*. The *Second Report and Order* and its accompanying FRFA can also be accessed through the Commission's Electronic Document Management System (EDOCS) by searching for FCC No. 14–118.

*D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities*

86. In the *Second Report and Order,* the Commission amends its Part 20 rules to require CMRS providers and interconnected text providers (collectively, ''covered text providers'') to be capable of supporting text-to-911 by December 31, 2014. Specifically, the rules apply to all CMRS providers subject to the Commission's Part 20 rules as well as all providers of interconnected text messaging services that enable consumers to send text messages to and receive text messages from all or substantially all text-capable U.S. telephone numbers, including through the use of applications downloaded or otherwise natively installed on a mobile device. Covered text providers must commence delivery of 911 text messages to requesting PSAPs by June 30, 2015, or six months from the date of receipt of a valid PSAP request, whichever is later. Covered text providers and PSAPs may mutually agree to an alternate implementation timeframe, but covered text providers must notify the Commission within 30 days of such agreement. A PSAP may make a valid request for text-to-911 service by certifying that it is ''text-ready,'' and we encourage PSAPs to register in the Commission's PSAP registry once it is available. Covered text providers may utilize a messaging platform that can support multiple addresses or enable sending images and video, but they must ensure that these features do not interfere with the delivery of the text portion of the message to a PSAP.

87. The *Second Report and Order* also requires covered text providers to route text messages to the appropriate PSAP using coarse location information or some other equivalent means. In the event a covered text provider implements a text-to-911 solution that does not access the CMRS network—and therefore cannot provide coarse location—the covered text provider

must obtain sufficient location information through some other means to route the text to the appropriate PSAP. All covered text providers using device-based location information that requires consumer activation must clearly inform consumers that they must grant permission for the text messaging application to access the wireless device's location information in order to enable text-to-911. If a consumer does not permit this access, then the application must provide an automated bounce-back message.

88. We anticipate that many interconnected text providers will choose the CMRS network-based delivery model for text-to-911, at least as an interim measure. In order to facilitate the use of this method, the *Second Report and Order* requires that CMRS providers shall allow access to capabilities necessary for transmission of text-to-911 communications by other covered text providers. However, CMRS providers need not reconfigure any SMS text-to-911 platforms in order to facilitate other covered text providers' use of their networks, and the obligation to allow access to CMRS networks is limited to the extent that the CMRS providers offers SMS. A covered text provider selecting the CMRS network-based solution must ensure that its service is technically compatible with the CMRS provider's SMS networks and devices, and in conformance with any applicable technical standards.

89. The *Second Report and Order* also states that CMRS providers may receive commercially reasonable compensation for the delivery of 911 text messages, but it does not require CMRS providers to allow text-to-911 traffic over their SMS networks from any end users that do not have an underlying SMS plan. All covered text providers using the CMRS network-based delivery model for text-to-911 must clearly inform consumers that, absent an SMS plan with the consumer's underlying CMRS provider, the covered text provider may be unable to deliver 911 text messages. The *Second Report and Order* also permits CMRS providers to migrate away from SMS platforms in favor of newer technologies. CMRS providers are not required to maintain the SMS network for use by other covered text providers, but if they choose to migrate to another technology, they must provide reasonable advance notice to the affected covered text providers about not less than 90 days prior to the migration.

90. The compliance requirements in the *Second Report and Order* will apply to all entities in the same manner. The Commission believes that applying the same rules equally to all entities in this context is necessary to alleviate potential consumer confusion from adopting different rules for different covered text providers. The Commission finds, and the record in this proceeding confirms, that the costs and/or administrative burdens associated with the rules will not unduly burden small entities.

91. Based on the record, CMRS providers and interconnected text providers have agreed that these changes are technically and financially feasible, with relatively small costs to the covered text provider. Compliance costs for interconnected text providers will be small, requiring only minor coding and/or server changes. Additionally, covered text providers can operate using the ATIS/TIA J–STD–110, which serves to reduce potential administrative, legal and technical costs of compliance.

*E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered*

92. The RFA requires an agency to describe any significant, specifically small business alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.''

93. Based on the Commission's review of the record, the Commission finds that it is practicable for all CMRS providers, including small and rural CMRS providers, to implement text-to-911 by December 31, 2014 without incurring unduly burdensome costs. The record also reflects that it is not unduly burdensome for interconnected text providers to implement text-to-911 in the same timeframe. The *Second Report and Order* recognizes the technical and operational issues that must be addressed before commencing text-to-911 service, and allows six months from the date of a valid PSAP request for covered text providers to achieve text-to-911 capability.

94. In considering the record received in response to the *Second Further Notice,* the Commission has examined alternatives to ease the burden on small and rural CMRS providers. These alternatives included extending the implementation deadline, or exempting small and rural CMRS providers. However, the record in this proceeding indicates that the technical and financial costs for implementing text-to-911 are not unduly burdensome. The rules adopted in the *Second Report and Order* also allow for alternate timeframes if both the PSAP and the covered text provider mutually agree to the adjusted timeline and the covered text provider notifies the Commission within 30 days of the agreement, which should alleviate the burdens of smaller covered text providers. The Commission has also examined ways in which the burden may be eased for interconnected text providers, including extending the implementation deadline. The *Second Report and Order* also describes a PSAP database, to be administered by the Commission, in which covered text providers can identify which PSAPs are ''text ready,'' thereby reducing the amount of time and resources that would be dedicated to reaching out to PSAPs and handling PSAP requests.

95. Further, the *Second Report and Order* contains a detailed Cost-Benefit Analysis which finds that the life-saving public safety benefits of imposing a text-to-911 requirement on covered text providers far outweigh the costs of such a rule. Finally, in the event that small entities face unique circumstances with respect to these rules, such entities may request waiver relief from the Commission. Accordingly, the Commission finds that it has discharged its duty to consider the burdens imposed on small entities.

96. *Paperwork Reduction Analysis.* The *Second Report and Order* contains new information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new information collection requirements contained in this proceeding.

97. *Congressional Review Act.* The Commission will send a copy of this *Second Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act (CRA), *see* 5 U.S.C. 801(a)(1)(A).

**Ordering Clauses**

98. Accordingly, *it is ordered,* pursuant to sections 1, 2, 4(i), 4(j), 4(o), 251(e), 303(b), 303(g), 303(r), 316, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i),

154(j), 154(o), 251(e), 303(b), 303(g), 303(r), 316, 403, and section 4 of the Wireless Communications and Public Safety Act of 1999, Public Law 106–81, sections 101 and 201 of the New and Emerging Technologies 911 Improvement Act of 2008, Public Law 110–283, and section 106 of the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 47 U.S.C. 615a, 615a–1, 615b, 615c, that the *Second Report and Order and Third Further Notice of Proposed Rulemaking* in PS Docket No. 11–153 and PS Docket No. 10–255 Is Adopted and shall become effective thirty (30) days after publication of the text or summary thereof in the **Federal Register,** except for those rules and requirements that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, which shall become effective after the Commission publishes a notice in the **Federal Register** announcing such approval and the relevant effective date.

99. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *Second Report and Order and Third Further Notice of Proposed Rulemaking,* including the Final Regulatory Flexibility Analysis and Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

**List of Subjects in 47 CFR Part 20**

Communications common carriers, Communications equipment, Radio.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

**Final Rules**

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 20 as follows:

## PART 20—COMMERCIAL MOBILE RADIO SERVICES

■ 1. The authority citation for part 20 is revised to read as follows:

**Authority:** 47 U.S.C. 151, 152, 154(i), 201(b), 225, 301, 303(b), 303(g), 303(r), 316, 403, 615a, 615a–1, 615b, and 47 U.S.C. 615c.

■ 2. Section 20.18 is amended by adding paragraphs (n)(9) through (11) to read as follows:

**§ 20.18 911 Service.**

* * * * *

(n) * * *

(9) *911 text message.* A 911 text message is a message, consisting of text characters, sent to the short code ''911'' and intended to be delivered to a PSAP by a covered text provider, regardless of the text messaging platform used.

(10) *Delivery of 911 text messages.* (i) No later than December 31, 2014, all covered text providers must have the capability to route a 911 text message to a PSAP. In complying with this requirement, covered text providers must obtain location information sufficient to route text messages to the same PSAP to which a 911 voice call would be routed, unless the responsible local or state entity designates a different PSAP to receive 911 text messages and informs the covered text provider of that change. All covered text providers using device-based location information that requires consumer activation must clearly inform consumers that they must grant permission for the text messaging application to access the wireless device's location information in order to enable text-to-911. If a consumer does not permit this access, the covered text provider's text application must provide an automated bounce-back message as set forth in paragraph (n)(3) of this section.

(ii) Covered text providers must begin routing all 911 text messages to a PSAP by June 30, 2015, or within six months of the PSAP's valid request for text-to-911 service, whichever is later, unless an alternate timeframe is agreed to by both the PSAP and the covered text provider. The covered text provider must notify the Commission of the dates and terms of the alternate timeframe within 30 days of the parties' agreement.

(iii) *Valid Request* means that:

(A) The requesting PSAP is, and certifies that it is, technically ready to receive 911 text messages in the format requested;

(B) The appropriate local or state 911 service governing authority has specifically authorized the PSAP to accept and, by extension, the covered text provider to provide, text-to-911 service; and

(C) The requesting PSAP has provided notification to the covered text provider that it meets the foregoing requirements. Registration by the PSAP in a database made available by the Commission in accordance with requirements established in connection therewith, or any other written notification reasonably acceptable to the covered text provider, shall constitute sufficient notification for purposes of this paragraph.

(iv) The requirements set forth in paragraphs (n)(10)(i) through (iii) of this section do not apply to in-flight text messaging providers, MSS providers, or IP Relay service providers, or to 911 text messages that originate from Wi-Fi only locations or that are transmitted from devices that cannot access the CMRS network.

(11) *Access to SMS networks for 911 text messages.* To the extent that CMRS providers offer Short Message Service (SMS), they shall allow access by any other covered text provider to the capabilities necessary for transmission of 911 text messages originating on such other covered text providers' application services. Covered text providers using the CMRS network to deliver 911 text messages must clearly inform consumers that, absent an SMS plan with the consumer's underlying CMRS provider, the covered text provider may be unable to deliver 911 text messages. CMRS providers may migrate to other technologies and need not retain SMS networks solely for other covered text providers' 911 use, but must notify the affected covered text providers not less than 90 days before the migration is to occur.

[FR Doc. 2014–21851 Filed 9–15–14; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF TRANSPORTATION

**Federal Highway Administration**

**23 CFR Part 773**

**Federal Railroad Administration**

**49 CFR Part 264**

**Federal Transit Administration**

**49 CFR Part 622**

**[Docket No. FHWA–2013–0022]**

**FHWA RIN 2125–AF50; FRA RIN 2130–AC45; FTA RIN 2132–AB15**

## Surface Transportation Project Delivery Program Application Requirements

**AGENCY:** Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), Federal Transit Administration (FTA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the application requirements for the Surface Transportation Project Delivery Program (Program). This rulemaking is prompted by enactment of the Moving Ahead for Progress in the 21st Century Act (MAP–21), which converted the Surface Transportation Project Delivery Pilot Program into a permanent program, allowed any State to apply for the

Program, created a renewal process for Program participation, and expanded the scope of the Secretary's responsibilities that may be assigned and assumed under the Program to environmental review responsibilities for railroad, public transportation, and multimodal projects, in addition to highway projects.

**DATES:** Effective on October 16, 2014.

**FOR FURTHER INFORMATION CONTACT:** For FHWA: Owen Lindauer, Office of Project Delivery and Environmental Review, (202) 366–2655, or Jomar Maldonado, Office of the Chief Counsel, (202) 366–1373, Federal Highway Administration, 1200 New Jersey Ave. SE., Washington, DC 20590–0001. For FRA: David Valenstein, Office of Railroad Policy and Development, (202) 493–6368, or Zeb Schorr, Office of Chief Counsel, (202) 493–6072. For FTA: Adam Stephenson, Office of Planning and Environment, (202) 366–5183, or Nancy Ellen Zusman, Office of Chief Counsel, (312) 353–2577. Office hours are from 8:00 a.m. to 4:30 p.m. e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

## Background

Section 6005 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), 109 Public Law 59, 119 Stat. 1144, 1868–1872, codified at section 327 of title 23 United States Code (U.S.C.), established a pilot program allowing the Secretary of Transportation (Secretary) to assign and for certain States to assume the Federal responsibilities for the review of highway projects under the National Environmental Policy Act of 1969 (NEPA) and responsibilities for environmental review, consultation, or other actions required under any Federal environmental law pertaining to the review. The pilot program was limited to five States and was set to expire on September 30, 2012. Pursuant to 23 U.S.C. 327(b)(2), FHWA promulgated regulations in part 773 of title 23 of the Code of Federal Regulations (CFR), which set forth the information that States must submit as part of their applications to participate in the pilot program (72 FR 6470, Feb. 12, 2007).

On July 6, 2012, President Obama signed into law MAP–21, Public Law 112–141, 126 Stat. 405, which contains new requirements that the Secretary must meet. Section 1313 of MAP–21 amended 23 U.S.C. 327, by: (1) Converting the pilot program into a permanent program (Program); (2) removing the five-State limit; (3) expanding the scope of assignment and assumption for the Secretary's responsibilities to include railroad, public transportation, and multimodal projects; and (4) allowing a renewal option for Program participation. Section 1313 also amended 23 U.S.C. 327(b)(2) by requiring the Secretary to amend—within 270 days from the date of MAP–21's enactment (October 1, 2012)—the regulations concerning the information required in a State's application to participate in the Program. This final rule amends these regulations consistent with the changes in MAP–21.

## Notice of Proposed Rulemaking

On August 30, 2013 (78 FR 53712), FHWA, FRA, and FTA (referred throughout this document as the Agencies) published a Notice of Proposed Rulemaking (NPRM) in which the Agencies proposed amendments to 23 CFR part 773 to account for the changes in the Program made by section 1313 of MAP–21. The Agencies' proposed amendments were limited to the application requirements and termination.

The public comment period closed on October 29, 2013. The Agencies considered all comments received when developing this final rule.

## Summary of Comments and Responses

The Agencies received comments from a total of 17 entities, which included 7 State departments of transportation (State DOT) (Alaska DOT, California DOT, Florida DOT, Georgia DOT, Texas DOT, Virginia DOT, and Washington State DOT), 4 professional associations (the American Association of State Highway and Transportation Officials, the American Road and Transportation Builders Association, the Association of American Railroads, and the American Public Transportation Association), 3 public interest groups (the Natural Resource Defense Council, the Southern Environmental Law Center, and Transportation for America), 2 transit agencies (the Los Angeles County Metropolitan Transit Authority and the Metropolitan Transit Authority of New York), and 1 metropolitan planning organization (the San Diego Association of Governments). These entities provided over 100 comments that supported the proposed rule, proposed modifications to the proposed rule, or requested further clarifications. The submitted comments have been organized by theme or topic.

### *General*

Two State DOTs and one professional association indicated that the proposed rule was overly prescriptive and could limit States' flexibility. The commenters suggested re-writing the rule to streamline processes and reduce cost by removing language that is not specifically required for compliance with the statute. One State DOT stated that requiring States to identify each project for which a Draft Environmental Impact Statement (DEIS) has been issued and a Final Environmental Impact Statement (FEIS) is pending, discuss State procedures to guide the fulfillment of environmental review responsibilities, discuss changes in management that the State will make to provide additional staff and training, discuss how the State will verify legal sufficiency for the documents it produces, and describe in the application staff positions that will be dedicated to fulfill the environmental review responsibilities assumed, exceeds legal requirements and will add unnecessary time and cost.

Section 327(b)(2) of title 23 U.S.C., directs the Secretary to issue regulations on the information required to be contained in any application of a State to participate in the Program including, *at a minimum:* (1) The projects or classes of projects that the Agencies may assign; (2) verification of the financial resources necessary to carry out the authority; and (3) evidence of the notice and solicitation of public comment by the States relating to participation of the State in the Program. This provision provides the Secretary with the authority and sufficient discretion to establish the requirements for the Program's application process. The information items listed in the statute describe the minimum information that the Secretary could request. In FHWA's experience with the pilot program, the additional information requested in the application regulations was necessary to properly evaluate the capacity and capability of the State to assume the Secretary's environmental review responsibilities. The Agencies have determined that the requirements adopted through this regulation balance the goal to provide flexibility to the States with the need to provide sufficient information for the Agencies to determine that States can meet the environmental review requirements and responsibilities that the Agencies would assign under the Program.

Two State DOTs requested the Agencies reconsider making assignment and assumption of environmental review for highway projects a precondition for assignment and assumption of environmental review for railroad, public transportation, and multimodal projects. One State DOT

indicated that States may be more interested in pursuing assignment and assumption of environmental review for railroad, public transportation, and multimodal projects instead of highway projects. This State DOT asked for clarification on whether this requirement could be satisfied with the assignment and assumption of highway projects qualifying for categorical exclusion pursuant to 23 U.S.C. 326. One State DOT requested clarification that FHWA would not have authority and oversight over the actions of other Operating Administrations.

Section 327(a)(2)(B) specifically establishes that the assignment and assumption of the Secretary's environmental review responsibilities for railroad, public transportation, and multimodal projects is available only if the State has been assigned and has assumed the Secretary's NEPA responsibilities with respect to one or more highway projects. The NEPA review responsibilities for the highway projects must be assigned and assumed under this Program. Assignment and assumption pursuant to 23 U.S.C. 326 for highway projects qualifying for categorical exclusions does not meet this statutory requirement. Assignment and assumption of the environmental review of railroad, public transportation, or multimodal projects that are under the jurisdiction of FRA or FTA does not transfer jurisdiction over the projects to FHWA, but would rather assign that authority to the State directly from FRA or FTA.

One State DOT requested information on the timeframe required for the application review and approval process. The commenter recommended that field offices (Divisions and Regions) provide support to the States in the preparation of the application and that the approval be reserved to Headquarters offices.

The Agencies do not have sufficient experience processing applications for the Program to determine what would be a reasonable timeframe for application review and approval. The timeframe required likely will depend on the details of each application, such as the scope of environmental responsibilities being sought, need for multiple exchanges for additional information, amount of materials included, and other factors. Continuous communication between the State and the Agencies during the application preparation process will reduce the needed time for review.

One professional association stated that the Agencies should have a centralized clearinghouse to provide information on the different arrangements allowed under the Program. The commenter indicated that this would allow States to see what worked and did not work in the Program.

The Agencies appreciate this recommendation and will consider this comment in implementing the Program as they continually seek ways to strengthen the Program.

One State DOT stated that the NPRM did not contain adequate clarification on responsibilities associated with litigation. The commenter sought clarification on whether the Federal Government could reimburse legal fees incurred by a State. The commenter asked: (1) Whether the State was responsible for any legal fees associated with lawsuits based on Federal legal authorities assumed under the Program; (2) if this was the case, what were the limits to a State's exposure, if any; (3) whether there was a distinction between attorney's fees and any other legal fees related to a legal challenge; (4) what were ''reasonable'' attorney's fees and ''eligible activities;'' (5) whether all legal costs are ''eligible activities'' and all legal fees are fully reimbursable if potential plaintiffs successfully argue that NEPA has been violated; (6) whether reimbursement would come from the Surface Transportation Program under 23 U.S.C. 104(b)(2) or from the Equal Access to Justice Act (28 U.S.C. 2412(d)(1)(A)); (7) whether there is a cap on reimbursement if the funds come from the Equal Access to Justice Act; and (8) whether there is any other cap on reimbursement of legal fees. Another State DOT wanted clarification on whether subsequent rulemaking was likely to offer direction on litigation responsibilities.

Questions on litigation responsibilities and details relate to the implementation of the Program whereas this regulation addresses the application process for the Program. Although these comments fall outside the scope of this regulation, the Agencies want to clarify that the Equal Access to Justice Act does not establish a source of funds for the compensation of the opposing party's fees and costs. The Equal Access to Justice Act is the statutory vehicle authorizing this arrangement, not the source of the funds.

One State DOT stated that the NPRM did not contain adequate clarification on the auditing and monitoring requirements of the Program. Another State DOT requested clarification on how the Agencies would develop auditing and monitoring reports, what information the Agencies will require the States to produce and in what timeframes, and what level of State resource commitment will be needed for these reports.

These comments fall outside of the scope of this regulation, which focuses only on the application process. Information on auditing and monitoring expectations and detailed information on timeframes and commitment of resources relate to the implementation of the Program.

**Section-by-Section Comments and Discussion of Changes**

*Section 773.101—Purpose*

The Agencies did not receive any comments on this section and, therefore did not make any changes to the regulatory language.

*Section 773.103—Definitions*

One professional association agreed with the definition of ''class of projects,'' which included ''any defined group'' of projects. The commenter indicated that this definition provided flexibility to States to specify a set of projects. One professional association agreed with the definition of ''Federal environmental law,'' which included Executive Orders such as Executive Order 12898.

The Agencies are adopting the definitions of ''class of projects'' and ''Federal environmental law'' as proposed by the NPRM. In addition, the Agencies are adopting the definitions of all other terms proposed in the NPRM that did not receive any comments.

Highways

One State DOT requested that the definition of ''highway projects'' be expanded to include maintenance activities.

The Agencies have made changes to the definition of ''highway projects'' to better align it with the term ''project'' in 23 U.S.C. 101(a)(18) and avoid limiting the assignment only to construction of highway, bridges, or tunnels. ''Highway project'' is now defined as ''any undertaking that is eligible for financial assistance under title 23 U.S.C. and for which the Federal Highway Administration has primary responsibility.'' This would cover, for example, transportation alternative projects such as trails and environmental mitigation projects. Maintenance activities are not eligible for Federal-aid highway funds. Preventative maintenance may be an eligible activity (*see http://www.fhwa.dot.gov/preservation/100804.cfm*). The Agencies believe that the specific mention of preventive maintenance is not needed since this regulation does not address or change program eligibility.

Multimodal project

Two State DOTs and one professional association indicated that the definition of ''multimodal project'' was overly broad. In particular, they objected to the inclusion of projects that only required the ''special expertise'' of another Operating Administration within U.S. Department of Transportation (DOT). The commenters propose limiting the definition to those projects that require the approval of two or more Operating Administrations.

The Agencies have made changes throughout the regulation that address the assignment of environmental review responsibilities associated with multimodal projects, which make it unnecessary to define the term ''multimodal project.'' These changes take into account the multiple scenarios that could lead to the development of a multimodal project. For example, in paragraphs 773.105(b) and 773.109(d) the Agencies clarify that a State may retain the environmental review responsibilities of the assigning Agency even when a project becomes a multimodal project late in the project development process. A project would not automatically revert to the assigning Operating Administration with the introduction of a multimodal element. The State, however, would need to work with other Operating Administrations as appropriate (for example, establishing cooperating agency, lead agency, or joint lead agency relationships). The Agencies have also added a new paragraph 773.109(d)(1) that allows States to request assignment for discrete multimodal projects. This approach would be useful when the State knows that the project will be a multimodal project from its outset. Additionally, the Agencies have added a new paragraph 773.109(d)(2) that allows a State to request, at the same time it requests assignment from one Agency, the environmental review responsibilities from either of the other two Agencies. This programmatic approach would be useful when the State is willing to take on the FHWA, FTA, and FRA's combined environmental review responsibilities for the multimodal project even when it does not know the specific multimodal projects.

State

One transit agency recommended the expansion of the definition of ''State'' to allow for the delegation of environmental review responsibilities assumed by a State agency to a transit authority if the State agency finds that the transit authority is capable of carrying out those responsibilities. The transit agency recognized that under the proposed definition of ''State,'' a transit authority under its own board of directors would not be able to request assignment and assumption of environmental review responsibilities for proposed public transportation projects. The transit agency argued that transit agencies are most familiar with the environmental impacts that arise from transit, railroad, and multimodal projects they have designed (and will operate) and therefore are best equipped to perform NEPA responsibilities for public transportation projects.

Section 327 authorizes the assignment and assumption of the Secretary's environmental review responsibilities to States. The Governor of the State is required to execute the agreement, particularly in those situations where the responsibilities assigned and assumed are beyond those related to highway projects. 23 U.S.C. 327(c)(1). This requirement indicates that the Governor must have the authority to bind the State agency to the terms of the agreement and only State agencies under the direct jurisdiction of the Governor (or the mayor in the case of the District of Columbia) may participate in the Program. Nothing in NEPA, other environmental laws, or this Program authorizes the delegation or reassignment of environmental review responsibilities from the State to other entities. However, this does not prohibit other entities, like transit agencies that are not under the authority of the Governor, to develop studies, comment on environmental documents, and provide information that would support a proposed project and assist the responsible agency to perform its assumed environmental review responsibilities. For highway and public transportation projects, public agencies that are project sponsors may prepare environmental documents in accordance with 23 U.S.C. 139(c)(3). In fact, a project sponsor that is a State or local governmental entity receiving funds under 23 U.S.C. or 49 U.S.C. chapter 53 must be a joint lead agency for the NEPA process under 23 U.S.C. 139(c)(3), and would need to work with the State agency that has assumed the environmental review responsibilities for the transit project under this program.

*Section 773.105—Eligibility*

Applicants

The Agencies have modified paragraph (a)(1)(v) to clarify that a State is expected to have sufficient financial resources and personnel resources to assume the responsibilities being sought. The Agencies have added the phrase ''and personnel'' to the sentence. This clarification was made to better align with the statutory provision in section 327(b)(4)(B) establishing that the Secretary may approve the application if ''the Secretary determines that the State has the capability, including financial and personnel, to assume the responsibility.''

One State DOT, one professional association, and two public interest groups recommended the elimination of proposed section 773.105(a)(3), establishing that the State DOT is the only agency that can assume the Secretary's environmental review responsibilities for railroad projects. The entities argued that removing this requirement and making eligible State agencies that oversee railroad projects within the State would provide valued flexibility, particularly for those States that have such statewide agencies (such as Virginia). The commenters indicated that the proposed regulations provided this flexibility to State agencies that oversee State public transportation projects and therefore should extend to those that oversee State railroad projects. One metropolitan planning organization opined that there was no identifiable benefit in assigning FRA-funded projects to the State DOT.

The Agencies have deleted proposed paragraph 773.105(a)(3). The final rule will allow any State agency to apply for and assume the Secretary's environmental review responsibilities with respect to railroad projects as long as the agency meets the criteria established in section 773.103 for a State. For example, the agency must be under the direct jurisdiction of the Governor, must be responsible for implementing railroad projects, and cannot be a State-owned corporation.

One professional association concurred with the requirement that the State DOT be the only entity within the State eligible to request assignment of environmental review responsibilities for highway projects because that agency is the entity responsible for administering the Federal-aid highway program within the State. The commenter also concurred with the allowance for any entity of the State to be eligible for environmental review responsibilities related to public transportation projects.

The Agencies agree and did not make any changes to these requirements.

One professional association indicated that the proposed rule did not explain which entity or entities would be eligible to assume the environmental review responsibilities for multimodal projects. The commenter stated that it

was reasonable to infer that a State DOT must obtain assignment for multimodal projects that have highway and/or rail components because the State DOT is the only entity that can obtain assignment for highway and rail projects, but indicated that this point is not clearly made.

The Agencies considered this comment and decided not to prescribe which entity or entities would be eligible to assume environmental review responsibilities for multimodal projects. This allows States maximum flexibility for reaching this decision. There are situations where a single assigned entity could assume all environmental review responsibilities for the multimodal project. There are also situations where a joint lead agency arrangement is appropriate, where each entity maintains responsibility for environmental review of its respective project component. The final rule allows States the flexibility to determine which entity or entities would pursue environmental review assignment on multimodal projects. The lead agency also has the flexibility to involve other State agencies with relevant expertise as cooperating agencies, and States may consider this option.

Responsibilities

Five State DOTs and two professional associations requested the Agencies remove the requirement for the States to assume all NEPA responsibilities. This would allow States to assume environmental review responsibilities for projects that qualify for particular classes of NEPA designation, such as categorical exclusions (CE) or environmental assessments/finding of no significant impacts (EA/FONSI) and not Environmental Impact Statements (EIS). Four State DOTs and one professional association suggested that the statutory language allowing for the assignment and assumption of ''classes of projects'' meant that the assignment and assumption is available for projects fitting a particular NEPA class of action. The commenters stated that this allowance would provide the greatest flexibility to the States, would make the Program more attractive, and would provide for intermediate steps before a State decides to participate in the environmental review of all projects. One public interest group supported the Agencies' proposal to require the States to assume all NEPA responsibilities. The commenter suggested that the environmental review process would be cumbersome, inefficient, and confusing to the public and decisionmakers if a State were to hand off environmental review responsibilities to the Federal agency after determining that an EIS is more appropriate for a project. The commenter also suggested that a partial assignment of NEPA responsibilities would improperly bias the analysis and outcome for particular projects. The commenter indicated that States would have an incentive to determine that an EA is the proper level of review even when a full EIS review is more appropriate for the project.

After considering these comments, the Agencies have decided to retain the requirement proposed in the NPRM. The Agencies believe that allowing the assignment of only certain NEPA classes of action would be contrary to the purpose of the Program. Such an approach would create ambiguity about the assignment of the responsibility to determine class of action. A partial assignment of only projects that initially meet the criteria for an EA class of action would also negatively influence the objectivity of the NEPA analysis performed and the finding reached. For example, this type of partial assignment may lead to the underrepresentation of a project's potential for significant impacts as a way to avoid sending the project back to the assigning Agency when the State does not have assignment for EIS responsibilities. It may also lead to overrepresentation of the potential for significant impacts to push projects back to the Agency. For example, one possible EA process outcome is the determination that an EIS is needed and partial assignment by class of action could require transition of the project to an Agency when the Program is intended to assign administration and liability to the State. In retaining the EIS projects, the Secretary would not be advancing one of the underlying objectives of the Program, which is to transfer the benefit of having more control over the environmental review process of projects together with the risks (for example, the litigation risks). Finally, an alternative to this full NEPA assignment Program exists in 23 U.S.C. 326 (assignment of environmental review of highway projects that qualify for CEs). States interested in an assignment of only CE determinations for highway projects or interested in an intermediate step before full NEPA assignment can use that program instead of the Program.

One State DOT requested clarification on whether the State could assume the environmental review responsibilities under laws other than NEPA for projects where the State is not responsible for the NEPA review. In particular, the State DOT asked whether it could assume responsibility for consultation under section 7 of the Endangered Species Act for highway projects that were not assigned to the State for NEPA review.

The Agencies have determined that assigning environmental review responsibilities of laws other than NEPA without assigning NEPA is neither appropriate nor efficient. The purpose of the Program is to allow States to assume all of the environmental review responsibilities associated with a project, starting with the NEPA process. The law establishes that if a State assumes the NEPA environmental review responsibilities, then the State may be able to assume responsibilities associated with other environmental requirements. Assumption of NEPA responsibilities is a precondition of receiving the environmental review responsibilities of other laws. *See* 23 U.S.C. 327(a)(2)(B) (establishing that assignment of NEPA responsibilities is a precondition of assignment of environmental review, consultation, or other action required under any Federal environmental law). The Agencies would not be able to assign review responsibilities for environmental requirements other than NEPA if they do not assign NEPA responsibilities for a given project.

One State DOT and one professional association supported the Agencies' proposal that would allow assignment of environmental review responsibilities for the highway, railroad, or public transportation components of multimodal projects (identified as option 1 in the NPRM at 78 FR 53712, 53715, Aug. 30, 2013). The commenters stated that the Agencies' proposal is the narrowest interpretation that the regulation should allow. The commenters opposed a narrower interpretation (option 3) that would allow the assignment and assumption of a limited group of multimodal projects (highway-railroad, highway-public transportation, public transportation-railroad, and highway-public transportation-railroad projects) and only in situations where the State has successfully assumed the environmental review responsibilities of all the modes involved. The commenters indicated that this narrower interpretation was too restrictive, would limit the States' abilities to seek streamlining in delivering multimodal projects, and would create practical difficulties for States that have assumed responsibilities for one mode but not others. The professional association urged the Agencies to give further consideration to option 2, which would allow for the assignment of all the Secretary's environmental review responsibilities for multimodal projects,

including those not specifically listed in section 327 (such as review responsibilities for airport and port projects). The commenter argued that the law provided statutory basis for assigning the environmental review responsibilities for any Operating Administration, not just those of the Agencies involved in this rulemaking.

The Agencies have decided to implement option 1, which would allow a State to assume the Secretary's environmental review responsibilities for those elements of a multimodal project that are specifically mentioned in the statute (highway, railroad, and public transportation). The Agencies interpret the addition of multimodal projects in section 327 to mean that the State may retain the environmental review responsibilities of the assigning Agency even when a project becomes a multimodal project later in the project development process. The introduction of a multimodal element to a project does not automatically disqualify the project from assignment. However, the Agencies do not read section 327 as authorizing the assignment of environmental review responsibilities for elements within the purview of Operating Administrations other than FHWA, FRA, and FTA. As a result, the Agencies will retain the language proposed in the rule.

Projects

Two State DOTs and one professional association objected to the exclusion of projects that cross State lines (transboundary projects) from assignment under the Program. The professional association proposed that at a minimum, the Agencies allow for assignment of transboundary projects if the States involved have assumed the environmental review responsibilities. One State DOT indicated that the exclusion for transboundary projects should not be automatic and that the Agencies should allow for assignment regardless of whether the neighboring State has assumed the environmental review responsibilities. Another State DOT indicated that there was no reason why a State could not successfully conduct the NEPA process jointly with another State that has assumed NEPA review responsibilities.

The Agencies considered the comments in light of two scenarios: one in which only one State participates in the Program, and a second where all the States involved participate in the Program. The Agencies decided to retain the regulatory restriction for the first scenario because these situations involve administrative and legal difficulties that necessitate special consideration by the Federal Government. For example, in situations where one State participates in the Program and another does not, the State with assignment would have to share lead responsibilities with the assigning Agency with no added benefit since the Agency would retain the lead role, continuing to bear decisionmaking responsibilities and risks. The second scenario also raises administrative and legal difficulties that support the restriction. Disputes between States may necessitate the Secretary's involvement, putting the Secretary in an inappropriate position of becoming an arbiter between two sovereign entities. For these reasons the Agencies have decided to retain the restriction of assignment of projects that cross State boundaries.

Two State DOTs and one professional association objected to the exclusion of projects located at international borders. The commenters argued that the exclusion should be limited to projects that cross international borders. The professional association stated that projects located at an international border but located entirely within the United States do not raise the same issues involved with projects that cross an international border. The commenter suggested that projects at international borders could be excluded from the assignment by agreement (through the Memorandum of Understanding (MOU)) rather than through regulation if there are particular issues of concern such as a requirement to obtain consent from a bi-national body.

The Agencies have considered the comments and have decided to retain the regulatory restriction against assignment of projects at international borders. These types of projects could result in transboundary impacts that would require coordination with other Federal agencies, such as the Department of State and the Department of Homeland Security and may require coordination with foreign nations. These types of projects require special consideration to ensure that the interests of the Federal Government (for example, national security and international policy) are represented appropriately. For example, these types of projects deserve special attention to determine how they affect or relate to the U.S. Government's national and international policies or responsibilities pursuant to treaties with other nations. The Agencies have changed the ''at'' to ''adjacent to'' for clarity.

Three State DOTs and one professional association stated that the rule should not exclude automatically from assignment and assumption projects designated as high risk projects under 23 U.S.C. 106. One of the State DOTs indicated that Federal law did not exempt high risk projects from NEPA assignment and that FHWA's authority to reject eligibility for projects included in an approved assigned program was not consistent with the law. The professional association indicated that section 106(c) was intended to address State approvals of plans, specifications, and estimates (design approval) for projects on the Interstate System, and the high risk concept is created in the context of design review and approval, not on environmental review of projects. The professional association and two of the State DOTs opposing this exclusion suggested eliminating the regulatory exclusion and addressing restrictions for such projects through the individual agreements with the States. Another State DOT recommended adding the word ''interstate'' before ''projects'' in proposed paragraph 773.105(c)(3) to clarify that high risk projects only apply to projects on the Interstate System.

After considering the comments received, the Agencies have decided to delete this exclusion from the regulation. Section 106(c) of title 23 U.S.C. allows the assignment of the Secretary's responsibilities with respect to design, plans, specifications, estimates, contract awards, and inspections for highway projects on the National Highway System, including projects on the Interstate System. Section 106(c)(4) states that the Secretary cannot assign any responsibilities with respect to design, plans, specifications, estimates, contract awards, and inspections to a State for projects on the Interstate System if the Secretary determines the project to be in a high risk category. Interstate System projects for which assignment of section 106 responsibilities is not appropriate may be projects where assignment of environmental review responsibilities is not appropriate. However, this is a fact-specific decision that should take into account all the circumstances that lead to the high risk category designation instead of a regulatory exclusion. There may be unique situations where an Interstate System project may fit a high risk category under 23 U.S.C. 106(c)(4) and where assignment under this Program remains feasible and preferable. Presently, the only national high risk category is for high risk grantees under 49 CFR 18.12. The Agencies believe that the section 327(b)(4) requirement for the Agencies to take into account the State's capability provides sufficient discretion to determine if a high risk grantee may

participate in the Program. The negotiation of the agreement would provide the appropriate opportunity to determine the possible exclusion of specific high risk projects in the State. A regulatory exclusion is not needed at this time.

One State DOT and one professional association commented on the authority in proposed paragraph 773.105(d), which would allow the Agencies to exclude projects on a case-by-case basis based on unique circumstances. The professional association recommended the exercise of this authority through the individual agreements to customize the unique circumstances for each State. The State DOT recommended defining these unique circumstances in the individual agreements if not the rule. The commenter indicated that the preamble identified examples but the draft rule did not identify clear parameters that would signal to the State when to coordinate with the Agencies to determine if it may assume the project, or identify a process for making such determinations. The State DOT was concerned that exercising this discretion late in the environmental review process potentially could cause substantial delays in project delivery.

The Agencies have decided to retain the 773.105(d) provision to alert applicants that there may be unique situations where the assigning Agency may withhold or withdraw assignment of environmental review for a particular project after the Agency and State have executed the MOU. However, the Agencies agree that the MOU should address the circumstances where the assigning Agency may withhold or withdraw assignment, as well as the process for how those particular circumstances would be addressed.

*Section 773.107—Pre-Application Requirements*

Coordination Meeting

Three State DOTs commented on the requirement for a pre-application coordination meeting in paragraph 773.107(a). One of the State DOTs stated that this is a given and does not need to be prescribed in regulation. Another of the State DOTs indicated that the Agencies should simply require coordination prior to developing and submitting the application. The State DOT indicated that informal contact may be more appropriate in some circumstances than a single, formal meeting, and the requirement for a meeting would reduce the ability of the State and applicable Agency to find coordination mechanisms that are most convenient and effective for the circumstances. Another of the State DOTs recommended that the coordination meeting include representatives from offices above the FHWA Division Office to ensure consistency around the country.

The purpose of the meeting requirement is to ensure that coordination has taken place before the State takes the step of seeking public comment on its application. The required meeting is not meant to be the only coordination point between the State applying for assignment and the relevant Agencies. It is meant to define the minimum coordination requirement prior to public notice of the application, to ensure efficient and effective use of resources of the State applying for assignment and the relevant Agencies. The regulation does not prescribe the form, manner, and timing of the meeting other than to indicate that it must occur prior to the State's publication of the application for public comment. This allows the State and the applicable Agency the flexibility to identify what coordination mechanisms are most convenient and effective for their circumstances. The Agencies have made edits to clarify that the Headquarters representatives of the appropriate Agency must participate in the required coordination meeting.

Public Comment on the State's Application

One State DOT indicated that the use of the phrase ''appropriate State public notice laws'' in paragraph 773.107(b) is likely to cause confusion because most States do not have a public notice law that specifically prescribes the public notice requirements for this type of action. The commenter recommended revision to the proposed rule to require publication of a notice of the application's availability in the State's periodical equivalent to the **Federal Register**, with instructions on how to access the full application on the State's Web site. The commenter indicated that posting the entire application on the State's Web site would satisfy the requirement to publish the complete application listed in section 327(b)(3)(B).

Section 327(b)(3)(B) requires that the State provide notice and solicit comment on the application ''in accordance with the appropriate public notice law of the State.'' The States are in the best position to interpret their State public notice laws and determine what constitutes appropriate statewide notification under those laws. As a result, the Agencies have decided to retain the proposed language.

One State DOT stated that the proposed rule's requirement to seek the views from ''other State agencies, tribal agencies, and Federal agencies that may have consultation or approval responsibilities associated with the project(s) within State boundaries'' exceeded legal requirements and would add unnecessary time and cost.

Section 327(b)(2) authorizes the Secretary to issue regulations on the information required to be contained in any application of a State to participate in the Program including, *at a minimum,* (1) the projects or classes of projects that the Agencies may assign, (2) verification of the financial resources necessary to carry out the authority, and (3) evidence of the notice and solicitation of public comment by the States relating to participation of the State in the Program. This provision provides the Secretary the authority and sufficient discretion to establish the requirements for the Program's application process. The Agencies believe that the views of other State, tribal, and Federal agencies that may have environmental consultation or approval responsibilities are important factors in evaluating the request for assignment. These entities may have worked with the State before and may provide information relevant to the Agencies' decision whether to assign the Secretary's responsibilities or information that could assist in the development of the agreement.

One transit agency and one professional association expressed support for the requirement of requesting comments from recipients of Federal financial assistance under chapter 53 of title 49, U.S.C. The commenters recommended the Agencies give considerable weight and deference to these opinions in making assignment decisions with regard to the Secretary's environmental review responsibilities associated with public transportation projects. The transit agency suggested that the procedures allow for transit authorities to opt-out of the assignment on a programmatic basis instead of a project-by-project basis. The professional association supported the opt-out process for transit authorities but recommended this be available on a programmatic and project-by-project basis. Both commenters requested that the assignment documents, including the MOU, clearly and unambiguously identify the excluded projects. One metropolitan planning organization expressed concerns with the availability of the assignment for FTA and/or FRA-funded projects. The commenter indicated that as a direct recipient of FTA funds, the metropolitan planning

organization works directly with FTA to complete projects. The commenter opined that there was no identifiable benefit in assigning FTA-funded or FRA-funded projects to the State DOT.

Section 327(a)(2)(B)(iii) clearly establishes that recipients of funding under chapter 53 of 49 U.S.C. may request the Secretary to maintain the environmental review responsibilities with respect to one or more public transportation projects. The Agencies have added an additional sentence to paragraph 773.107(b)(1) to clarify that the chapter 53 recipients may request that the Secretary maintain the public transportation environmental review responsibilities either on a project-by-project or programmatic basis. The Agencies agree that the MOUs should identify excluded projects individually and/or programmatically. The FTA will take these comments into account in making its final decision on whether to assign the identified projects. The State DOT is not the only entity within the State that may assume the environmental review responsibilities associated with public transportation and railroad projects; however the entity must be a State agency reporting to the governor.

One State DOT recommended revising the language in paragraph 773.107(b)(2) to clarify that the comments submitted and addressed by the State must be for all ''timely comments in response to the public notice.''

The Agencies considered this comment and have decided against prescribing a timeframe for comments or establishing which comments are or are not timely. These issues relate to the time between the close of the comment period and the submission of an assignment application to the Agencies and the particulars of the State's public notice law. States are in the best position to interpret their laws and determine which comments were timely in accordance with their public notice laws. However, the Agencies encourage States to take into account comments submitted after the filing date, to the extent practicable, to avoid having to address these comments for the first time during the **Federal Register** notice and comment process established through section 773.111. The Agencies have made technical edits to paragraph (b)(2) to indicate that the State must submit copies of all comments received as a result of the publication of the application and that the State must develop responses for all substantive comments.

Sovereign Immunity Waiver

Two State DOTs and one professional association opposed the requirement for States to secure the waiver of sovereign immunity prior to submitting the application to the appropriate Agency. One State DOT indicated that obtaining a waiver of sovereign immunity often requires state legislative and/or gubernatorial action that could extend the application process. The commenters requested a change in the rules to allow States to show proof of waiver of sovereign immunity prior to signing the agreement. The commenters indicated that, as part of the application process, the regulations could require a State to describe the steps it will take to obtain the waiver and the status of those efforts, or provide a plan and a schedule for meeting this requirement. One State DOT stated that the law's requirement for a waiver of sovereign immunity was a major impediment for their participation in the Program because in its situation, only the State legislature can waive sovereign immunity, and there were no precedents in the State for seeking such a waiver.

The Agencies have considered these comments and have decided to retain the requirement as presented in the NPRM. The Agencies expect an interested State to waive its sovereign immunity under the U.S. Constitution's 11th Amendment to the extent needed to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of the environmental review responsibilities under the Program. See 23 U.S.C. (c)(3)(B). This sovereign immunity waiver is a significant precondition for the State's participation in the Program that typically requires State legislative action (in some States gubernatorial action may be sufficient). The absence of the waiver at the application stage is an indicator that the State is not ready for consideration for the Program.

Comparable State Laws

One State DOT and one professional association sought clarification on the requirement for States to have laws in effect that authorize the State to take actions necessary to carry out the responsibilities sought. The commenters were unclear whether the provision required State legislation specifically authorizing assignment or whether it was sufficient for the State to rely on existing laws authorizing the State agency to plan and deliver transportation projects or to engage in environmental review.

This provision, based on 23 U.S.C. 327(c)(3)(C)(i), does not require the passage of new State laws and regulations if the State already has existing laws that provide for the environmental review of surface transportation projects. States may rely on existing laws and regulations to meet this requirement if they determine such laws are sufficiently broad in scope and effect. States should have, for example, laws and regulations that authorize the State agency to conduct reviews of projects within its jurisdiction and to take action to ensure that the environmental mitigation commitments are carried out for the project. The State laws and regulations should not conflict with existing Federal environmental review requirements, including those procedures established by the assigning Agency. The initial meeting and continuous coordination would facilitate a discussion on whether existing laws meet the necessary requirements of this provision.

One State DOT and one professional association opposed the requirement for a State to demonstrate that it has laws comparable to the Freedom of Information Act (FOIA) (5 U.S.C. 552) prior to submitting the application to the appropriate Agency. The commenters requested a change in the rules to allow States to show proof of laws comparable to FOIA prior to signing the agreement. The commenters indicated that, as part of the application process, the regulations could require a State to provide a plan and a schedule for meeting this requirement.

The Agencies have considered these comments and have decided to retain the requirement as presented in the NPRM. As is the case for the sovereign immunity provision, the availability of laws comparable to FOIA is an important precondition for Program participation. 23 U.S.C. 327(c)(3)(C)(ii) requires a State to certify that it has laws that ''are comparable to section 552 of title 5'' of the U.S.C. The absence of the certification at the application stage is an indicator that the State is not ready for consideration for the Program.

Two public interest groups stated that the word ''comparable'' when referring to FOIA requirements was ambiguous. The commenters recommended a few changes to address this issue. First, the commenters suggested changing the text to indicate that the public disclosure laws in effect must be ''at least as stringent'' as FOIA. Second, the commenters suggested the rule include an analogue to the FOIA fee waiver provision for record requests that serve the public interest. The commenters indicated that public interest groups and individual citizens often do not have sufficient resources to pay the bills

demanded by State agencies, which can amount to thousands of dollars for a single request. The commenters suggested that the absence of such a provision would allow State agencies to purposefully run-up the costs by producing large volumes of marginally responsive documents to chill future records requests. Third, the commenters suggested that the rule require State public records acts to include a statutory time frame requirement for the production of records comparable to the 20-day obligation in FOIA. The commenters stated that delayed response times can hamper the ability of citizens to actively engage in the NEPA process and timely access is of utmost importance when there is an opportunity to comment on a NEPA document, as comment periods are narrow and strictly enforced. The commenters suggested including a requirement for State public records laws to prohibit the recovery of search or review fees when the agency fails to meet a statutory deadline absent exceptional circumstances. The commenters also requested that the rule require a State to certify that it has the ability to comply with its public records act and to provide documents in a timely fashion.

The Agencies have considered these comments and have decided against codifying additional criteria to determine whether a state public disclosure law is comparable to FOIA. Section 327(c)(3)(C)(ii) specifically requires that any decision regarding the public availability of a document under the State law be reviewable by a court of competent jurisdiction; however, the provision does not otherwise establish criteria to determine comparability. The Agencies believe that it is sufficient to require the State Attorney General (or other State official legally empowered by State law) to certify that its public disclosure law is comparable to FOIA. In addition, the public involvement processes will provide the public with an opportunity to raise any concerns regarding a particular State's public records law and its comparability with FOIA.

Two public interest groups recommended that the final rule clarify that a State must also submit to the jurisdiction of the Federal Administrative Procedure Act (APA), which governs Federal NEPA review.

The Agencies have considered this comment and have determined that a change in the text of the regulation is unnecessary. A State submits itself to the jurisdiction of the APA by accepting the Secretary's responsibilities with regard to NEPA and other Federal environmental requirements and by submitting to the jurisdiction of the Federal courts. Section 327(d)(2) establishes that a civil action for failure to carry out the responsibilities of the Secretary under this Program would be ''governed by the legal standards and requirements that would apply in such a civil action against the Secretary had the Secretary taken the actions in question.'' This includes the legal standards established under the APA.

*Section 773.109—Application Requirements*

One State DOT objected to the requirement in paragraph 773.109(a)(1) for the State to identify in its application each project for which a DEIS has been issued and a FEIS is pending, and indicated that this provision exceeded legal requirements and would add unnecessary time and costs. One State DOT requested that the MOU include guidance for transitioning active projects from the appropriate Federal agency to the State.

The requirement for States to identify active projects is important for establishing how these projects would be handled once the assignment occurs. This provides interested agencies and the public with notice of those active projects that the State would handle and those that the Agency would handle once assignment occurs. Section 327(b)(2) gives the Secretary the authority and sufficient discretion to establish the requirements for the Program's application process, which in this case includes requesting information on active projects.

One State DOT objected to the requirement in paragraph 773.109(a)(3)(i) for the State to provide a summary of State procedures in place to guide development of documents, analyses, and consultations required to fulfill the environmental review responsibilities. The commenter indicated that this provision exceeded legal requirements and would add unnecessary time and costs. One professional association expressed concern with the NPRM's lack of discussion on the need to keep NEPA reviews separate from State environmental review requirements. The commenter indicated that it was important that the application demonstrate or show that the State will conduct NEPA analyses strictly in accordance with NEPA and its implementing regulations. The commenter suggested adding a requirement to the section for ''an explanation of how the State will ensure that NEPA analyses and analyses conducted under State law will be kept separate and ensure that NEPA analyses will strictly reflect the requirements of NEPA and its implementing Federal regulations.''

Section 327(b)(2) gives the Secretary the authority and sufficient discretion to establish the requirements for the Program's application process. Information about a State's procedures is an important factor to determine if the State has the capability and authority to engage in environmental reviews for projects. It also gives the appropriate Agency the opportunity to determine if there are any elements of the procedures that may be inconsistent with the Agency's environmental review procedures. Providing a summary and a location where the procedures are documented would be sufficient for the Agencies. The Agencies have added a sentence in paragraph 773.109(a)(3)(i) to clarify that in those States with their own State environmental review procedures, the procedures or summary should include a discussion on the differences (if any) between the State's environmental review standards and the Federal environmental review requirements.

One State DOT commented on the requirement in paragraph 773.109(a)(3)(iii) asking a State to provide a discussion of how it will verify legal sufficiency for the environmental documents it produces. The commenter sought clarification that the legal sufficiency review requirement applied only for a FEIS pursuant to 23 CFR 771.125(b) and certain approvals under section 4(f) of the Department of Transportation Act (23 U.S.C. 138 or 49 U.S.C. 303), rather than for all environmental documents. The commenter requested a modification clarifying that the rule requires legal sufficiency review only in these two circumstances.

For FHWA and FTA projects, a legal sufficiency review is required for a final EIS (23 CFR 771.125(b)) and for section 4(f) approvals (23 CFR 774.7(d)). For FRA projects, a legal sufficiency review is required for determinations that an action is not a major FRA action (section 4(b) of FRA NEPA procedures, 64 FR 28545, 28547, May 26, 1999), for every FONSI (section10(c), 64 FR at 28551), for every section 4(f) determination (section 12(b)(6), 64 FR at 28552), every DEIS (section 13(c)(5), 64 FR at 28553), and every FEIS (section 13(c)(13), 64 FR at 28553). The FRA encourages, but does not require, its Program Office to seek advice as to the legal sufficiency of environmental assessments (section 10(d), 64 FR at 28550). Although these are the only situations where either the regulations or the NEPA procedures

require legal sufficiency review, they are not the only situations where legal sufficiency may be warranted in the NEPA review process. For example, as a matter of practice FHWA engages in legal sufficiency review of **Federal Register** notices announcing the 150-day statute of limitations period for environmental review approvals and decisions pursuant to 23 U.S.C. 139(*l*). In addition to legal sufficiency determinations, legal review may be warranted in other situations like in the development of interagency agreements or programmatic approaches. There may also be circumstances where a review that normally does not require legal sufficiency review may benefit from a legal review to identify and address legal risks before determinations, findings, or decisions are issued. The Agencies are interested in understanding the process that the State seeking assignment would have in place to engage with their legal counsel for seeking legal advice in the environmental review process and for obtaining the legal sufficiency determination in those instances that are required by law, regulation, policy, or guidance. This is needed so the Agencies can understand the capability of the State to address legal issues in the Federal environmental review process. To emphasize this point, the Agencies have changed the information requirement in paragraph 773.109(a)(3)(iii) to ''legal reviews'' instead of limiting it to legal sufficiency reviews and have added the phrase ''including legal sufficiency reviews where required by law, policy, or guidance'' to indicate that the appropriate Operating Administration may require legal sufficiency reviews through policy or guidance.

One State DOT objected to the requirement in paragraph 773.109(a)(3)(iv) for States to discuss how they will identify and address those projects that would normally require Headquarters' prior concurrence of the FEIS under 23 CFR 771.125(c). The State DOT stated that this provision exceeded legal requirements and would add unnecessary time and costs. Another State DOT noticed a typographical error in the paragraph and requested that ''Headquarters'' be changed to the possessive form ''Headquarters'.''

Section 327(b)(2) gives the Secretary the authority to establish the requirements for the Program's application process. The prior concurrence process provides an opportunity for FHWA's and FTA's Headquarters offices to review complex or controversial projects to ensure that they are consistent with national policy, do not establish negative precedents, and to brief senior leadership staff of the Agency. Information on how the State will address the prior concurrence process for FHWA and FTA projects, as required by the regulations for environmental review of highway and public transportation projects in 23 CFR 771.125(c), is an important factor for determining whether the State has the resources and capabilities to address complex and controversial issues that require involvement and decisions at the highest levels in the State. As a result, the Agencies have decided to retain this requirement. The Agencies have accepted the edit proposed by the State DOT to change ''Headquarters'' to its possessive form.

One professional association noted that section 1313(b)(2) of MAP–21 amended the Program by clarifying that a State cannot be required, as a condition of obtaining assignment, to forego any project delivery method permitted in the absence of assignment. Another professional association urged the Agencies to focus on flexibility. The commenter stated that the application process should allow States to assume certain parts of the review process, while leaving others to the Federal Government depending on what is in the best interest of advancing the project.

The Agencies have noted these comments and have added paragraph 773.109(a)(3)(v). In the pilot, FHWA had reservations about allowing State DOTs to assume environmental review responsibilities for projects where the State DOT would also pursue acquisition of rights-of-way before the completion of the NEPA process. The FHWA's concern was that this project flexibility had the potential to introduce bias in the NEPA review process and in the general decisionmaking process in favor of the alternative that would benefit from the acquired rights-of-way. This risk of bias is mitigated when the Federal agency remains responsible for the integrity of the NEPA environmental review process. *See generally* 42 U.S.C. 4332(2)(D) (establishing that for non-assignment situations Federal officials retain responsibility of the scope, objectivity, and content of an EIS even if a State agency is allowed to prepare the document); 40 CFR 1502.14(a) (responsibility of the Federal agency to objectively evaluate all reasonable alternatives); 40 CFR 1506.1(b) (responsibility to notify applicant that the Federal agency will take appropriate action to ensure the objectives and procedures of NEPA are achieved when it becomes aware that applicant is about to take action that would have an adverse environmental impact or limit the choice of reasonable alternatives before a ROD is issued); 40 CFR 1506.5(a) (responsibility to independently evaluate information submitted by an applicant for use in the EIS and for its accuracy); and 40 CFR 1506.5(c) (responsibility to avoid conflicts of interests). *See also Burkholder* v. *Peters,* 58 Fed. Appx. 94 (6th Cir. 2003) (holding that independent oversight by the Federal agency ensured objectivity and integrity of the NEPA process in a conflict of interest situation); *Associations Working for Aurora's Residential Environment* v. *Colorado Dept. of Transp.,* 153 F.3d 1122 (10th Cir. 1998) (finding that Federal oversight can be taken into account to determine that the integrity and objectivity of the NEPA process was not compromised). It was FHWA's position that allowing a State DOT to be both the entity pursuing the pre-NEPA right-of-way acquisition and the responsible entity for the environmental review process of the project would create a conflict of interest and have the potential to affect the objectivity and integrity of the NEPA process. Based on these concerns, FHWA prohibited this project flexibility from being used in assigned projects.

Section 1313 amended 23 U.S.C. 327 by adding subparagraph (a)(2)(F), establishing that the ''Secretary may not require a State, as a condition of participation in the [P]rogram, to forgo project delivery methods that are otherwise permissible for projects.'' The Agencies have taken into account the statute's language allowing States to pursue all otherwise permissible project delivery methods and interpret this language to mean that the States are responsible for making the decision on whether the proposed project delivery method (e.g., early acquisition, at-risk final design) and review process meet the objectivity and integrity requirements of NEPA. The Agencies have added a new paragraph 773.109(a)(3)(v) to allow for States to discuss the decisionmaking process they will use to determine whether their proposed project delivery method meets the objectivity and integrity requirements of NEPA. This new paragraph would require a ''discussion of the otherwise permissible project delivery methods the State intends to pursue, and the process it will use to decide whether pursuing those project delivery methods and being responsible for the environmental review meet the objectivity and integrity requirements of NEPA.''

One State DOT objected to the requirement in paragraph 773.109(a)(4) for States to include a description of staff positions, including management, that will be dedicated to fulfill the additional functions needed for the assigned responsibilities, personnel needs (including legal counsel), summary of anticipated resources, and commitment to make the anticipated financial resources available. The State DOT stated that this provision exceeded legal requirements and would add unnecessary time and costs. Another State DOT suggested removing the requirement for States to provide information on staffing levels, organizational structure, and use of consultant services, indicating that the State DOT was concerned that this will allow the Agencies to mandate organizational requirements as a precondition of the assignment. The commenter stated that the Agencies should focus on conducting outcome-based reviews where the Agencies would assess program performance based on discreet metrics (such as the number of legal challenges to a State's NEPA documentation) and identify areas of risk based on actual program implementation, rather than a review of a proposed organizational structure. One public interest group requested that the rule require a State to certify that it has the ability to comply with its public records act and to provide documents in a timely fashion.

Section 327(b)(2) gives the Secretary the authority to establish the requirements for the Program's application process. Description of staff positions that will be dedicated to fulfill the additional functions needed for the assigned responsibilities, personnel needs (including legal counsel), summary of anticipated resources, and commitment to make the anticipated financial resources available is a critical piece of information for the Agencies to determine if the State has the capability, including financial and personnel resources, to assume the responsibilities under the Program (*see* 23 U.S.C. 327(b)(4)(B)). The purpose of the information is to assist in the decision whether to approve the application and is, therefore, required at the application stage. Information on the State's performance in the Program is useful for decisions on whether to renew the State's participation but not appropriate for initial approval decisions. The information could allow the Agencies to make suggestions and recommendations to ensure the successful implementation of the Program within the State. The appropriate Agency should be able to determine if the resources proposed are adequate as this is part of its responsibility to verify that the State has the capability, including financial and personnel, to assume the responsibilities.

Two State DOTs commented on the provision in paragraphs 773.109(a)(6)–(7) requiring States to provide certification by the State Attorney General or other State official legally empowered by State law that the State can and will assume the responsibilities sought, that the State consents to the jurisdiction of Federal courts with respect to the responsibilities sought, and that the State has laws that are comparable to FOIA. One of the State DOTs indicated that certification could be evidenced by the approval of the application and not a separate certification by the State's Attorney General. The commenter also indicated that the requirement for certification on laws comparable to FOIA is not in the statute. The State DOT stated that this provision exceeded legal requirements and would add unnecessary time and costs. The other State DOT stated that the requirement for a certification from the State Attorney General deviated from the statutory requirement in 23 U.S.C. 327(c)(3) and imposed an unnecessary procedural requirement on the State's submission of the application. The commenter indicated that for some States, it may not be the practice of the Attorney General to issue (and there may be no State official legally empowered by State law to make) the types of certification listed in the NPRM. The State DOT indicated that inclusion of the certifications in the State application should suffice since the Governor signs the application and executes the MOU. The commenter suggested the Agencies change the phrase ''can and will assume the responsibilities of the Secretary'' in paragraph 773.109(a)(6) if the Agencies decide to keep the certification requirement. The State DOT indicated that a certification that the State ''can and will assume the responsibilities of the Secretary'' is more appropriate for the individual signing the application or the MOU on behalf of the State. The State DOT commented that a lawyer may appropriately certify that the State is legally empowered by State law to assume the responsibilities of the Secretary.

The Agencies have considered these comments and have decided to retain the requirement as proposed. Section 327(c)(3)(B) establishes that the Governor (or for highway projects, the top-ranking transportation official responsible for highway construction) must expressly consent, on behalf of the State, to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary assumed by the State. In evaluating how to implement this requirement, the Agencies considered how States waive their sovereign immunity under the 11th Amendment of the U.S. Constitution (that is, how they consent to the jurisdiction of Federal courts). In many States this authority rests with the legislature instead of the Governor. In these circumstances, an affirmation by the Governor or a State official waiving sovereign immunity may lack legal authority. Identifying who can and how to waive sovereign immunity involves legal research and interpretation of State laws. The Agencies believe that States' attorneys are in the best position to determine the validity of the waiver of sovereign immunity within their States. Therefore, the Agencies have decided to rely on the legal opinion of the State official who is empowered to issue binding legal opinions for the State's executive branch as a way to ensure that the sovereign immunity waiver is valid and supported by law. Typically this official is the State Attorney General, but in some States the agency's (for example, State DOT) general counsel may have the authority under the State Constitution or State statute to issue legal opinions that bind the State. The Agencies have added the phrase ''to issue legal opinions that bind the State'' to make clear that another State official that has this authority may issue the certification. The Agencies interpret section 327(b)(2) as providing the Secretary with sufficient authority to establish this as a requirement for the application process.

The Agencies also believe that the State Attorney Generals (or other State official empowered by law to issue binding legal opinions) are in the best position to opine that the State public records laws are comparable to FOIA and that the State has laws that authorize it to take actions necessary to carry out the responsibilities being assumed. This certification is explicitly required in section 327(c)(3)(C). The Agencies interpret section 327(b)(2) as providing the Secretary with sufficient authority to establish this as a requirement for the application process.

The Agencies agree with the comments objecting to the manner in which the requirement is phrased which indicates that the State Attorney General must certify that the State ''can and will assume the responsibilities of the Secretary.'' The Agencies have changed the phrasing to a certification that the

State ''has legal authority'' to assume the responsibilities of the Secretary.

Two State DOTs commented on the requirement in paragraph 773.109(a)(10) requiring the State Governor's signature approving the application. One State DOT indicated that this exceeded legal requirements and would add unnecessary time and costs. The other State DOT recommended the rule retain the flexibility in the previous version of part 773 allowing the head of the State agency having primary jurisdiction over highway matters to sign the Program application.

The Agencies have considered this comment and have decided to make the change requested to allow the top ranking transportation official in the State who is charged with responsibility for highway construction to sign the Program application with respect to highway projects. This change is consistent with the statutory language in section 327(c)(1) requiring the Governor or the top ranking transportation official in the State who is charged with responsibility for highway construction to execute the agreement. The purpose of requiring the Governor's signature on the application instead of limiting the Governor's involvement to the execution of the agreement is to ensure that the highest level in the State's executive branch is aware of the resource commitment involved with implementing the Program and is aware of the responsibilities involved in participation. The Agencies interpret section 327(b)(2) as providing the Secretary with sufficient authority to establish this as a requirement for the application process.

One professional association commented on the requirement in paragraph 773.109(d), which states that the State should submit an application for multimodal projects as early as possible once the project is identified as a multimodal project. The commenter stated that the final rule should make clear that the States can request assignment for multimodal projects in general, not just on an individual basis. The professional association recommended removing or revising language that assumes that a State will identify a specific multimodal project during the application process.

The Agencies considered these comments and decided to modify this requirement. The Agencies interpret the addition of multimodal projects in section 327 to mean that the State may retain the environmental review responsibilities of the assigning Agency even when a project becomes a multimodal project later during the project development process. The introduction of a multimodal element to a project does not automatically disqualify the project from assignment. The final rule now establishes a presumption that a State's request for assignment includes the environmental review responsibilities for those elements of a multimodal project that are within the purview of the assigning Agency. The Agencies would expect States to work with other Operating Administrations as appropriate (for example, establishing cooperating agency, lead agency, or joint lead agency relationships). Specifically, the Agencies have added a sentence in paragraph 773.105(b) and have modified paragraph 773.109(d) to establish this presumption. The provision allows States to opt-out of this presumption by affirmatively rejecting these responsibilities in the application. In these situations, the environmental review responsibilities would remain with the Operating Administration whenever a project becomes a multimodal project.

The Agencies have also added a new paragraph 773.109(d)(1) that allows States to request assignment for discrete multimodal projects. This would be helpful, for example, in situations where a project is identified early in its project development process as a multimodal project and where the State is only interested in the environmental review responsibilities for that project or group of projects. In addition, the Agencies have introduced a new paragraph 773.109(d)(2) that allows States to pursue a limited assignment of multimodal environmental review responsibilities. This provision allows a State to request, at the same time it requests assignment from one Agency, the multimodal environmental review responsibilities from either of the other two Agencies. This would mean that, if successful, a State would get all the assignable responsibilities for a multimodal project without needing to apply at a later stage for the other Agencies' environmental review responsibilities. These changes address the requests for more flexibility when it comes to assignment of environmental review responsibilities with respect to multimodal projects.

One State DOT noted that the application requirements for multimodal projects appear to suggest that separate applications would be required for each multimodal project, group of projects, or class of projects. The State DOT encouraged the Agencies to seek opportunities to increase consistency among Operating Administrations and align requirements and processes for multimodal projects so that States might handle the projects and potential assignment programs more efficiently. The State DOT was concerned that the highly variable nature of multimodal projects and the array of circumstances and requirements present would mean that States interested in assignment of multimodal projects would need to devote substantial resources in developing applications for different projects or classes of projects, and for maintaining and monitoring the associated programs.

To address the commenter's concerns, the Agencies have decided to change the rule to establish a presumption that States requesting assignment of environmental review responsibilities for highway, railroad, or public transportation projects are also requesting those responsibilities for those components of multimodal projects. As a result, a State would not need to submit separate applications for environmental review responsibilities for those components of multimodal projects. The Agencies also have allowed for the possibility of State requests for environmental review responsibilities for discrete multimodal projects. This accommodates situations where a multimodal project is known at the outset and for situations where a State is only interested in environmental review responsibilities for multimodal projects and no other responsibilities. The Agencies, with the assistance of the Office of the Secretary of Transportation, will continue to seek opportunities to increase consistency in the environmental review process and align requirements and processes for multimodal projects so that States might handle the projects more efficiently.

One professional association welcomed the provision allowing for electronic submissions and joint applications when applying for assignment from more than one DOT agency. The commenter opined that these provisions will promote efficiency in the application process, especially when a joint application is filed.

The Agencies agree and revised paragraph 773.109(f) to establish that States should submit joint applications to FHWA instead of requiring submission to each Operating Administration. The FHWA will take the responsibility of circulating the joint application to the appropriate Agency for consideration and approval.

*Section 773.111—Application Review and Approval*

Three State DOTs objected to the requirement in paragraph 773.111(a) stating that the Agencies will provide a notice and comment opportunity for

their decision to assign the environmental review responsibilities to a State. One State DOT indicated that the requirement for both the State and the appropriate Agency to solicit public comment for the same application was unnecessary and redundant, and should be carried out concurrently. Another State DOT stated that the law only requires one episode of public involvement while the regulations require multiple episodes of public involvement. Another State DOT commented that the Agencies should eliminate the public involvement process required in paragraph 773.111(a) because the law does not require it. The commenter indicated that if the purpose of this requirement is to ensure the application gets noticed in the **Federal Register**, then the rule should require the State to provide a draft notice to the Agency for publication.

The Agencies considered these comments and have decided to retain the requirement. The public involvement process for the appropriate Agency's decision to assign the environmental review responsibilities serves a different purpose than the public involvement process required for the State's application. In this instance the public involvement provides input to the Agencies on their decision to assign and the scope of the potential assignment. At this stage, the public is made aware of the content of the agreement and any special conditions or restrictions that the Agencies may be considering. The public is given a chance to influence the ultimate decision to allow the State to participate in the Program. The scope of public involvement is also broader because it would seek input at a national level instead of being limited to within the State. Finally, the notification process facilitates the requirement in section 327(b)(5) for the Secretary to solicit the views of Federal agencies before approving the application.

One professional association commented that there was no reason to make it optional for the State to provide to the public its application, supporting materials, and a list of responsibilities sought by the State that the Operating Administration proposes to retain. The commenter indicated that this information must be made available if the public is going to have a fair opportunity to comment. The commenter recommended using the word ''must'' instead of ''may'' in the second sentence of paragraph 773.111(a). One State DOT objected to the inclusion of a draft MOU in the materials that would be made available for comment after the State has submitted its application. The State DOT indicated that making the Draft MOU available would be beyond the procedural requirements set by statute and are unnecessary from a public policy perspective given that the public would have had two opportunities to inspect the State's application. The State DOT indicated that the MOU is a legal document used to formalize the assignment that contains various certifications and commitments, and sets forth common understandings between the two agencies about how the Operating Administration will monitor the State. The State DOT stated that this is a binding agreement only on the respective parties and does not affect the rights or obligations of any private party. Therefore, the commenter argued, it is not the type of document that is normally circulated for public comment.

The Agencies have decided to make the suggested change by the professional association in paragraph 773.111(a). With respect to the draft MOU, the Agencies agree with the State DOT that the MOU would contain various certifications and commitments, and set forth common understandings between the two agencies about how the Operating Administration will monitor the State. The MOU would discuss the expectations and conditions for Program participation. The Agencies believe that these reasons support the disclosure of the MOU in its draft form to seek input from interested parties on the terms and conditions proposed. This has been the practice that FHWA has followed successfully in its implementation of the 23 U.S.C. 326 assignment program for highway projects that qualify for categorical exclusions. The Agencies have also substituted the phrase ''any additional supporting materials'' with ''a draft of the MOU'' to indicate that the Agency will provide a draft of the agreement for public review.

One State DOT requested information on which branch or office of the Operating Administration will grant application approval.

The NPRM did not specify that the Administrator of the appropriate agency would approve each application. The Agencies have added paragraph 773.111(c) to clarify that the Administrator is responsible for approving and executing the MOU on behalf of the appropriate Agency

*Section 773.113—Application Amendments*

One State DOT objected to the requirement of two separate public comment periods for amendments: one under the State public notice laws and one by the Federal agency. The commenter indicated that the rule should not require the second Federal public comment period. The commenter also stated that the notice and solicitation of public comment should be limited to amendments that substantially change the scope or nature of the application.

The Agencies considered these comments and modified the provision to require public comment if the amendment makes substantial changes to the original application. This change recognizes that there may be amendments that do not trigger the need for notification and invitation for public comment. The regulation makes clear that the Agencies are the final decisionmaker on whether the amendment is a substantial change that triggers the need for additional public comment. The Agencies also are the final decisionmakers on whether one or two public involvement opportunities are needed—one for the amended application and one for the Agencies' decision to approve the amended application. If the appropriate Agency determines that a notice and request for public comment through the State process is needed in the same fashion as paragraph 773.107(b), then the Agency will expect the State to provide the comments submitted and identify the changes made to the application in response to the comments.

One State DOT expressed concern with the requirement in paragraph 773.113(b) that a State cannot amend an application earlier than 1 year after the execution of the MOU. The commenter indicated that some amendments may take longer to implement than others.

The Agencies considered this comment and decided to eliminate the 1-year restriction. The purpose of the wait period after the execution of the MOU was to avoid situations where a State requests significant changes shortly after the execution of the MOU. These situations have the potential to confuse the public and resource agencies on which entity is responsible for the environmental review of a project. Although the Agencies believe that this caution remains valid, they do not believe that the regulation needs to prescribe a particular timeframe (like one year as proposed in the NPRM). There may be situations where amendments could be warranted in the first year. The Agencies determined that they have sufficient discretion to take these concerns into account when considering requests for amendments. Communication between the appropriate Operating Administration(s) and the State will assist in determining

whether the Operating Administration(s) should process the amendment or whether more time is needed prior to pursuing the amendment. The Agencies have added a new paragraph 773.113(b)(3) to clarify that the Operating Administration has the discretion to accept or reject the amendment and to modify the MOU if needed.

The Agencies have made further changes in paragraph 773.113(b) to clarify that post-MOU amendments could occur in situations where a renewal MOU exists. The Agencies will handle such requests in the same manner as post-MOU amendment requests.

*Section 773.115—Renewals*

One State DOT indicated that the rule lacked provisions for performance evaluation when considering renewal requests and objected to the requirements that were tantamount to a reapplication process because they would be time-consuming. The commenter suggested the renewal process be based on a determination by the Secretary that the State has satisfactorily carried out the provisions of the existing MOU and that is supported by the audit and monitoring reviews required as part of the MOU implementation.

After considering these comments the Agencies have made various changes to the renewal application process. First, the application to renew an MOU is now the ''renewal package.'' Second, the Agencies have switched paragraphs 773.115(b) and 773.115(d) as they were proposed in the NPRM. Paragraph 773.115(b) now discusses the need for public notice and comment on the renewal package. Paragraph 773.115(d) now discusses the 180-day time limit for the submittal of renewal packages. Third, the Agencies have modified the requirement for public notice and comment on the renewal package. Paragraph 773.115(b) indicates that after discussing with the State any changes that have occurred since the original application, the appropriate Operating Administration will decide whether to require a statewide public notice and comment before submission of the renewal package in addition to the **Federal Register** public notice and comment period on the Operating Administration's decision to approve the renewal. Fourth, in paragraph 773.115(c), the Agencies also have made changes to the information required in the renewal package. The final rule now establishes that the renewal package must include up-to-date certifications required in paragraphs 773.109(a)(6)–(7) if they are needed and the Governor's signature is on the renewal package. Up-to-date certifications may be needed if there have been changes in State laws affecting these certifications or if the necessary State laws have ''sunset'' termination dates that would occur before the end of a renewal period. States must also describe any changes that have occurred since the initial application. If the Operating Administration requires an opportunity for public comment prior to the submission of the renewal package, the State must provide the comments submitted and responses to substantive comments, and note any changes the State has made in response to the comments. Thus, this process now focuses on the changes that have occurred since the original application instead of requiring re-application. Finally, the Agencies have added paragraph 773.115(g) to clarify that the approval decision will take into account the audit and monitoring reports and the State's overall performance in the Program.

One State DOT objected to the requirement in paragraphs 773.115(a)–(b) for the State to notify the appropriate Agency twelve months before expiration of the MOU and for the submittal of the application 180 days prior to the MOU expiration. The State DOT indicated that this exceeded legal requirements and would add unnecessary time and costs.

Section 327(b)(2) gives the Secretary the authority to establish the requirements for the Program's application process, including the renewal process. The timeframe provided is important to ensure adequate planning by both the Operating Administration and the State. The Operating Administration must plan for adequate resources and dedicated time to ensure a smooth transition. The Agencies believe that this is an appropriate timeframe based on FHWA's experience with the pilot program.

One State DOT indicated that Federal law does not require the items for the MOU renewal application listed in paragraphs 773.115(c)(1)–(4).

The Agencies have made several changes to the information required for renewal packages. The Agencies note that section 327(b)(2) gives the Secretary the authority to establish the requirements for the Program's application process, including the renewal process.

One State DOT objected to the requirement in paragraph 773.115(c)(4) of having the Governor sign the renewal application. The commenter recommended the rule allow the head of the State agency having primary jurisdiction over highway matters to sign the Program renewal application.

The Agencies agree that the head of the State agency having primary jurisdiction over highway matters could sign the Program renewal package since this officer is allowed by section 327(c)(1) to execute the MOU. This allowance, however, is limited to Program participation with regard to highway projects.

One State DOT objected to the requirement of two separate public comment periods for renewals: One under the State public notice laws and one by the Federal agency. The commenter indicated that the rule should not require the second Federal public comment period.

The Agencies considered this comment and modified the provision to allow for statewide notification and public comment if significant changes have occurred compared to the previous application or if renewal proposes the assumption of new responsibilities. This change recognizes that there may be renewals that do not trigger the need for two notice and comment procedures. The regulation makes clear that the Agencies are the final decisionmaker on whether the renewal triggers the need for a statewide notice and public comment period prior to the State's submittal. If the appropriate Agency determines that a notice and request for public comment through the State process is needed in the same fashion as paragraph 773.107(b), then the Agency will expect the State to provide the comments submitted and identify the changes made to the application in response to the comments.

One State DOT expressed support for the provision that allows continuance of the Program in cases where there are delays in the execution of the renewal of the MOU.

The Agencies appreciate the comment and are not making any changes to this section.

*Section 773.117—Termination*

Two State DOTs and one public interest group commented on the lack of information on the circumstances, restrictions, and criteria for termination. One State DOT indicated that the rule should specify the restrictions on both the Secretary's and the State's abilities to terminate, or the Agencies should omit the provision from the rulemaking altogether. The public interest group supported not including specific criteria, but indicated that the rule should make clear that, at a minimum, termination will be required if any of

the conditions set out in the application process are no longer being met.

The Agencies considered these comments and decided to make changes to the section to address them. Section 773.117 is now divided into four subsections. The first, paragraph 773.117(a), discusses termination by the Operating Administration. The paragraph specifies that the Operating Administration that granted the assignment may terminate the State's participation if it determines that the State is not adequately carrying out the responsibilities assigned to the State. It includes examples of situations where the Operating Administration may make this finding including persistent neglect of, or noncompliance with, any Federal laws, regulations, and policies; failure to address deficiencies identified during the audit or monitoring process; failure to secure or maintain adequate personnel and financial resources to carry out the responsibilities assumed; intentional noncompliance with the terms of one or more MOU(s); and persistent failure to adequately consult, coordinate, and/or take the concerns of other Operating Administrations, Federal agencies, and resource agencies into account in carrying out the responsibilities assumed. This list is illustrative; it is not meant to be all-inclusive. Paragraph (a)(1) establishes that the auditing and monitoring reports may be sources for this finding, and that the Operating Administration is not bound only to these sources of information. Paragraph (a)(2) restates the requirement in 23 U.S.C. 327(j)(B) that the Operating Administration must provide notice and an opportunity for corrective action before terminating the State's participation. The paragraph also emphasizes that the Operating Administration is the entity that determines whether the corrective actions taken by the State were satisfactory, as established in section 327(j)(1)(C) of title 23 U.S.C.

New paragraph (b) provides the termination procedures when a State initiates termination. The regulation closely follows the requirements in 23 U.S.C. 327(j)(2) for those situations. The statute provides that the Secretary may establish terms and conditions for these types of termination requests. Based on this authority, the Agencies have established a requirement for the inclusion of a draft transition plan with the notification, and for the agreement and approval of a final transition plan before termination takes effect. The MOUs may establish additional terms and conditions for these types of termination requests. Paragraphs (b)(1)–(5) establish the information that States must include in transition plans. Paragraph (b)(5) indicates that the appropriate Operating Administration may request additional information that paragraphs (b)(1)–(4) have not identified.

New paragraph (c) establishes procedures for termination by mutual agreement. The statute is silent on these types of termination, and the Agencies believe that there is sufficient discretion to establish procedures for these types of termination situations. In these situations, the State and the Operating Administration may agree on a particular date or timeframe for termination prior to the expiration of the MOU. For example, this could occur when after several years of State participation both parties decide that it is in their best interest to terminate the State's participation. A precondition of this type of termination is the agreement and approval by both parties of a transition plan that contains the same information as required in paragraphs (b)(1)–(5).

Finally, new paragraph (c) discusses the effect of termination of the State's participation with regard to highway projects on railroad, public transportation, or multimodal-related assignments, if they have been granted under the Program. Section 327(a)(2)(B) establishes that assignment of the Secretary's environmental review responsibilities with respect to highway projects is a precondition of assignment of environmental review responsibilities with respect to railroad, public transportation, and multimodal projects. Consequently, if assignment with respect to highway projects is terminated, assignment with respect to railroad, public transportation, and/or multimodal projects must also be terminated.

One public interest group and one professional association requested a provision allowing the public to petition the Agencies to withdraw assigned responsibilities. The professional association was particularly concerned that States would fail to adhere strictly to the NEPA requirements and offered the following new paragraph (b): ''Any person may petition FHWA, FRA, or FTA for termination of the Secretary's assignment of responsibilities to a State by petitioning the FHWA, FRA, or FTA Administrator. The application must set forth the reasons termination is sought.'' The public interest group indicated that allowing third party petitions for termination would allow these third parties to monitor the success of the Program and would assist in the conservation of Federal resources. The commenter also indicated that this would create an opportunity for those individuals and organizations on the ground, closest to the administration of the program, to have a role in its oversight.

The Agencies have considered these comments and have decided not to create a third-party petition process. The law does not establish a process for third-parties (other than recipients of chapter 53 funding) to petition or object to an assignment decision. However, the Agencies believe that any information from third parties on the adequacy of approving assignment or renewal, or on the performance of a State, are important factors in the Operating Administration's decisionmaking and oversight process with regard to this Program. The Agencies encourage third parties and the public to use the opportunities for public involvement that will be available throughout the application, auditing, and renewal processes to express their views on these matters with regard to the particular State.

## Statutory/Legal Authority for This Rulemaking

The Agencies derive explicit authority for this rulemaking action from 23 U.S.C. 327(b)(2), which states that ''the Secretary shall amend, as appropriate, regulations that establish requirements relating to information required to be contained in any application of a State to participate in the program.'' In addition, 49 U.S.C. 322 provides authority to ''[a]n officer of the Department of Transportation [to] prescribe regulations to carry out the duties and powers of the officer.'' The Secretary delegated this authority to the Agencies in 49 CFR 1.81(a)(3), which provides that the authority to prescribe regulations contained in 49 U.S.C. 322 is delegated to each Administrator ''with respect to statutory provisions for which authority is delegated by other sections in [49 CFR Part 1].'' Included in 49 CFR Part 1, specifically 49 CFR 1.81(a)(4)–(6), is the delegation of authority with respect to the Secretary's environmental review requirements.

## Rulemaking Analyses and Notices

The Agencies considered all comments received before the close of business on the comment closing date indicated above, and the comments are available for examination in the docket (FHWA–2013–0022) at Regulations.gov. The Agencies also considered comments received after the comment closing date and filed in the docket prior to this final rule.

**Executive Orders 12866 and 13563 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures**

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). The Agencies have determined that this action is not a significant regulatory action under section 3(f) of Executive Order 12866 and is not significant within the meaning of Department of Transportation's regulatory policies and procedures (44 FR 11034, Feb. 2, 1979).

The changes to this rule are not anticipated to adversely affect, in a material way, any sector of the economy. This final rule sets forth application requirements for the Program, which will result in only minimal costs to program applicants. In addition, these changes would not interfere with any action taken or planned by another agency and would not materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs. Consequently, a full regulatory evaluation is not required.

**Regulatory Flexibility Act**

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*), the Agencies must consider whether this final rule would have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations under 50,000. States are not included in the definition of small entity set forth in 5 U.S.C. 601. The final rule addresses application requirements for States wishing to participate in the Program. Therefore, the Regulatory Flexibility Act does not apply, and the Agencies certify that this action would not have significant economic impact on a substantial number of small entities.

**Unfunded Mandates Reform Act of 1995**

This final rule would not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 109 Stat. 48). This final rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $148.1 million or more in any 1 year (2 U.S.C. 1532).

**Executive Order 13132 (Federalism Assessment)**

Executive Order 13132 requires agencies to ensure meaningful and timely input by State and local officials in the development of regulatory policies that may have a substantial, direct effect 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. The Agencies have analyzed this final rule in accordance with the principles and criteria contained in Executive Order 13132 and determined that this action will not have Federalism implications as described by the Executive Order. The Agencies have also determined that this action would not preempt any State law or State regulation or affect any States' ability to discharge traditional State governmental functions.

Under the Program, a State may voluntarily assume the responsibilities of the Secretary for implementation of NEPA for one or more highway projects, and one or more railroad, public transportation, or multimodal projects. Upon a State's voluntary assumption of NEPA responsibilities, a State also may assume all or part of the Secretary's responsibilities for environmental review, consultation, or other action required under any Federal environmental law pertaining to the review or approval of highway, public transportation, railroad, or multimodal projects. It is expected that a State would choose to assume these Federal agency responsibilities in those cases where the State believes that such an action would enable the State to streamline project development and construction. The assumption of these Federal agency responsibilities would not preempt any State law or State regulation or affect any States' ability to discharge traditional State governmental functions. Any federalism implications arising from the States' assumption of Federal agency responsibilities are attributable to 23 U.S.C. 327. Any change in the relative role of the State is consistent with section 2(a) and 3(c) of Executive Order 13132 because the Federal Government is granting to the States the maximum administrative discretion possible.

The NPRM invited State and local governments with an interest in this rulemaking to comment on the effect that adoption of specific proposals may have on State or local governments. No State or local governments provided comments on this issue.

**Executive Order 13175 (Tribal Consultation)**

Executive Order 13175 requires agencies to ensure meaningful and timely input from Indian tribal government representatives in the development of rules that ''significantly or uniquely affect'' Indian communities and that impose ''substantial and direct compliance costs'' on such communities. The Agencies have analyzed this action under Executive Order 13175 and believe that the action would not have substantial direct effects on one or more Indian tribes; would not impose substantial direct compliance costs on tribal governments; and would not preempt tribal law. The final rule addresses application requirements for the Program and would not impose any direct compliance requirements on tribal governments. Therefore, a tribal summary impact statement is not required. The Agencies received no comment in response to our request in the NPRM for comments from Indian tribal governments on the effect that adoption of this specific proposal might have on Indian communities.

**Executive Order 13211 (Energy Effects)**

The Agencies have analyzed this action under Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.* The Agencies have determined that this action is not a significant energy action under that Order because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects under Executive Order 13211 is not required.

**Executive Order 12372 (Intergovernmental Review)**

The DOT's regulations implementing Executive Order 12372 (49 CFR part 17) applied to this action, and the Agencies followed them in developing this final rule.

**Paperwork Reduction Act**

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for collections of information they conduct, sponsor, or require through regulations. The PRA applies to Federal agencies' collections of information imposed on ten or more persons. ''Persons'' include a State, territorial, tribal, or local government, or branch thereof, or their political subdivisions. In this regulation, the

Agencies consider the State to be the applicant/person for all types of projects covered by this regulation. A State with multiple applications would count as one person for purposes of the Agencies' PRA analysis.

The Agencies have determined that the number of States interested in the Program is very small. During FHWA's implementation of the Pilot Program in the past 7 years, only one State, California, indicated any interest and applied to participate in the Program. The FHWA twice surveyed the remaining States for any additional interest in participation and received no expressed interest. The Agencies are aware of only one additional State that has initiated legislative action to facilitate its potential application for this Program.

Based on this information, the Agencies' anticipate fewer than 10 States requesting to participate in the Program. The Agencies will initiate the clearance process for OMB's approval to collect information if they receive applications from nine States. The Agencies will contact OMB to initiate that process at that time.

**Executive Order 12988 (Civil Justice Reform)**

This action 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.

**Executive Order 12898 (Environmental Justice)**

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,* and DOT Order 5610.2(a) (the DOT Order), 91 FR 27534, May 10, 2012 (available at *www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/order_56102a/index.cfm*), require DOT agencies to achieve environmental justice (EJ) as part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects, including interrelated social and economic effects, of their programs, policies, and activities on minority populations and low-income populations in the United States. The DOT Order requires DOT agencies to address compliance with Executive Order 12898 and the DOT Order in all rulemaking activities. In addition, FHWA and FTA have issued additional documents relating to administration of Executive Order 12898 and the DOT Order. On June 14, 2012, FHWA issued an update to its EJ order, FHWA Order 6640.23A, *FHWA Actions to Address Environmental Justice in Minority Populations and Low Income Populations* (the FHWA Order) (available at *www.fhwa.dot.gov/legsregs/directives/orders/664023a.htm*). The FTA also issued an update to its EJ policy, *FTA Policy Guidance for Federal Transit Recipients,* (the FTA Circular) 77 FR 42077, July 17, 2012 (available at *www.fta.dot.gov/legislation_law/12349_14740.html*).

The Agencies have evaluated this final rule under the Executive Order, the DOT Order, the FHWA Order, and the FTA Circular. The Agencies have determined that the proposed application regulations would not cause disproportionately high and adverse human health and environmental effects on minority or low income populations. States assuming NEPA responsibilities and Executive Order 12898 responsibilities must comply with the Department's and the appropriate Operating Administrations' guidance and policies on environmental justice and title VI of the Civil Rights Act of 1964.

**Executive Order 13045 (Protection of Children)**

The Agencies have analyzed this action under Executive Order 13045, *Protection of Children from Environmental Health Risks and Safety Risks.* The Agencies certify that this final rule would not concern an environmental risk to health or safety that might disproportionately affect children.

**Executive Order 12630 (Taking of Private Property)**

The Agencies do not anticipate that this action would affect a taking of private property or otherwise have taking implications under Executive Order 12630, *Governmental Actions and Interference with Constitutionally Protected Property Rights.*

**National Environmental Policy Act**

Agencies must adopt implementing procedures for NEPA that establish specific criteria for, and identification of, three classes of actions: those that normally require preparation of an EIS; those that normally require preparation of an EA; and those that are categorically excluded from further NEPA review (40 CFR 1507.3(b)). This action qualifies for CEs under 23 CFR 771.117(c)(20) (promulgation of rules, regulations, and directives) and 771.117(c)(1) (activities that do not lead directly to construction) for FHWA, and 23 CFR 771.118(c)(4) (planning and administrative activities that do not involve or lead directly to construction) for FTA. In addition, FRA has determined that this action is not a major FRA action requiring the preparation of an EIS or EA under FRA's Procedures for Considering Environmental Impacts (64 FR 28545, May 26, 1999 as amended by 78 FR 2713, Jan. 14, 2013). The Agencies have evaluated whether the action would involve unusual circumstances or extraordinary circumstances and have determined that this action would not involve such circumstances.

Under the Program, a selected State may voluntarily assume the responsibilities of the Secretary for implementation of NEPA for one or more highway projects, and one or more railroad, public transportation, or multimodal projects. Upon a State's voluntary assumption of NEPA responsibilities, that State also may choose to be assigned all or part of the Secretary's responsibilities for environmental review, consultation, or other action required under any Federal environmental law pertaining to the review or approval of highway, public transportation, railroad, or multimodal projects. A State must follow the DOT's and the appropriate Agency's regulations, policies, and guidance with respect to NEPA and the assumed environmental law responsibilities. As a result, the Agencies find that this rule will not result in significant impacts on the human environment.

**Regulation Identification Number**

A regulation identification 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.

**List of Subjects**

*23 CFR Part 773*

Environmental protection, Highways and roads.

*49 CFR Part 264*

Environmental protection, Railroads.

*49 CFR Part 622*

Environmental protection, Grant programs—transportation, Public transit, Recreational areas, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Agencies amend 23 CFR chapter I and 49 CFR chapters II and VI as follows:

**Title 23**

■ 1. Revise part 773 to read as follows:

## PART 773—SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM APPLICATION REQUIREMENTS AND TERMINATION

Sec.
773.101 Purpose.
773.103 Definitions.
773.105 Eligibility.
773.107 Pre-application requirements.
773.109 Application requirements.
773.111 Application review and approval.
773.113 Application amendments.
773.115 Renewals.
773.117 Termination.
Appendix A to Part 773—Example List of the Secretary's Environmental Review Responsibilities That May Be Assigned Under 23 U.S.C. 327.

**Authority:** 23 U.S.C. 315 and 327; 49 CFR 1.81(a)(4)–(6); 49 CFR 1.85

### § 773.101 Purpose.

The purpose of this part is to establish the requirements for an application by a State to participate in the Surface Transportation Project Delivery Program (Program). The Program allows, under certain circumstances, the Secretary to assign and a State to assume the responsibilities under the National Environmental Policy Act of 1969 (NEPA) and for environmental review, consultation, or other action required under certain Federal environmental laws with respect to one or more highway, railroad, public transportation, or multimodal projects within the State.

### § 773.103 Definitions.

Unless otherwise specified in this part, the definitions in 23 U.S.C. 101(a) and 49 U.S.C., are applicable to this part. As used in this part:

*Classes of projects* means either a defined group of projects or all projects to which Federal environmental laws apply.

*Federal environmental law* means any Federal law, regulation, or Executive Order (E.O.) under which the Secretary of the U.S. Department of Transportation (DOT) has responsibilities for environmental review, consultation, or other action with respect to the review or approval of a highway, railroad, public transportation, or multimodal project. The Federal environmental laws for which a State may assume the responsibilities of the Secretary under this Program include the list of laws contained in Appendix A to this part.

*Highway project* means any undertaking that is eligible for financial assistance under title 23 U.S.C. and for which the Federal Highway Administration has primary responsibility. A highway project may include an undertaking that involves a series of contracts or phases, such as a corridor, and also may include anything that may be constructed in connection with a highway, bridge, or tunnel. The term highway project does not include any project authorized under 23 U.S.C. 202, 203, or 204 unless the State will design and construct the project.

*MOU* means a Memorandum of Understanding, a written agreement that complies with 23 U.S.C. 327(b)(4)(C) and (c), and this part.

*NEPA* means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

*Operating Administration* means any agency established within the DOT, including the Federal Aviation Administration, Federal Highway Administration (FHWA), Federal Motor Carrier Safety Administration, Federal Railroad Administration (FRA), Federal Transit Administration (FTA), Maritime Administration, National Highway Traffic Safety Administration, Office of the Secretary of Transportation, Pipeline and Hazardous Materials Safety Administration, and Saint Lawrence Seaway Development Corporation.

*Program* means the ''Surface Transportation Project Delivery Program'' established under 23 U.S.C. 327.

*Public transportation project* means a capital project or operating assistance for ''public transportation,'' as defined in chapter 53 of title 49 U.S.C.

*Railroad project* means any undertaking eligible for financial assistance from FRA to construct (including initial construction, reconstruction, replacement, rehabilitation, restoration, or other improvements) a railroad, as that term is defined in 49 U.S.C. 20102, including: environmental mitigation activities; an undertaking that involves a series of contracts or phases, such as a railroad corridor; and anything that may be constructed in connection with a railroad. The term railroad project does not include any undertaking in which FRA provides financial assistance to Amtrak or private entities.

*State* means any agency under the direct jurisdiction of the Governor of any of the 50 States or Puerto Rico, or the mayor in the District of Columbia, which is responsible for implementing highway, public transportation, or railroad projects eligible for assignment. The term ''State'' does not include agencies of local governments, transit authorities or commissions under their own board of directors, or State-owned corporations.

### § 773.105 Eligibility.

(a) *Applicants.* A State must comply with the following conditions to be eligible and to retain eligibility for the Program.

(1) For highway projects:

(i) The State must act by and through the State Department of Transportation (State DOT) established and maintained in conformity with 23 U.S.C. 302 and 23 CFR 1.3;

(ii) The State expressly consents to accept the jurisdiction of the Federal courts for compliance, discharge, and enforcement of any responsibility assumed by the State;

(iii) The State has laws in effect that authorize the State to take the actions necessary to carry out the responsibilities it is assuming;

(iv) The State has laws in effect that are comparable to the Freedom of Information Act (FOIA) (5 U.S.C. 552), including laws providing that any decision regarding the public availability of a document under those State laws is reviewable by a court of competent jurisdiction; and

(v) The State has the financial and personnel resources necessary to carry out the responsibilities it is assuming.

(2) For railroad or public transportation projects:

(i) The State must comply with paragraphs (a)(1)(ii) through (v) of this section; and

(ii) The State must have assumed the responsibilities of the Secretary under this part with respect to one or more highway projects.

(b) *Responsibilities.* Responsibilities eligible for Program assignment and State assumption include all NEPA responsibilities and all or part of the reviews, consultations, and other actions required under other environmental laws, regulations, and E.O.s. Appendix A to this part contains an example list of other environmental laws, regulations, and E.O.s that may be assigned to and assumed by the State. These may include the environmental review responsibilities for the elements of a multimodal project that are within an applicable Operating Administration's jurisdiction. The following responsibilities are ineligible for Program assignment and State assumption:

(1) Conformity determinations required under section 176 of the Clean Air Act (42 U.S.C. 7506);

(2) The Secretary's responsibilities under 23 U.S.C. 134 and 135;

(3) The Secretary's responsibilities under 49 U.S.C. 5303 and 5304;

(4) The Secretary's responsibilities for government-to-government consultation with Indian tribes;

(5) The Secretary's responsibilities for approvals that are not considered to be part of the environmental review of a project, such as project approvals, Interstate access approvals, and safety approvals; and

(6) The Secretary's responsibilities under NEPA and for reviews, consultations, and other actions required under other Federal environmental laws for actions of Operating Administrations other than FHWA, FRA, and FTA.

(c) *Projects.* Environmental reviews ineligible for assignment and State assumption under the Program include reviews for the following types of projects:

(1) Projects that cross State boundaries, and

(2) Projects adjacent to or that cross international boundaries.

(d) *Discretion retained.* Nothing in this section limits an Operating Administration's discretion to withhold approval of assignment of eligible responsibilities or projects under this Program.

**§ 773.107 Pre-application requirements.**

(a) *Coordination meeting.* The State must request and participate in a pre-application coordination meeting with the appropriate Division or Regional, and Headquarters office of the applicable Operating Administration(s) before soliciting public comment on its application.

(b) *Public comment.* The State must give notice of its intention to participate in the Program and must solicit public comment by publishing the complete application in accordance with the appropriate State public notice laws not later than 30 days prior to submitting its application to the appropriate Operating Administration(s). If allowed under State law, publishing a statewide notice of availability of the application rather than the application itself may satisfy the requirements of this provision so long as the complete application is made available on the internet and is reasonably available to the public for inspection. Solicitation of public comment must include solicitation of the views of other State agencies, tribal agencies, and Federal agencies that may have consultation or approval responsibilities associated with the project(s) within State boundaries.

(1) The State requesting FTA's responsibilities with respect to public transportation projects must identify and solicit public comment from potential recipients of assistance under chapter 53 of title 49 U.S.C. These comments may include requests for the Secretary to maintain the environmental review responsibilities with respect to one or more public transportation projects.

(2) The State must submit copies of all comments received as a result of the publication of the respective application(s). The State must summarize the comments received, develop responses to substantive comments, and note any revisions or actions taken in response to the public comment.

(c) *Sovereign immunity waiver.* The State must identify and complete the process required by State law for consenting and accepting exclusive Federal court jurisdiction with respect to compliance, discharge, and enforcement of any of the responsibilities being sought.

(d) *Comparable State laws.* The State must determine that it has laws that are in effect that authorize the State to take actions necessary to carry out the responsibilities the State is seeking and a public records access law that is comparable to FOIA. The State must ensure that it cures any deficiency in applicable State laws before submitting its application.

**§ 773.109 Application requirements.**

(a) *Highway project responsibilities.* An eligible State DOT may submit an application to FHWA to participate in the Program for one or more highway projects or classes of highway projects. The application must include:

(1) The highway projects or classes of highway projects for which the State is requesting assumption of Federal environmental review responsibilities under NEPA. The State must specifically identify in its application each highway project for which a draft environmental impact statement has been issued and for which a final environmental impact statement is pending, prior to the submission of its application;

(2) Each Federal environmental law, review, consultation, or other environmental responsibility the State seeks to assume under this Program. The State must indicate whether it proposes to phase-in the assumption of these responsibilities, i.e. initially assuming only some responsibilities with a plan to assume additional responsibilities at specific future times;

(3) For each responsibility requested in paragraphs (a)(1) and (2) of this section, the State must describe how it intends to carry out these responsibilities. Such description must include:

(i) A summary of State procedures currently in place to guide the development of documents, analyses, and consultations required to fulfill the environmental review responsibilities requested. For States that have comparable State environmental review procedures, the discussion should describe the differences, if any, between the State environmental review process and the Federal environmental review process, focusing on any standard that is mandated by State law, regulation, executive order, or policy that is not applicable to the Federal environmental review. The State must submit a copy of the procedures with the application unless these are available electronically. The State may submit the procedures electronically, either through email or by providing a hyperlink;

(ii) Any changes that the State has made or will make in the management of its environmental program to provide the additional staff and training necessary for quality control and assurance, appropriate levels of analysis, adequate expertise in areas where the State is requesting responsibilities, and expertise in management of the NEPA process and reviews under other Federal environmental laws;

(iii) A discussion of how the State will conduct legal reviews for the environmental documents it produces, including legal sufficiency reviews where required by law, policy, or guidance;

(iv) A discussion of how the State will identify and address those projects that without assignment would have required FHWA Headquarters' prior concurrence of the final environmental impact statement under 23 CFR 771.125(c); and

(v) A discussion of otherwise permissible project delivery methods the State intends to pursue, and the process it will use to decide whether pursuing those project delivery methods and being responsible for the environmental review meet the objectivity and integrity requirements of NEPA.

(4) A verification of the personnel necessary to carry out the authority that the State may assume under the Program. The verification must contain the following information:

(i) A description of the staff positions, including management, that will be dedicated to fulfilling the additional functions needed to perform the assigned responsibilities;

(ii) A description of any changes to the State's organizational structure that would be necessary to provide for efficient administration of the responsibilities assumed; and

(iii) A discussion of personnel needs that may be met by the State's use of

outside consultants, including legal counsel provided by the State Attorney General or private counsel;

(5) A summary of the anticipated financial resources available to meet the activities and staffing needs identified in paragraphs (a)(3) and (4) of this section, and a commitment to make adequate financial resources available to meet these needs;

(6) Certification and explanation by the State's Attorney General, or other State official legally empowered by State law to issue legal opinions that bind the State, that the State has legal authority to assume the responsibilities of the Secretary for the Federal environmental laws and projects requested, and that the State consents to exclusive Federal court jurisdiction with respect to the responsibilities the State is requesting to assume. Such consent must be broad enough to include future changes in relevant Federal policies and procedures or allow for its amendment to include such future changes;

(7) Certification by the State's Attorney General, or other State official legally empowered by State law to issue legal opinions that bind the State, that the State has laws that are comparable to FOIA, including laws that allow for any decision regarding the public availability of a document under those laws to be reviewed by a court of competent jurisdiction;

(8) Evidence that the required notice and solicitation of public comment by the State relating to participation in the Program has taken place and copies of the State's responses to the comments;

(9) A point of contact for questions regarding the application and a point of contact regarding the implementation of the Program (if different); and

(10) The State Governor's (or in the case of District of Columbia, the Mayor's) signature approving the application. For the Secretary's responsibilities with respect to highway projects, the top ranking transportation official in the State who is charged with responsibility for highway construction may sign the application instead of the Governor.

(b) *Public transportation project responsibilities.* An eligible State may submit an application to FTA to participate in the Program for one or more public transportation projects or classes of public transportation projects. The application must provide the information required by paragraphs (a)(1) through (10) of this section, but with respect to FTA's program and the public transportation project(s) at issue. In addition, the application must include:

(1) Evidence that FHWA has assigned to the State, or the State has requested assignment of the responsibilities of, FHWA with respect to one or more highway projects within the State under NEPA; and

(2) Evidence that any potential recipients of assistance under chapter 53 of title 49 U.S.C. for any public transportation project or classes of public transportation projects in the State being sought for Program assignment have received written notice of the application with adequate time to provide comments on the application.

(c) *Railroad project responsibilities.* An eligible State may submit an application to FRA to participate in the Program for one or more railroad projects or classes of railroad projects. The application must provide the information required by paragraphs (a)(1) through (10) of this section, but with respect to the railroad project(s) at issue. In addition, the application must include evidence that FHWA has assigned to the State, or the State has requested assignment of, the responsibilities of FHWA with respect to one or more highway projects within the State under NEPA.

(d) *Multimodal project responsibilities.* The Operating Administration(s) will presume that the responsibilities sought by the State include the Secretary's environmental review responsibilities for multimodal projects' elements that would otherwise fall under the Operating Administration's authority. These responsibilities include establishing appropriate relationships with the other Operating Administration(s) involved in the multimodal project, including cooperating agency, participating agency, and lead or co-lead agency relationships under NEPA. The State must affirmatively reject multimodal environmental review responsibilities in its application if it intends to have the responsibilities remain with the Operating Administration when a multimodal project is involved. In addition, States may:

(1) Request the Secretary's environmental review responsibilities with respect to the highway, railroad, and/or public transportation elements of one or more particular multimodal projects by submitting an application with the information required in paragraphs (a)(1) through (10) of this section, but with respect to the multimodal project(s) at issue. The application must either request highway responsibilities for the multimodal project or include evidence that FHWA has assigned to the State, or the State has requested assignment of, the responsibilities of FHWA with respect to one or more highway projects within the State under NEPA; and

(2) Request, at the same time the State applies for assignment of one of the Operating Administration's environmental review responsibilities, the general multimodal environmental review responsibilities of the other Operating Administration(s).

(e) *Electronic submissions.* Applications may be submitted electronically to the appropriate Operating Administration.

(f) *Joint application.* A State may submit joint applications for multiple Operating Administrations' responsibilities. A joint application should avoid redundancies and duplication of information to the maximum extent practicable. In its application, the State must distinguish the projects or classes of projects it seeks to assume by transportation mode. A joint application must provide all of the information required by each Operating Administration for which a State is seeking assignment. A State must submit joint applications to FHWA.

(g) *Requests for additional information.* The appropriate Operating Administration(s) may request that the State provide additional information to address any deficiencies in the application or clarifications that may be needed prior to determining that the application is complete.

**§ 773.111 Application review and approval.**

(a) The Operating Administration(s) must solicit public comment on the pending request and must consider comments received before rendering a decision on the State's application. Materials made available for this public review must include the State's application, a draft of the MOU, and a list of responsibilities sought by the State that the Operating Administration(s) proposes to retain. The notification may be a joint notification if two or more Operating Administrations are involved in the assignment for a project or a class of projects.

(b) If the Operating Administration(s) approves the application of a State, then the Operating Administration(s) will invite the State to execute the MOU.

(c) The Administrator for the appropriate Operating Administration will be responsible for approving the application and executing the MOU on behalf of the Operating Administration.

(d) The State's participation in the Program is effective upon full execution of the MOU. The Operating Administration's responsibilities under

NEPA and any other environmental laws may not be assigned to or assumed by the State prior to execution of the MOU with the exception of renewal situations under § 773.115(g) of this part.

(e) The MOU must have a term of not more than 5 years that may be renewed pursuant to § 773.115 of this part.

(f) The State must publish the MOU and approved application on its Web site and other relevant State Web sites and make it reasonably available to the public for inspection and copying.

**§ 773.113 Application amendments.**

(a) After a State submits its application to the appropriate Operating Administration(s), but prior to the execution of the MOU(s), the State may amend its application at any time to request the addition or withdrawal of projects, classes of projects, or environmental review responsibilities consistent with the requirements of this part.

(1) Prior to submitting any such amendment, the State must coordinate with the appropriate Operating Administration(s) to determine if the amendment represents a substantial change in the application to such an extent that additional notice and opportunity for public comment is needed. The Operating Administration is responsible for making the final decision on whether notice and public comment is needed and whether to provide one opportunity (pursuant to § 773.107(b)) or two opportunities (pursuant to § 773.107(b) and § 773.111(a)) for public comment. The Operating Administration will make this determination based on the magnitude of the changes.

(2) If the Operating Administration determines that notice and solicitation of public comment is needed pursuant to § 773.107(b), the State must include copies of all comments received, responses to substantive comments, and note the changes, if any, that were made in response to the comments.

(b) After the execution of the MOU(s) or renewal MOU(s), a State may amend its application to the appropriate Operating Administration(s) to request additional projects, classes of projects, or more environmental review responsibilities consistent with the requirements of this part.

(1) Prior to requesting any such amendment, the State must coordinate with the appropriate Operating Administration(s) to determine if the amendment represents a substantial change in the application information to the extent that additional notice and opportunity for public comment is needed. The Operating Administration is responsible for making the final decision on whether notice and public comment are needed and whether to provide one opportunity (pursuant to § 773.107(b) or § 773.111(a)) or two opportunities (pursuant to § 773.107(b) and § 773.111(a)) for public comment. The Operating Administration will make this determination based on the magnitude of the changes.

(2) If the Operating Administration determines that notice and solicitation of public comment is required pursuant to § 773.107(b), the State must include copies of all comments received, responses to substantive comments, and note the changes, if any, that were made in response to the comments.

(3) The Operating Administration is responsible for making the final decision on whether to accept the amendment and whether an amendment to the MOU is required. Amendments do not change the expiration date of the initial or renewal MOU.

**§ 773.115 Renewals.**

(a) A State that intends to renew its participation in the Program must notify the appropriate Operating Administration(s) at least 12 months before the expiration of the MOU.

(b) Prior to requesting renewal, the State must coordinate with the appropriate Operating Administration(s) to determine if significant changes have occurred or new assignment responsibilities are being sought that would warrant statewide notice and opportunity for public comment prior to the State's submission of the renewal package. The Operating Administration is responsible for making the final decision on whether the State should engage in statewide notification prior to its submittal. The Operating Administration will make this determination based on the magnitude of the change(s) in the information and/or circumstances.

(c) The renewal package must:

(1) Describe changes to the information submitted in the initial Program application;

(2) Provide up-to-date certifications required in § 773.109(a)(6) and (7) of this part for the applicable Operating Administration(s), if up-to-date certifications are needed or if the necessary State laws have termination dates that would occur before the end of a renewal period;

(3) Provide evidence of the statewide public notification, if one was required under paragraph (b) of this section, and include copies of all comments received, responses to substantive comments, and note the changes, if any, that were made to the renewal package in response to the comments; and

(4) Include the State Governor's (or in the case of District of Columbia, the Mayor's) signature approving the renewal package. For the Secretary's responsibilities with respect to highway projects, the top ranking transportation official in the State who is charged with responsibility for highway construction may sign the renewal package instead of the Governor.

(d) A State must submit a renewal package no later than 180 days prior to the expiration of the MOU.

(e) The Operating Administration(s) may request that the State provide additional information to address any deficiencies in the renewal application or to provide clarifications.

(f) The Operating Administration(s) must provide **Federal Register** notification and solicit public comment on the renewal request and must consider comments received before approving the State's renewal application. Materials made available for this public review will include the State's original application, the renewal package, a draft of the renewal MOU, a list of responsibilities sought by the State that the Operating Administration proposes to retain, and auditing and monitoring reports developed as part of the Program. The notification may be a joint notification if two or more Operating Administrations are involved in the assignment for a project or a class of projects.

(g) In determining whether to approve the State's renewal request, the Operating Administration will take into account the renewal package, comments received if an opportunity for public comments was provided in accordance with paragraph (f) of this section, the auditing and monitoring reports, and the State's overall performance in the Program. If the Operating Administration(s) approves the renewal request, then the Operating Administration(s) will invite the State to execute the renewal MOU. The Administrator for the appropriate Operating Administration will be responsible for approving the application and executing the renewal MOU on behalf of the Operating Administration. The renewal MOU must have a term of not more than 5 years, and the State must publish it on the State's DOT Web site and other relevant State Web site(s).

(h) At the discretion of the Operating Administration, a State may retain temporarily its assigned and assumed responsibilities under a MOU after the expiration of the MOU, where the

relevant Operating Administration(s) determines that:

(1) The State made a timely submission of a complete renewal application in accordance with the provisions of this section;

(2) The Operating Administration(s) determines that all reasonable efforts have been made to achieve a timely execution of the renewal; and

(3) The Operating Administration(s) determines that it is in the best interest of the public to grant the continuance.

**§ 773.117 Termination.**

(a) *Termination by the Operating Administration.* An Operating Administration(s) that approved the State's participation in the Program may terminate the State's participation if the Operating Administration(s) determines that the State is not adequately carrying out the responsibilities assigned to the State. Examples of situations where such a finding may be made include: persistent neglect of, or noncompliance with, any Federal laws, regulations, and policies; failure to address deficiencies identified during the audit or monitoring process; failure to secure or maintain adequate personnel and/or financial resources to carry out the responsibilities assumed; intentional noncompliance with the terms of the MOU(s); and persistent failure to adequately consult, coordinate, and/or take into account the concerns of other Operating Administrations, when applicable, and appropriate Federal, State, tribal, and local agencies with oversight, consulting, or coordination responsibilities under Federal environmental laws and regulations.

(1) The Operating Administration(s) may rely on the auditing and monitoring reports as sources for a finding that the State is not adequately carrying out its responsibilities. The Operating Administration(s) may also rely on information on noncompliance obtained outside the auditing and monitoring process.

(2) The Operating Administration(s) may not terminate a State's participation without providing the State with notification of the noncompliance issue that could give rise to the termination, and without affording the State an opportunity to take corrective action to address the noncompliance issue. The Operating Administration(s) must provide the State a period of no less than thirty (30) days to take the corrective actions. The Operating Administration(s) is responsible for making the final decision on whether the corrective action is satisfactory.

(b) *Termination by the State.* The State may terminate its participation at any time by notifying the Secretary no later than 90 days prior to the proposed termination date. The notice must include a draft transition plan detailing how the State will transfer the projects and responsibilities to the appropriate Operating Administration(s). Termination will not take effect until the State and the Operating Administration(s) agree, and the Operating Administration(s) approve a final transition plan. Transition plans must include:

(1) A list of projects and their status in the environmental review process that the State will return to the Operating Administration(s);

(2) A process for transferring files on pending projects;

(3) A process for notifying the public that the State will terminate its participation in the Program and a projected date upon which this termination will take effect;

(4) Points of contacts for pending projects; and

(5) Any other information required by the Operating Administration(s) to ensure the smooth transition of environmental review responsibilities and prevent disruption in the environmental reviews of projects to the maximum extent possible.

(c) *Termination by mutual agreement.* The State and the Operating Administration(s) may agree to terminate assignment on a specific date before the expiration of the MOU. Termination will not take effect until the State and the Operating Administration(s) agree, and the Operating Administration(s) approve a final transition plan. Transition plans must include the information outlined in paragraphs (b)(1)–(5) of this section.

(d) *Effect of termination of highway responsibilities.* Termination of the assignment of the Secretary's environmental review responsibilities with respect to highway projects will result in the termination of assignment of environmental responsibilities for railroad, public transportation, and multimodal projects.

## Appendix A to Part 773—Example List of the Secretary's Environmental Review Responsibilities That May Be Assigned Under 23 U.S.C. 327

**Federal Procedures**

NEPA, 42 U.S.C. 4321 *et seq.*

Regulations for Implementing the Procedural Provisions of NEPA at 40 CFR parts 1500–1508.

FHWA/FTA environmental regulations at 23 CFR part 771.

FRA's Procedures for Considering Environmental Impacts, 64 FR 28545, May 26, 1999 and 78 FR 2713, Jan. 14, 2013.

Clean Air Act, 42 U.S.C. 7401–7671q. Any determinations that do not involve conformity.

Efficient Environmental Reviews for Project Decisionmaking, 23 U.S.C. 139.

*Noise*

Noise Control Act of 1972, 42 U.S.C. 4901–4918.

Airport Noise and Capacity Act of 1990, 49 U.S.C. 47521–47534.

FHWA noise regulations at 23 CFR part 772.

*Wildlife*

Endangered Species Act of 1973, 16 U.S.C. 1531–1544.

Marine Mammal Protection Act, 16 U.S.C. 1361–1423h.

Anadromous Fish Conservation Act, 16 U.S.C. 757a–757f.

Fish and Wildlife Coordination Act, 16 U.S.C. 661–667d.

Migratory Bird Treaty Act, 16 U.S.C. 703–712.

Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801–1891d.

*Historic and Cultural Resources*

National Historic Preservation Act of 1966, 16 U.S.C. 470 *et seq.*

Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa–470mm.

Archeological and Historic Preservation Act, 16 U.S.C. 469–469c.

Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001–3013; 18 U.S.C. 1170.

*Social and Economic Impacts*

American Indian Religious Freedom Act, 42 U.S.C. 1996.

Farmland Protection Policy Act, 7 U.S.C. 4201–4209.

*Water Resources and Wetlands*

Clean Water Act, 33 U.S.C. 1251–1387.

Section 404, 33 U.S.C. 1344
Section 401, 33 U.S.C. 1341
Section 319, 33 U.S.C. 1329

Coastal Barrier Resources Act, 16 U.S.C. 3501–3510.

Coastal Zone Management Act, 16 U.S.C. 1451–1466.

Safe Drinking Water Act, 42 U.S.C. 300f—300j–26.

Rivers and Harbors Act of 1899, 33 U.S.C. 403.

Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287.

Emergency Wetlands Resources Act, 16 U.S.C. 3901 and 3921.

Wetlands Mitigation, 23 U.S.C. 119(g) and 133(b)(14).

FHWA wetland and natural habitat mitigation regulations at 23 CFR part 777.

Flood Disaster Protection Act, 42 U.S.C. 4001–4130.

*Parklands*

Section 4(f), 49 U.S.C. 303; 23 U.S.C. 138.

FHWA/FTA Section 4(f) regulations at 23 CFR part 774.

Land and Water Conservation Fund, 16 U.S.C. 460*l*–4–460*l*–11.

*Hazardous Materials*

Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601–9675.

Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. 9671–9675.

Resource Conservation and Recovery Act, 42 U.S.C. 6901–6992k.

*Executive Orders Relating to Eligible Projects*

E.O. 11990, *Protection of Wetlands*

E.O. 11988, *Floodplain Management*

E.O. 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations*

E.O. 13112, *Invasive Species*

**Title 49**

■ 2. Add 49 CFR part 264 to read as follows:

## PART 264—SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM APPLICATION REQUIREMENTS AND TERMINATION

Sec.

264.101 Procedures for complying with the surface transportation project delivery program application requirements and termination.

**Authority:** 23 U.S.C. 327; 49 CFR 1.81.

### § 264.101 Procedures for complying with the surface transportation project delivery program application requirements and termination.

The procedures for complying with the surface transportation project delivery program application requirements and termination are set forth in part 773 of title 23 of the Code of Federal Regulations.

## PART 622—ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

■ 3. The authority citation for part 622 is revised to read as follows:

**Authority:** 42 U.S.C. 4321 *et seq.;* 49 U.S.C. 303 and 5323(q); 23 U.S.C. 139, 326, and 327; Pub. L. 109–59, 119 Stat. 1144, sections 6002 and 6010; 40 CFR parts 1500–1508; 49 CFR 1.81, 1.85; and Pub. L. 112–141, 126 Stat. 405, sections 1313 and 1315.

■ 4. Revise § 622.101 to read as follows:

### § 622.101 Cross-reference to procedures.

The procedures for complying with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), and related statutes, regulations, and orders are set forth in part 771 of title 23 of the Code of Federal Regulations. The procedures for complying with 49 U.S.C. 303, commonly known as ''Section 4(f),'' are set forth in part 774 of title 23 of the Code of Federal Regulations. The procedures for complying with the surface transportation project delivery program application requirements and termination are set forth in part 773 of title 23 of the Code of Federal Regulations.

This final rule is being issued pursuant to authority delegated under 49 CFR 1.81.

Issued on September 10, 2014.

**Gregory G. Nadeau,**

*Acting Administrator, Federal Highway Administration.*

**Therese McMillan,**

*Acting Administrator, Federal Transit Administration.*

**Joseph C. Szabo,**

*Administrator, Federal Railroad Administration.*

[FR Doc. 2014–22080 Filed 9–15–14; 8:45 am]

BILLING CODE 4910–22–P

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## DEPARTMENT OF TRANSPORTATION

## 49 CFR Part 109

## Federal Motor Carrier Safety Administration

## 49 CFR Parts 171–180

**[Docket No. FMCSA–2014–0343; Docket No. PHMSA–2014–0116]**

## Hazardous Materials: Emergency Restriction/Prohibition Order

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Emergency Restriction/Prohibition Order.

**SUMMARY:** This document announces Emergency Restriction/Prohibition and Out-of-Service Order CA–2014–9002–EMRG, issued to National Distribution Services, Inc., TankServices, LLC, and Carl Johansson. This Order was issued by the Field Administrator for FMCSA's Western Service Center and prohibits the filling, offering, transportation, and welded repair of cargo tank vehicles by National Distribution Services, Inc., TankServices, LLC, and Carl Johansson. Additionally these parties are prohibited from conducting inspections and/or testing of any cargo tank or cargo tank motor vehicle unless such inspection and/or testing is conducted by a Registered Inspector.

**DATES:** The Emergency Restriction/Prohibition Order became effective on August 14, 2014.

**ADDRESSES:** You may view material bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2014–0343 and PHMSA–2014–0116 using any of the following methods:

• *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Follow the on-line instructions for viewing material.

*Docket:* For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line Federal document management system is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

*Privacy Act:* Anyone may search the electronic form of all material received into any of our dockets by the name of the individual submitting material (or of the person signing the material, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf.*

**FOR FURTHER INFORMATION CONTACT:** For information concerning this activity, contact Nancy Jackson, Attorney, Office of the Chief Counsel, FMCSA, (303) 407–2350. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

**SUPPLEMENTARY INFORMATION:**

### I. Legal Basis

This document is based on 49 U.S.C. 5121(d), which authorizes the Secretary of Transportation to issue or impose emergency restrictions, prohibitions, recalls, or out-of-service orders without notice or an opportunity for a hearing if the Secretary determines that a violation of 49 U.S.C. chapter 51 or a regulation issued under that chapter, or an unsafe condition or practice constitutes an imminent hazard, as defined in 49 U.S.C. 5102(5). The Secretary's authority to carry out section 5121(d) has been delegated to the Federal Motor Carrier Safety Administration by 49 CFR 1.87(d)(1). The procedures implementing the Secretary's emergency authority are codified in 49 CFR 109.17; the procedures for petitions of review of emergency orders are specified in 49 CFR 109.19; this **Federal Register** document is required pursuant to 49 CFR 109.19(f)(2).

### II. Text of Emergency Restriction/Prohibition CA–2014–9002–EMRG

This document constitutes an Emergency Restriction/Prohibition

Order and Out-of-Service Order (''Order'') by the United States Department of Transportation (USDOT) pursuant to 49 U.S.C. 5121 and 49 CFR 109.17; and pursuant to delegation of authority to the Administrator, Federal Motor Carrier Safety Administration (FMCSA), United States Department of Transportation (Administrator). This Order is issued to National Distribution Services, Inc., Tank Services, LLC Carl Johansson, and any other person(s) that use or have in their possession cargo tanks and/or cargo tank motor vehicles used, or that have been used, to transport hazardous materials, and that are owned, leased and/or otherwise operated by or for National Distribution Services, Inc., specifically including, but not limited to, the cargo tanks set forth in Appendices A and B. Upon information derived from an ongoing investigation, the Administrator has found that violations of Federal Hazardous Materials law (49 U.S.C. 5101, *et seq.*) and/or the Hazardous Materials Regulations (49 CFR Parts 171 to 180) (HMRs), an unsafe condition, or an unsafe practice is causing or otherwise constitutes an imminent hazard.[1]

**Effective Immediately Any Person Identified by This Order**

(1) Is prohibited from filling and/or offering, and/or requiring, permitting or allowing any other person to fill and/or offer, any cargo tank or cargo tank vehicle owned, leased, and/or operated by or on behalf of National Distribution Services, Inc., specifically including, but not limited to, the cargo tanks listed in Appendices A and B of this Order, for the transportation of hazardous materials;

(2) Is prohibited from transporting, and/or requiring, permitting or allowing any other person to transport, hazardous materials in any cargo tank or cargo tank motor vehicle owned, leased, and/or operated by or on behalf of National Distribution Services, Inc., specifically including, but not limited to, the cargo tanks listed in Appendices A and B of this Order;

(3) Is prohibited from conducting any welded repair to any DOT specification cargo tank, specifically including, but not limited to, the cargo tanks listed in Appendices A and B of this Order;

(4) Is prohibited from requiring, permitting or allowing any other person to conduct any welded repair to any cargo tank or cargo tank motor vehicle unless such repair is conducted in accordance with 49 CFR 180.413; and

(5) Is prohibited from conducting any inspection and/or testing on any cargo tank or cargo tank motor vehicle and/or permitting any person to conduct any inspection and/or testing on any cargo tank or cargo tank motor vehicle unless such person has current valid registration in accordance with 49 CFR Part 107, and inspections and tests are conducted by a Registered Inspector familiar with DOT-specification cargo tanks, trained and experienced in the use of the inspection and testing equipment needed, and has the training and experience required to meet the definition of ''registered inspector'' as set forth in 49 CFR 171.8.

**Also Effective Immediately the Cargo Tanks Identified in Appendices A and B of This Order Are Declared Out-of-Service**

(1) The cargo tanks identified in Appendices A and B are removed from transportation until they are brought into compliance with this Order and the HMRs;

(2) Any person in possession of, or responsible for, any of the cargo tanks listed in Appendices A and/or B must remove the cargo tank from transportation until it is brought into compliance with this Order and the HMRs; and

(3) A cargo tank listed in Appendices A and/or B may only be moved to the nearest location where it may be brought into compliance and only after written notice is made to the Field Administrator no less than 72 hours prior to the move and such notice includes:

a. The current location of the cargo tank;

b. A description of the contents of the cargo tank;

c. The location where the cargo tank will be moved;

d. The registration number of the cargo tank facility to which the cargo tank will be moved; and

e. The name of the Registered Inspector that will test and/or inspect the cargo tank.

**Within Forty-Eight (48) Hours of the Issuance of This Out-of-Service Order, National Distribution Services, Inc. Shall Provide in Writing the Current Location of Each Cargo Tank Listed in Appendix A and Appendix B**

This Order shall have the force and effect of any other Order issued by FMCSA. This Order applies to, and is binding on, National Distribution Services, Inc., TankServices, LLC, Carl Johansson, any other aliases or affiliated or successor companies, and all owners, officers, directors, members, employees, contractors, subhaulers, and agents. This Order may attach to and apply to any entity established and/or used to evade or avoid the consequences of this Order. This Order also applies to cargo tanks identified in Appendices A and B of this Order.

This Order is effective immediately and remains in effect unless withdrawn in writing by the Administrator or her designee, or until it otherwise expires by operation of law.

**I. Jurisdiction**

National Distribution Services, Inc. and Carl Johansson offer for transportation or transport hazardous materials in commerce within the United States, and inspect, test, and/or repair DOT specification cargo tanks; Carl Johansson directs the operation of National Distribution Services, Inc. TankServices, LLC inspects, tests, and/or repairs DOT specification cargo tanks; Carl Johansson directs the inspection, test, and repair of DOT specification tanks. The cargo tanks listed in Appendices A and B are used by National Distribution Services, Inc. for the transportation of hazardous materials. Accordingly, National Distribution Services, Inc., TankServices, LLC and Carl Johansson are therefore ''persons,'' as defined by 49 U.S.C. 5102(9), in addition to being ''persons'' under 1 U.S.C. 1. Cargo tanks and cargo tank motor vehicles are packages under 49 U.S.C. 5121(c)(1)(C). National Distribution Services, Inc., TankServices, LLC and Carl Johansson, and cargo tanks and cargo tank motor vehicles offered, used, inspected, tested and/or repaired by them, are subject to the authority and jurisdiction of the Administrator, including the authority to impose emergency restrictions, prohibitions, recalls, or out-of-service orders, without notice or an opportunity for hearing, to the extent necessary to abate the imminent hazard (49 U.S.C. 5121(d)).

[1] The ongoing investigation progressed from its initial focus on TankServices, LLC, the facility initially associated with the May 2014 cargo tank explosion to National Distribution Services, Inc. when the investigator discovered its association with TankServices, LLC, and that Carl Johansson was conducting operations as National Tank Distribution Services, Inc. Carl Johansson is known to the Department from his prior companies involved in transportation of hazardous materials using cargo tanks, including Atlas Bulk, Inc. in Montebello, California, where a catastrophic explosion occurred in September 1993 resulting in the death of a welder when the welder, at Carl Bradley (Brad) Johansson's direction, conducted unauthorized welding on a gasoline cargo tank that had not been cleaned and purged.

## II. Basis for Order

National Distribution Services, Inc. owns, leases and/or otherwise controls DOT specification cargo tanks and cargo tank motor vehicles used to transport hazardous materials in commerce in the United States. Carl Johansson manages and directs National Distribution Services, Inc.'s operations. TankServices, LLC, at the request of and/or under the direction of National Distribution Services, Inc. and/or Carl Johansson, tests, inspects and/or repairs DOT specification cargo tanks.

On May 6, 2014, a cargo tank catastrophically exploded while employees of National Distribution Services, Inc. and/or TankServices, LLC were welding on the shell of the cargo tank, resulting in the death of one of the welders and serious injuries to the other. The welding repair work was directed by Carl Johansson for National Distribution Services, Inc. Investigation conducted by FMCSA shortly after the explosion indicated that the cargo tank had not been cleaned and purged prior to the welding.[2] On July 8, 2014 FMCSA initiated an investigation on TankServices, LLC and determined that TankServices, LLC is co-owned by an employee of National Distribution Services, Inc., and she is paid to be a payroll service issuing TankServices, LLC checks to National Distribution Services, Inc. employees. Upon reliable and credible information received in the course of the investigation, FMCSA learned that welded repairs had been performed on the shell and/or head of DOT specification cargo tanks by or for National Distribution Services, Inc. Further, the welded repairs are not made in accordance with the requirements of 49 CFR 180.413, the repairs were not certified by a Registered Inspector, and neither National Distribution Services, Inc. nor TankServices, LLC is a repair facility holding a National Board Certificate of Authorization ''R'' stamp or a valid ASME Certificate of Authorization ''U'' Stamp.[3] The Investigator discovered at least 7 other DOT specification cargo tanks for which welded repairs have been conducted which were not made in accordance with the requirements of 49 CFR 180.413; the cargo tanks are currently being used to transport hazardous materials.

Further, National Distribution Services, Inc. and its contractors and subhaulers are filling or allowing to be filled, offering and/or transporting hazardous materials, including petroleum distillate fuel products such as crude oil, gasoline and jet fuel, in cargo tanks that have not been inspected and tested as required. At least 35 of the DOT specification cargo tanks owned, leased, and/or operated by National Distribution Services, Inc. being used to transport hazardous materials on a daily basis have not been inspected or tested as required by 49 CFR 180.407.[4] Neither National Distribution Services, Inc. nor TankServices, LLC is currently registered to perform inspections and tests on DOT specification cargo tanks, and neither has current registration nor employs a Registered Inspector. Additionally, during the investigation, DOT specification cargo tanks with evidence of dents, cuts, gouges, and corroded or abraded areas were observed for which no inspection and testing have been completed. Moreover, National Distribution Services, Inc. has been cited during roadside inspections for violations of the HMRs, including violations for damage to the cargo tank, the cargo tank not having current inspection markings, and releases of hazardous materials. For example, on July 14, 2014 National Distribution Services, Inc.'s vehicle was placed out of service after the Inspector observed hazardous materials leaking from a control valve under the middle tank of three tanks.

The condition of the cargo tank operations and cargo tanks of National Distribution Services, Inc., TankServices, LLC and/or Carl Johansson, including unauthorized welding repairs on cargo tanks, including when the tanks have not been cleaned and purged as required, and daily transportation of hazardous material in cargo tanks that have not been inspected and tested as required to ensure that they will not fail, rupture and/or release hazardous materials during transportation, present a substantial likelihood that death, serious illness, severe personal injury, or substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of the conclusion of these proceedings.

## III. Remedial Action

To eliminate or abate the imminent hazard and/or meet the conditions of the out-of-service order, you are prohibited from filling or otherwise loading, offering, or transporting any hazardous material in any DOT specification cargo tank or cargo tank motor vehicle that has been repaired or modified unless and until you can demonstrate to FMCSA that: (1) The repair or modification was performed in conformance with the requirements of 49 CFR 180.413, and/or (2) any welded repair of a cargo tank involving welding on the shell or head has been certified by a Registered Inspector.

Further, to eliminate or abate the imminent hazard and/or meet the conditions of the out-of-service order, you are prohibited from filling or otherwise loading, offering, or transporting any hazardous material in any DOT specification cargo tank or cargo tank motor vehicle, specifically including, but not limited to, the cargo tanks listed in Appendix A and/or Appendix B of this Order, unless and until the tank has been successfully tested and inspected as required 49 CFR 180.407(c) by a Registered Inspector that has current valid registration in accordance with 49 CFR Part 107, is familiar with DOT-specification cargo tanks, is trained and experienced in the use of the inspection and testing equipment needed, and has the training and experience required to meet the definition of ''registered inspector'' as set forth in 49 CFR 171.8.

## IV. Rescission of Order

Before any person identified in this Order may fill or otherwise load, offer, or transport any hazardous material in any DOT specification cargo tank or cargo tank motor vehicle, such person must adequately demonstrate to FMCSA that they have taken the actions listed above and that the actions taken have, in fact, resulted in abatement of the imminent hazard.

Any person identified in this Order is subject to this Order unless and until the Order is rescinded in writing by FMCSA. This Order will not be rescinded until the Field Administrator for FMCSA's Western Service Center has determined that the Remedial Action requirements specified in Paragraph III of this Order have been fully satisfied and acceptable documentation submitted.

Any request to rescind this Order, and documentation demonstrating

[2] Pursuant to 49 CFR 180.413(a)(2), prior to each repair, the cargo tank or cargo tank motor vehicle must be emptied of any hazardous material lading, if used to transport flammable or toxic lading, it must be sufficiently cleaned of residue and purged of vapors so any potential hazard is removed.

[3] In accordance with 49 CFR 180.413, any repair work on DOT specification cargo tank must be performed by a repair facility registered with USDOT and holding a valid National Board Certificate of Authorization for the use of the National Board ''R'' stamp; any repair of a non-ASME stamped DOT specification cargo tank may be performed by a cargo tank manufacture holding a valid ASME Certificate of Authorization for the use of the ASME ''U'' stamp or a repair facility holding a valid National Board ''R'' stamp.

[4] A DOT specification cargo tank for which a test or inspection has become due may not be filled and offered for transportation or transported until the test or inspection has been successfully completed. 49 CFR 180.407.

satisfaction of the Remedial Action requirements, must be directed to the Field Administrator, Western Service Center with a copy of the request and documentation submitted to the Division Administrator, California Division, at the following addresses:

Terry D. Wolf, Field Administrator, Western Service Center, Federal Motor Carrier Safety Administration, 12600 West Colfax Avenue, Suite B–300, Lakewood, Colorado 80215.

Steven M. Mattioli, Division Administrator, California Division, 1325 J Street, Suite 1540, Sacramento, California 85814–2941.

Rescission of this Order does not constitute a grant of required registration to any person, and does not modify any requirement for registration(s) as set forth in Title 49, Code of Federal Regulations.

## V. Failure To Comply

Any person failing to comply with this Order may be subject to civil penalties of up to $175,000 for each violation. (49 U.S.C. 5123). A person violating this Emergency Order may also be subject to criminal prosecution, which may result in fines, imprisonment of up to ten years, or both. (49 U.S.C. 5124). Failure to comply with the provisions of this Order may also result in an action in the United States District Court for equitable relief and punitive damages.

## VI. Penalties for Violations

Any person that violates Federal hazardous materials statutes and/or regulations is subject to civil and/or criminal penalty provisions. Penalty provisions for violations of Federal statutes and regulations are separate and distinct from this Order. Penalties may be assessed for the violations of Federal requirements, including the Federal Hazardous Materials Regulations (HMRs) and Orders of the FMCSA, previously discovered, discovered after the service of this Order, and/or discovered during subsequent investigations.

## VII. Right To Review

Any person to whom the Administrator has issued an Emergency Order or an Out-of-Service Order is entitled to review of the order pursuant to 49 U.S.C. 5121(d)(3) and in accordance with section 554 of the Administrative Procedure Act (APA), 5 U.S.C. 500 *et seq.* A request for administrative review must be in writing and may be made within 20 days of the date this Order is issued.

Any request for review must be addressed and sent by commercial delivery service or submitted electronically to the Chief Safety Officer, United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration, and filed with USDOT Docket Operations/Docket Services, with a copy concurrently sent to FMCSA's Office of Chief Counsel at the Western Service Center at the following addresses:

1. Chief Safety Officer (Attn: Office of Chief Counsel), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, or by email to: *PHMSAChiefCounsel@dot.gov.*
2. USDOT Docket Operations/Docket Services, M–30, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. Under Docket Number: PHMSA–2014–0116.
3. Office of Chief Counsel, Western Service Center, Federal Motor Carrier Safety Administration, 12600 West Colfax Avenue, Suite B–300, Lakewood, Colorado 80215.

All documents filed with the USDOT Docket Operations/Docket Services will be published on the Department's docket management Web site, *http://www.regulations.gov.*

A petition for review must state each part of the emergency order and/or out-of-service order for which amendment or rescission of the order is sought. The petition must also include all information, evidence and arguments to be considered, and whether a formal hearing is requested. If the petition requests a formal hearing, the petition must set forth the material facts in dispute giving rise to the request for a hearing.

A petition for review must be accompanied by a certificate of service specifying the manner in which and the date on which service was made, and must be filed and served in accordance with the requirements of 49 CFR 109.19(f). If the petition requests a formal hearing, an additional copy of the petition must also be concurrently served and addressed to the Chief Administrative Law Judge, U.S. Department of Transportation, Office of Hearings, M–20, 1200 New Jersey Avenue SE., (E11–310), Washington, DC 20590 (FAX: (202) 366–7536).

Within 30 days from the date the petition for review is filed, the Chief Safety Officer will issue an administrative decision on the petition for review. If the petition for review requests an administrative hearing and alleges a material fact in dispute, the Chief Safety Officer will immediately assign the petition to the Office of Hearings unless the Chief Safety Officer issues an order stating that the petition fails to set forth material facts in dispute.

**Terry D. Wolf,**

*Field Administrator, United States Department of Transportation, Federal Motor Carrier Safety Administration.*

Issued on September 9, 2014.

**T. F. Scott Darling, III,**

*Chief Counsel.*

[FR Doc. 2014–21968 Filed 9–15–14; 8:45 am]

BILLING CODE 4910–EX–P

# Proposed Rules

Federal Register

Vol. 79, No. 179

Tuesday, September 16, 2014

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 60

**[Docket No. FAA–2014–0391; Notice No. 2014–04]**

**RIN 2120–AK08**

## Flight Simulation Training Device Qualification Standards for Extended Envelope and Adverse Weather Event Training Tasks; Extension of Comment Period

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM); extension of comment period.

**SUMMARY:** This action extends the comment period for an NPRM that was published on July 10, 2014. In that document, the FAA proposed new and updated flight simulation training device (FSTD) technical evaluation requirements that are necessary to fully implement the training requirements recently adopted in the Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers final rule (Crewmember and Aircraft Dispatcher Training Final Rule) published on November 12, 2013. Additionally, the FAA proposed further changes to address several NTSB safety recommendations, aviation rulemaking committee recommendations, and to conduct a limited alignment of the part 60 FSTD technical evaluation requirements with that of the latest international FSTD evaluation guidance document. One airline, an association that represents several airlines, and an FSTD sponsor have requested that the FAA extend the comment period to allow time to adequately analyze the NPRM and prepare comments.

**DATES:** The comment period for the NPRM published on July 10, 2014 (79 FR 39461), which was scheduled to close on October 8, 2014, is hereby extended until January 6, 2015.

**ADDRESSES:** You may send comments identified by docket number FAA–2014–0391 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

*Privacy:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

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

**FOR FURTHER INFORMATION CONTACT:** For technical questions concerning this action, contact Larry McDonald, Air Transportation Division/National Simulator Program Branch, AFS–205, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320; telephone (404) 474–5620; email *larry.e.mcdonald@faa.gov.*

For legal questions concerning this action, contact Robert H. Frenzel, Manager, Operations Law Branch, Office of the Chief Counsel, Regulations Division (AGC–200), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3073; email *Robert.Frenzel@faa.gov.*

**SUPPLEMENTARY INFORMATION:** See the ''Additional Information'' section for information on how to comment on this proposal and how the FAA will handle comments received. The ''Additional Information'' section also contains related information about the docket, privacy, and the handling of proprietary or confidential business information. In addition, there is information on obtaining copies of related rulemaking documents.

### Background

On July 10, 2014, the FAA published a notice of proposed rulemaking (NPRM), entitled ''Flight Simulation Training Device Qualification Standards for Extended Envelope and Adverse Weather Event Training Tasks'' (79 FR 39461). Comments to that document were to be received on or before October 8, 2014.

By letter dated July 15, 2014, posted to the electronic docket for this NPRM, American Airlines requested that the FAA extend the comment period for the NPRM from 90 days to 180 days. The commenter stated that additional time is necessary to do a ''complete and proper analysis of this complex proposed rule.''

By letter dated August 13, 2014, posted to the electronic docket for this NPRM Airlines for America (A4A), an industry group which represents multiple airlines that are directly affected by this proposal, requested that the FAA extend the comment period an additional 90 days. The commenter stated that additional time is necessary to provide meaningful comments on this proposed rule.

By letter dated August 21, 2014 posted to the electronic docket for this NPRM FlightSafety International, an FSTD sponsor and flight training provider also requested that the FAA extend the comment period by 90 days in order to thoroughly review the proposal, prepare its response and submit comments.

The FAA has reviewed the requests for extension and has additionally spoken to members of the Simulator Technical Issues Group[1] (STIG) about

[1] The Simulator Technical Issues Group (STIG) is an industry working group organized by Airlines for America (A4A) and is attended by multiple airlines, simulator manufacturers, simulator data providers, airframe manufacturers, and simulator training providers. The FAA met with the STIG on August 20, 2014 to address questions on the NPRM. A

Continued

the reasons why an extension is needed. Several members of the STIG advised that the proposal is very lengthy and difficult to directly compare with the existing part 60 rule. The FAA emphasizes that the primary reason for its length is due to the proposal to align a portion of the part 60 standards with current international FSTD evaluation guidelines published in the International Civil Aviation Organization (ICAO) document 9625 Edition 3, Manual of Criteria for the Qualification of Flight Simulation Training Devices (ICAO 9625, Edition 3).

The FAA is proposing to align a portion of the part 60 standards with the ICAO 9625 FSTD evaluation guidance document to be responsive to industry's historical requests for the FAA to align with the most current international standards. Part of the benefits of international alignment is to reduce the number of differences in regulatory requirements between various National Aviation Authorities by using a common source document. In addition to simply aligning with the basic requirements of the ICAO 9625 document, the FAA found that by aligning with the document's format, numbering system, and language used in many of the tables, differences between the part 60 standards and ICAO 9625 could potentially be minimized even further going forward. To accomplish this, many of the tables in the Qualification Performance Standards (QPS) appendices of the proposal were completely rewritten as compared to the current part 60 QPS appendices.

The FAA concurs with the commenters desire to provide the FAA with meaningful comments and hereby grants the additional 90 days to the comment period as requested. To further assist the commenters in reviewing this proposal, the FAA has prepared and submitted to the docket a summary matrix that better explains where the changes to the tables in the QPS appendices were made relative to the current part 60 rule (Document # FAA–2014–0391–0008 in the electronic docket for this NPRM). The FAA also arranged to place in the docket a read-only non-printable PDF of a portion of ICAO 9625 to be used for reference only. The FAA notes that this document will be removed from the docket at the end of the comment period. With this additional information, the FAA finds that providing an additional 90 days is sufficient for these commenters to analyze the NPRM and provide meaningful comment.

Absent unusual circumstances, the FAA does not anticipate any further extension of the comment period for this rulemaking.

**Extension of Comment Period**

In accordance with § 11.47(c) of title 14, Code of Federal Regulations, the FAA has reviewed the comments requesting an extension of the comment period for Notice No. 2014–04 and has determined that extension of the comment period is consistent with the public interest, and that good cause exists for taking this action.

Accordingly, the comment period for Notice No. 2014–04 is extended until January 6, 2015.

**Additional Information**

*A. Comments Invited*

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The agency also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The agency may change this proposal in light of the comments it receives.

*Proprietary or Confidential Business Information:* Do not file proprietary or confidential business information in the docket. Such information must be sent or delivered directly to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document, and marked as proprietary or confidential. If submitting information on a disk or CD ROM, mark the outside of the disk or CD ROM, and identify electronically within the disk or CD ROM the specific information that is proprietary or confidential.

Under 14 CFR 11.35(b), if the FAA is aware of proprietary information filed with a comment, the agency does not place it in the docket. It is held in a separate file to which the public does not have access, and the FAA places a note in the docket that it has received it. If the FAA receives a request to examine or copy this information, it treats it as any other request under the Freedom of Information Act (5 U.S.C. 552). The FAA processes such a request under Department of Transportation procedures found in 49 CFR part 7.

*B. Availability of Rulemaking Documents*

An electronic copy of rulemaking documents may be obtained from the Internet by—

1. Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);
2. Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies* or
3. Accessing the Government Printing Office's Web page at *http://www.gpo.gov/fdsys/.*

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed from the Internet through the Federal eRulemaking Portal referenced in item (1) above.

Issued under authority provided by 49 U.S.C. 106(f), 44701(a), 44703, and Public Law 111–216, 124 Stat. 2348 (49 U.S.C. 44701 note) in Washington, DC, on September 10, 2014.

**Brenda D. Courtney,**

*Acting Director, Office of Rulemaking.*

[FR Doc. 2014–21938 Filed 9–15–14; 8:45 am]

BILLING CODE 4910–13–P

summary of FAA's participation in that meeting has been posted to the electronic docket for this NPRM.

## DEPARTMENT OF LABOR

## Mine Safety and Health Administration

## 30 CFR Part 100

**[Docket No. MSHA–2014–0009]**

**RIN 1219–AB72**

## Criteria and Procedures for Assessment of Civil Penalties

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** In response to requests from interested parties, the Mine Safety and Health Administration (MSHA) is extending the comment period on the proposed rule addressing Criteria and Procedures for Assessment of Civil Penalties. This extension gives commenters additional time to review and comment on the proposed rule.

**DATES:** The comment period for the proposed rule published July 31, 2014, at 79 FR 44494, is extended. Comments must be received or postmarked by midnight Eastern Standard Time on December 3, 2014.

**ADDRESSES:** Submit comments and informational materials, identified by RIN 1219–AB72 or Docket No. MSHA–2014–0009, by one of the following methods:

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Email: zzMSHA-comments@dol.gov.* Include RIN 1219–AB72 or Docket No. MSHA–2014–0009 in the subject line of the message.
- *Mail:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209–3939.
- *Fax:* 202–693–9441.
- *Hand Delivery or Courier:* MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia, between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays. Sign in at the receptionist's desk on the 21st floor.

*Instructions:* All submissions must include RIN 1219–AB72 or Docket No. MSHA–2014–0009. Do not include personal information that you do not want publicly disclosed; MSHA will post all comments without change to *http://www.regulations.gov* and *http://www.msha.gov/currentcomments.asp,* including any personal information provided.

*Docket:* For access to the docket to read comments received, go to *http://www.regulations.gov* or *http://www.msha.gov/currentcomments.asp.* To read background documents, go to *http://www.regulations.gov.* Review the docket in person at MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia, between 9:00 a.m. and 5:00 p.m. Monday through Friday, except Federal Holidays. Sign in at the receptionist's desk on the 21st floor.

*Email Notification:* To subscribe to receive an email notification when MSHA publishes rules in the **Federal Register,** and program information, instructions, and policy, go to *http://www.msha.gov/subscriptions/subscribe.aspx.*

**FOR FURTHER INFORMATION CONTACT:** Sheila A. McConnell, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at *mcconnell.sheila.a@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

**SUPPLEMENTARY INFORMATION:** On July 31, 2014 (79 FR 44494), MSHA published a proposed rule, Criteria and Procedures for Assessment of Civil Penalties. In response to commenters, MSHA is providing additional time for interested parties to comment on the proposed rule. MSHA is extending the comment period from September 29, 2014, to December 3, 2014.

**Authority:** 30 U.S.C. 957.

Dated: September 11, 2014.

**Joseph A. Main,**

*Assistant Secretary of Labor for Mine Safety and Health.*

[FR Doc. 2014–22000 Filed 9–15–14; 8:45 am]

BILLING CODE 4510–43–P

## DEPARTMENT OF HOMELAND SECURITY

## Coast Guard

## 33 CFR Part 165

**[Docket No. USCG–2014–0650]**

**RIN 1625–AA00**

## Safety Zone; Old Port Tampa Exercise 2014, Tampa Bay, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish temporary safety zones on the waters of Tampa Bay, Florida during Old Port Tampa Exercise 2014. The exercise is scheduled to take place on November 4, 2014. The proposed safety zone is necessary to protect the public from the hazards associated with environmental response operations occurring during the exercise. Persons and vessels will be prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port St. Petersburg or a designated representative.

**DATES:** Comments and related material must be received by the Coast Guard on or before October 16, 2014.

**ADDRESSES:** You may submit comments identified by docket number 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 further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Lieutenant Junior Grade Brett Sillman, Sector St. Petersburg Waterways Management Branch, U.S. Coast Guard; telephone (813) 228–2191, email *brett.s.sillman@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. Public Participation and Request for Comments

We encourage you to participate in this 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 rulemaking, 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 at *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, 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 telephone 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–2014–0650 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 comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change 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–2014–0650 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 plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting 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. Regulatory History and Information**

The Old Port Tampa Exercise 2014 is a one-time, unique event. Therefore, temporary safety zones are more conducive than establishing a permanent regulation.

**C. Basis and Purpose**

The legal basis for this proposed rule is the Coast Guard's authority to establish safety zones: 33 U.S.C. 1225, 1231; 33 CFR 1.05–1, 6.04–1, 160.5; Department of Homeland Security Delegation No. 0170.1.

The purpose of the regulation is to provide for the safety of life on the navigable waters in the Captain of the Port St. Petersburg Zone during the Old Port Tampa Exercise 2014 while oil spill response operations are being conducted.

**D. Discussion of Proposed Rule**

The Coast Guard will be conducting an oil spill response equipment deployment exercise in Tampa Bay for the purpose of testing deployment techniques, procedures, and accuracy of the Geographical Response Plan oil spill boom deployment recommendations. The areas are: (1) Directly off of the Picnic Island boat ramp, (2) directly south of Picnic Island, and (3) north of Picnic Island. Equipment deployment vessels will avoid impacting commercial traffic and will coordinate with the Cooperative Vessel Traffic Service to operate while no commercial traffic is expected to transit near the operational area. The nature of the exercise and accompanying equipment pose a potential danger to mariners. The Coast Guard is proposing these safety zones to protect mariners on the navigable waters of the United States. The Coast Guard Sector St. Petersburg will give notice of the safety zones by issuing a Broadcast Notice to Mariners, and by placing Coast Guard vessels on-scene.

The proposed safety zones will encompass all waters within the following three areas.

1. Area 1—all waters within the following: 27°52′18″ N 082°33′02″ W, 27°52′11″ N 082°32′48″ W, 27°51′46″ N 082°33′06″ W, 27°51′55″ N 082°33′21″ W.

2. Area 2—all waters within the following: 27°51′30″ N 082°33′10″ W, 27°51′30″ N 082°33′08″ W, 27°51′29″ N 082°33′08″ W, 27°51′28″ N 082°33′10″ W.

3. Area 3—all waters within the following: 27°50′51″ N 082°33′39″ W, 27°50′51″ N 082°33′06″ W, 27°50′29″ N 082°32′43″ W, 27°50′14″ N 082°33′10″ W.

The proposed safety zones will be enforced only while Coast Guard and environmental response vessels are on-scene during actual equipment deployment operations of the exercise. Vessels will be prohibited from anchoring, mooring, or transiting within the zones unless authorized by the Captain of the Port St. Petersburg or a designated representative.

**E. Regulatory Analyses**

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

*1. Regulatory Planning and Review*

This 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 Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

This regulation is not a significant regulatory action because this proposed rule establishes safety zones in areas with minimum commercial and recreational traffic.

*2. Impact on Small Entities*

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

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

*3. Assistance for Small Entities*

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this 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 will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

*5. Federalism*

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

*6. Protest Activities*

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

*7. Unfunded Mandates Reform Act*

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

*8. Taking of Private Property*

This 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 From Environmental Health Risks*

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 proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A preliminary environmental analysis checklist supporting this determination is 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 proposed 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. A temporary section 165.T07–0650 is added to read as follows:

**§ 165.T07–0650 Safety Zone; Old Port Tampa Exercise 2014, Tampa Bay, FL.**

(a) *Regulated area.* The safety zone will encompass all waters within the following three areas.

(1) Area 1—all waters within the following: 27°52′18″ N 082°33′02″ W, 27°52′11″ N 082°32′48″ W, 27°51′46″ N 082°33′06″ W, 27°51′55″ N 082°33′21″ W. All coordinates referenced use datum: NAD 83.

(2) Area 2—all waters within the following: 27°51′30″ N 082°33′10″ W, 27°51′30″ N 082°33′08″ W, 27°51′29″ N 082°33′08″ W, 27°51′28″ N 082°33′10″ W. All coordinates referenced use datum: NAD 83.

(3) Area 3—all waters within the following: 27°50′51″ N 082°33′39″ W, 27°50′51″ N 082°33′06″ W, 27°50′29″ N 082°32′43″ W, 27°50′14″ N 082°33′10″ W. All coordinates referenced use datum: NAD 83.

(b) *Definitions.* The following definition applies to this section:

*Designated representative* means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and federal, state, and local officers designated by or assisting the Captain of the Port, St. Petersburg, Florida, in the enforcement of regulated navigation areas and safety and security zones.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, no person or vessel may anchor, moor or transit the safety zone without the prior permission of the Captain of the Port St. Petersburg, Florida, or a designated representative. Coast Guard Sector St. Petersburg will give notice of the enforcement of the safety zone by issuing a Broadcast Notice to Mariners and placing a Coast Guard vessel on-scene. Captain of the Port St. Petersburg or a designated representative may be contacted on VHF channel 16.

(d) *Dates.* The regulation will be effective on November 4, 2014 and will be enforced during the exercise when equipment deployment operations are underway.

Dated: September 5, 2014.

**G. D. Case,**

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

[FR Doc. 2014–21984 Filed 9–15–14; 8:45 am]

**BILLING CODE 9110–04–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 51 and 52

**[EPA–HQ–OAR–2006–0605; FRL–9916–63–OAR]**

**RIN 2060–AO24**

## 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)—Notice of Action Denying Petition for Reconsideration and Amended Rulemaking

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Action denying petition for reconsideration and amended rulemaking.

**SUMMARY:** The Environmental Protection Agency (EPA) is providing notice that it has responded to a petition for reconsideration and amended rulemaking of certain provisions of the final rule, ''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),'' published on October 20, 2010. The final rule set forth provisions identifying the maximum allowable increases in ambient pollutant concentrations (''increments'') for $PM_{2.5}$, modifying the definitions for the baseline dates and the baseline area, and adding two screening tools known as SILs and an SMC for $PM_{2.5}$. On December 23, 2013, the EPA received a petition for reconsideration pursuant to the Clean Air Act (CAA) and for an amended rulemaking pursuant to the Administrative Procedures Act, from the state of North Carolina. The EPA considered the petition for reconsideration and amended rulemaking, along with information contained in the rulemaking docket, in reaching a decision on the petition. The EPA Administrator Gina McCarthy denied the petition for reconsideration and amended rulemaking in a letter to the Attorney General of North Carolina dated August 28, 2014. The letter documents the EPA's reasons for the denial and can be found in the rulemaking docket.

**DATES:** The EPA's response to this petition was signed on August. 28, 2014. Any petitions for review of the final letter denying the petition for reconsideration and amended rulemaking of certain provisions of the final rule published in the **Federal Register** on October 20, 2010 (75 FR 64864) must be filed in the Court of Appeal for the District of Columbia Circuit on or before November 17, 2014.

**FOR FURTHER INFORMATION CONTACT:** Mr. Dan deRoeck, Air Quality Policy Division (C504–03), U.S. Environmental Protection Agency, Research Triangle Park, NC, 27711; telephone number: (919) 541–5593; or email address: *deroeck.dan@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. How can I get copies of this document and other related information?

This **Federal Register** document, the petition for reconsideration and amended rulemaking, and the letter denying the petition are available in the docket that the EPA has established for 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)'' rulemaking under Docket ID No. EPA–HQ–OAR–2006–0605. The table below identifies the petitioner, the date of the petition, the document identification number for the petition, the date of the EPA's response, and the document identification number for the EPA's response.

| Petitioner | Date of petition to EPA | Petition: Document No. in docket | Date of EPA response | EPA response: Document No. in docket |
|---|---|---|---|---|
| State of North Carolina | 12/23/2013 | −0065 | 8/28/2014 | −0066, −0067, −0068 |

Note that all document numbers listed in the table are in the form of ''EPA–HQ–OAR–2006–0605–xxxx.

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 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 *http://www.regulations.gov* or in hard copy at the EPA Docket Center, Docket ID No. EPA–HQ–OAR–2006–0605, EPA William Jefferson Clinton West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

In addition to being available in the docket, an electronic copy of this notice of the EPA's decision denying the petition for reconsideration and amended rulemaking and of the EPA's response letter outlining reasons for the denial will also be available on the World Wide Web. Following signature of this document by the Acting Assistant Administrator, Office of Air and Radiation, a copy of this document will be posted on EPA's New Source Review Web site, under Regulations & Standards, at *http://www.epa.gov/nsr.*

### II. Judicial Review

Under CAA section 307(b), judicial review of this final action is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit on or before November 17, 2014.

Dated: September 5, 2014.

**Janet G. McCabe,**

*Acting Assistant Administrator for Air and Radiation.*

[FR Doc. 2014–21973 Filed 9–15–14; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 60

**[EPA–HQ–OAR–2010–0706; FRL–9916–57–OAR]**

**RIN 2060–AP06**

### Standards of Performance for Grain Elevators

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; extension of public comment period.

**SUMMARY:** The Environmental Protection Agency (EPA) is announcing that the period for providing public comments on the July 9, 2014, proposed rule titled ''Standards of Performance for Grain Elevators'' is being extended by 30 days.

**DATES:** *Comments.* The public comment period for the proposed rule published July 9, 2014 (79 FR 39241), is being extended by 30 days to November 6, 2014, in order to provide the public additional time to submit comments and supporting information.

**ADDRESSES:** *Comments.* Written comments on the proposed rule may be submitted to the EPA electronically, by mail, by facsimile or through hand delivery/courier. Please refer to the proposal (79 FR 39241) for the addresses and detailed instructions.

*Docket.* Publicly available documents relevant to this action are available for public inspection either electronically at *http://www.regulations.gov* or in hard copy at the EPA Docket Center, EPA WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying. The EPA has established the official public docket for this rulemaking under Docket No. EPA–HQ–OAR–2010–0706.

*World Wide Web.* The EPA Web site containing information for this rulemaking is: *http://www.epa.gov/ttn/atw/nsps/grain/genspspg.html.*

**FOR FURTHER INFORMATION CONTACT:** Mr. William Schrock, Natural Resources Group (E143–03), Sector Policies and Programs Division, Research Triangle Park, North Carolina 27711; telephone number (919) 541–5032; fax number (919) 541–3470; and email address: *schrock.bill@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

#### Comment Period

The EPA is extending the public comment period for an additional 30 days. The public comment period will end on November 6, 2014, rather than October 7, 2014. This will ensure that the public has sufficient time to review and comment on all of the information available, including the proposed rule and other materials in the docket.

#### List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: September 5, 2014.

**Mary E. Henigin,**

*Acting Director, Office of Air Quality Planning and Standards.*

[FR Doc. 2014–21811 Filed 9–15–14; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 20

**[PS Docket Nos. 11–153, 10–255; FCC 14–118]**

### Facilitating the Deployment of Text to 911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In this *Third Further Notice of Proposed Rulemaking* (*Third Further Notice*), the Commission seeks comment on technical issues related to the provision of enhanced location information and support for roaming for texts to 911, as well as the capabilities of future texting services. Comments received will inform the Commission of the technological and business issues related to the provision of location and roaming support for text-to-911, and how text-to-911 may be applied to future texting services. If the proposals are adopted, they will enhance existing text-to-911 service and lead to improved emergency response.

**DATES:** Submit comments on or before October 16, 2014 and reply comments by November 17, 2014. Written comments on the Paperwork Reduction Act proposed information collection requirements must be submitted by the public, Office of Management and Budget (OMB), and other interested parties on or before November 17, 2014.

**ADDRESSES:** You may submit comments, identified by either PS Docket No. 10–255 or PS Docket No. 11–153, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Federal Communications Commission's Web site: http://fjallfoss.fcc.gov/ecfs2/.* Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: (202) 418–0530 or TTY: (202) 418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Dana Zelman of the Policy and Licensing Division of the Public Safety and Homeland Security Bureau, (202) 418–0546 or *dana.zelman@fcc.gov.* For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, contact Benish Shah, (202) 418–7866, or send an email to *PRA@fcc.gov.*

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Third Further Notice of Proposed Rulemaking* in PS Docket Nos. 10–255 and 11–153, released on August 13, 2014. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street SW., Washington, DC 20554, or online at *http://www.fcc.gov/document/fcc-adopts-text-911-rules.* The *Second Report and Order* that was adopted concurrently with the *Third Further Notice* is published elsewhere in this issue of the **Federal Register**. Parties wishing to file materials with a claim of confidentiality should follow the procedures set forth in § 0.459 of the Commission's rules. Confidential submissions may not be filed via ECFS but rather should be filed with the Secretary's Office following the procedures set forth in 47 CFR 0.459. Redacted versions of confidential submissions may be filed via ECFS.

#### Summary of the Third Further Notice of Proposed Rulemaking

*Introduction*

1. In this *Third Further Notice of Proposed Rulemaking* (Third Further Notice), we affirm the Commission's commitment to ensuring access to emergency services for all Americans. The Commission's rules must evolve as legacy networks and services transition to next generation technologies, and as

consumer expectations and needs evolve. Current trends in mobile wireless usage show the continued evolution from a predominantly voice-driven medium of communication to one based more on text and data transmissions. The need to provide text-to-911 service in a timely manner is made more pressing because many consumers believe text-to-911 is already an available service, because of the unique value of text-to-911 for the millions of Americans with hearing or speech disabilities, and because of the crucial role it can play in protecting life and property when making a voice call would be dangerous, impractical, or impossible due to transmission problems.

*Background*

2. In September 2011, the Commission released a *Notice of Proposed Rulemaking* (*NPRM*), 26 FCC Rcd 13615, which sought comment on a number of issues related to the deployment of Next Generation 911 (NG911), including how to implement text-to-911. In the *NPRM,* the Commission stated that sending text messages, photos, and video clips has become an everyday activity for mobile device users on 21st century broadband networks, and that adding non-voice capabilities to our 911 system will substantially improve emergency response, save lives, and reduce property damage, as well as expand access to emergency help, both for people with disabilities and for people in situations where placing a voice call to 911 could be difficult or dangerous.

3. In December 2012, AT&T, Sprint Nextel, T-Mobile, and Verizon Wireless entered into a voluntary agreement with the National Emergency Number Association (NENA) and APCO International (APCO) in which each of the four carriers agreed to be capable of providing text-to-911 service to requesting PSAPs by May 15, 2014 (Carrier-NENA–APCO Agreement). As part of the Carrier-NENA–APCO Agreement, the four major carriers committed to implementing text-to-911 service to a PSAP making a ''valid'' request of the carrier ''within a reasonable amount of time,'' not to exceed six months. Carriers promised to meet these commitments ''independent of their ability to recover these associated costs from state or local governments.'' The commitments specifically did not extend to customers roaming on a network.

4. Also in December 2012, the Commission released a *Further Notice of Proposed Rulemaking* (*Further Notice*), 27 FCC Rcd 15659, which proposed, *inter alia,* to require all CMRS providers, as well as interconnected text messaging providers, to support text messaging to 911 in all areas throughout the nation where PSAPs are capable of and prepared to receive the texts. The Commission defined interconnected text messaging applications as those using IP-based protocols to deliver text messages to a service provider and the service provider then delivers the text messages to destinations identified by a telephone number, using either IP-based or Short Message Service (SMS) protocols. The *Further Notice* noted the extent to which consumers had begun to gravitate toward IP-based messaging applications as their primary means of communicating by text, that consumers may reasonably come to expect these applications to also support text-to-911, and that consumer familiarity is critical in emergency situations where each second matters. To that end, the *Further Notice* sought to ensure consumers' access to text-to-911 capabilities on the full array of texting applications available today—regardless of provider or platform.

5. Recognizing that text-to-911 would not be rolled out uniformly across the country or across text messaging platforms, the Commission took steps to provide consumers with clarity regarding the availability of text-to-911. In May 2013, the Commission issued a *Report and Order,* 28 FCC Rcd 7556, requiring covered text providers to provide consumers attempting to send a text to 911 with an automatic bounce-back message when the service is unavailable. The Commission found a ''clear benefit and present need'' for persons who attempt to send text messages to 911 to know immediately if their text cannot be delivered to the proper authorities. The Commission noted specifically that, ''[a]s these applications proliferate, consumers are likely to assume that they should be as capable of reaching 911 as any other telephone number.''

6. In January 2014, we adopted a *Policy Statement,* 29 FCC Rcd 1547, stating that the Commission believes that every provider of a text messaging service that enables a consumer to send text messages using numbers from the North American Numbering Plan (NANP) should support text-to-911 capabilities. The Commission clarified that it intends to take a technologically neutral approach to any rules adopted for text-to-911 service, and it encouraged voluntary agreements to support text-to-911.

7. We also released a *Second Further Notice of Proposed Rulemaking* (*Second Further Notice*), 29 FCC Rcd 1547, seeking comment on technical issues for the implementation of text-to-911 service with respect to interconnected text providers, the provision of location information with texts to 911, and roaming support for text-to-911 service.

*Third Further Notice of Proposed Rulemaking*

Enhanced Location

8. While we recognize that enhanced location information is not yet universally attainable for texts to 911 over either SMS or other messaging platforms protocols under development, we seek comment on the specific approaches and a likely timeframe for covered text providers to achieve the capability to provide enhanced location with text-to-911 communications. This additional functionality will enable PSAPs to dispatch first responders more directly and quickly to the scene of an emergency. We acknowledge the collaborative effort underlying CSRIC's report, CSRIC IV WG1, Final Report—Investigation into Location Improvements for Interim SMS (Text) to 9–1–1 (rel. June 19, 2014) (*Enhanced Location Report*), available at *http://transition.fcc.gov/pshs/advisory/csric4/CSRIC_IV_WG-1_Task-1_Final_061814.pdf,* and CSRIC's recommendation that the Commission ''refrain from wireless E9–1–1 Phase II-like mandates'' for SMS text to 911 service and instead encourage further development and implementation of more robust solutions. CSRIC's report, however, suggests that one CMRS provider can currently deliver enhanced location information, using a commercial location-based technology in support of SMS text-to-911. In light of our important public safety interest in delivering more accurate location information with texts to 911, and considering that enhanced location technologies already exist and that other standards development beyond the current J–STD–110 have been underway, we see no reason to delay the potentially life-saving delivery of enhanced location information.

9. We propose that, no later than two years of the effective date of the adoption of final rules on enhanced location, covered text providers must deliver enhanced location information (consisting of the best available location that covered text providers could obtain from any available location technology or combination of technologies, including device-based location) with texts to 911. We seek comment on whether solutions could be developed to provide enhanced location in this timeframe and, if not, what would be a

suitable timeframe. Our ultimate location accuracy objective is to require covered text providers to deliver all communications with 911 with location information that is sufficiently granular to provide a ''dispatchable address.''

10. For purposes of a near-term requirement, we propose to use the term ''enhanced location'' to mean the best available location. We recognize that the granularity of the enhanced location may vary by text-to-911 session, according to the user's particular device capabilities and settings. In some instances, we would expect that the device would approximate the user's address, consistent with what a consumer could expect from commercial location-based services (cLBS) capabilities today. We believe an enhanced location requirement would provide substantial public safety benefits to consumers who need to reach 911 through text-capable communications. We seek comment on this assertion, particularly to the extent to which such improvements would result in tangible benefits with respect to the safety of life and property compared to the cost of meeting the proposed requirements.

11. *Technical feasibility.* The *Policy Statement and Second Further Notice,* 29 FCC Rcd 1547, indicated that ''developing the capability to provide Phase II-comparable location information'' with 911 text messages ''would be part of the long-term evolution of text-to-911.'' The *Second Further Notice* requested comment on the provision of Phase II-equivalent location information with text-to-911 calls. In response, the majority of commenters indicate that delivery of enhanced location information is not possible at this time.

12. CSRIC's *Enhanced Location Report* assesses the capability to include enhanced location information for SMS text-to-911 services and addresses the limitations of the current standard, ATIS/TIA J–STD–110, underlying SMS text-to-911. In view of the differences between the SMS text platform and the CMRS network, CSRIC finds three key limitations contributing to the problem of delivering enhanced location information over SMS architecture: (1) The current standard does not include a specification for the emergency message interaction with the handset, such that an emergency text to 911 cannot enable location information by overriding user location privacy settings and GPS location capabilities enabled by the handset; (2) enhanced location information takes more time to generate than coarse location, such that relying on enhanced location to initially route an SMS text to 911 could delay the routing process up to 30 seconds; and (3) only some of the location platforms that are currently deployed have the technology necessary to generate enhanced location information. CSRIC's *Enhanced Location Report* concludes that ''there is no solution for generating enhanced location in an SMS text to 9–1–1 session for any currently deployed systems that does not require user equipment (UE) changes, network changes, or both.''

13. Although current text-to-911 deployments may not support enhanced location, CSRIC's report recommends several approaches that stakeholders could explore to provide enhanced location information during SMS text-to-911 sessions. In particular, CSRIC examines four approaches: (1) Network-based location; (2) handset-based approaches; (3) end-to-end text-to-911 with location embedded in the SMS message, and (4) a modified ''embedded location'' approach using a user-downloaded texting application. We seek comment on these different approaches, as described in the *Enhanced Location Report,* and whether they could support the delivery of enhanced location information with texts to 911 in a near-term timeframe. What challenges must be overcome and what are the costs associated with implementation of the different approaches? In what timeframe could these approaches be implemented?

14. We observe that using device-specific location appears to be technically feasible, given CSRIC's remark that handset-based location technology, ''using cLBS methods, is currently being used by at least one U.S. CDMA carrier for network deployments supporting SMS text-to-9–1–1.'' We acknowledge CSRIC's findings that the delivery of more granular location information than coarse location continues to present challenges. For this reason, we believe that an enhanced location requirement that is premised upon the delivery of best available location, using any available location technology or combination of technologies, strikes a balance that promotes our important public safety objectives, while being practicable and reasonable within these potential limitations. We seek comment on how ''best available'' location information would be determined. Among multiple ''available'' locations, what would determine which available location information is ''best?'' What are the necessary conditions for a location technology to be considered ''available,'' to the device, such that a covered text provider may use it for routing or providing additional location information? Are there any additional factors we should consider with respect to assessing what should be considered the ''best available location'' for a particular text-to-911 session?

15. In addition to the approaches examined by CSRIC, two commenters suggest that the delivery of some form of enhanced location information by CMRS providers is technically feasible in the near term. First, TruePosition contends that existing network-based U–TDOA location capabilities could be used to deliver location information, with ''relatively minor development effort,'' for texts to 911. TruePosition asserts that, although ''[t]he solutions produced by the voluntary Carrier-NENA–APCO agreement, and the J–STD–110 standard, do not currently define an interface protocol to retrieve sender/customer location information,'' those solutions provide a platform ''to build a more permanent solution to the problem of identifying the location of the customer who has sent an emergency text message.'' We seek comment on the technical feasibility of TruePosition's proposed approach and whether it offers a path forward for providing enhanced location. Would the ''silent SMS'' approach be feasible for other location determination mechanisms other than U–TDOA, such as A–GPS? What standards development work would be necessary to implement such an approach?

16. Second, TCS asserts that what it characterizes as ''updated Phase II compatible'' location technology is readily available to CMRS providers as deployable cLBS platforms, and that such solutions can be deployed either by the user or the CMRS provider. According to TCS, these cLBS solutions support existing 2G and 3G systems, and are possible under the current J–STD–110. TCS's view appears to be consistent with CSRIC's reporting that the J–STD–110 architecture also ''allows for routing based on a more accurate enhanced location,'' and that one U.S. CMRS provider is using ''using cLBS methods.'' CSRIC observes, however, that while enhanced location may be possible where a cLBS platform is available, ''based on a CMRS provider's existing network infrastructure, the availability to provide a cLBS platform can be limited or technically challenging.'' We seek comment on these particular implementation challenges, and whether it would be possible for covered text providers to deliver enhanced location information in this manner within a near-term timeframe.

17. Further, the comment record indicates that technical complexities exist for interconnected text providers to deliver enhanced location. For example, Microsoft submits that, for OTT applications, ''the cell site location is not readily available'' and that server-based implementation approaches would require testing of location accuracy information, as well as the creation of ''standardized acquisition and transmission of that location information'' through TCC gateways. Bandwidth contends that there is a need for location accuracy solutions that are consistent with both established technical standards supporting existing CMRS solutions and ''a broad range of application-derived location solutions commonly used by today's OTT providers.'' TCS proposes that OTT providers leverage the existing J–STD–110 standard to require that ''emergency text message requests re-use existing SMS APIs in the device, effectively changing the OTT text message interaction into an SMS message dialogue . . .'' TCS submits that, although this approach ''would require OTT text application software modifications,'' it ''represents the shortest path to having support for emergency OTT text.'' We seek comment on the different approaches described by TCS, as well as any additional proposals that would resolve the technical issues of covered text providers in delivering enhanced location information.

18. *Further Standards-Setting Work.* Most commenters indicate that standards bodies and covered text providers will need more time to develop and implement the capability to deliver enhanced location information with texts to 911. Many of the commenters believe that, rather than investing further to modify the interim J–STD–110, the standards work should focus on a long-term approach that would incorporate the enhanced features and location capabilities that NG911 is expected to provide for more granular location information. For example, NENA supports a longer-term approach based on standards efforts that ''would incorporate an integrated location standard which . . . would apply to both voice and text service providers.'' Additionally, CSRIC reports that modifying the J–STD–110 ''would require substantial [3GPP] standards development work, requiring significant development costs and potentially lead to major operational impacts on existing network systems.'' We seek comment on the extent to which development of enhanced location solutions for the interim SMS standard would divert resources from NG911 solutions. We also seek comment on when the relevant standards work, referenced by the commenters, is likely to be completed, and whether covered text providers ultimately will be capable of providing dispatchable address information, consistent with the Commission's long-term goals.

19. We note that Verizon indicates there is ''under development'' standards work on the Global Text Telephony (GTT) standard. Verizon asserts that this effort focuses on providing capabilities for LTE networks ''to include more precise caller location than cell site location by leveraging the same location solution currently under development for VoLTE.'' We seek comment on the current status of the GTT standards effort for the following potential capabilities: (1) Providing interoperability or interworking between text messaging platforms and E911 legacy and NG911 networks; and (2) enabling CMRS and other covered text providers to deliver granular location information to PSAPs as more CMRS providers implement LTE networks.

20. Further, the record indicates that LTE networks present the opportunity for providing enhanced location determination with text. We seek comment on what measures covered text providers would need to take to implement in LTE networks the ability to provide enhanced location. What would be the costs of implementing such capability? What should the Commission do to encourage the necessary standards work?

21. Similarly, we seek comment on the provision of enhanced location information with MMS-to-911 texts and for location determination of MMS callers. For purposes of providing enhanced location information, MMS-to-911 will need to be evaluated once ATIS develops such standard in which cost effectiveness of MMS is considered, as well as potential problems with receiving MMS at PSAPs. What is the status of standards work on MMS messaging to include enhanced location information? We also seek comment on what factors exist that could affect covered text providers' use of MMS to route texts to 911 with enhanced location information. Will the eventual sunset of SMS further our goal of providing dispatchable address information for communications to 911 on all text-capable media? We seek comment on the costs for covered text providers to develop, test, and implement the capability to provide enhanced location information using MMS.

22. Finally, the record reflects that the technological developments and standards-setting efforts on LTE networks, MMS, and multimedia message emergency services (MMES) have already commenced. With developments in the CMRS wireless industry to migrate to LTE networks already underway, and the continued evolution and growth of OTT text applications in response to consumer demand, we believe that a reasonable basis exists to anticipate that within the near future, standards bodies will be adopting or releasing standards that address the provision of enhanced location information for 911 text messages. We seek comment on this view.

23. *Enhanced Location through the Use of Commercial Location-Based Services.* cLBS may present a solution for covered text providers to deliver enhanced location information in the near term. In light of the significant potential that cLBS might offer, we seek comment on the technical, privacy, and security issues associated with using cLBS for text-to-911 enhanced location information.[1] CSRIC suggests that the use of cLBS platforms is limited and challenging. More specifically, CSRIC reports that, concerning cLBS support for A–GPS generated location information, ''not all carriers have location platforms capable of providing A–GPS location fixes to support the [TCC].''

24. The record is mixed concerning capabilities for covered text providers to use cLBS platforms. T-Mobile urges that ''[t]he Commission . . . ensure that any rules it adopts regarding SMS text-to-911 location information acknowledge the fundamental difference between Phase II E911 voice location estimates and cLBS-based enhanced location estimates,'' and that ''those requirements must be grounded in the technical and economic limitations of the cLBS service.'' ATIS suggests that location information derived from cLBS may be a '' 'best available' location'' and ''not equivalent to the location information obtained for voice emergency calls.'' Similarly, CSRIC observes that CMRS providers do not exercise the same control over cLBS platforms as they do for E911 voice calls, and thus, ''location estimates may

[1] Here, we take cLBS to refer narrowly to the location services that allow a third party to query for the geo-location of a device, rather than many cLBS, such as apps, that rely on location information provided by operating system location application programming interfaces (APIs).

or may not be as reliable or accurate'' as E911 voice location technologies.

25. We seek further comment on how cLBS could be leveraged to provide enhanced location information for text-to-911 in the short term and more granular, dispatchable address information in the long term. While cLBS may deliver location information that is not equivalent to voice location, there are also many instances where cLBS could offer even more granular location than Phase II information provided with voice calls to 911. In fact, consumers today regularly use applications that leverage cLBS to pinpoint their location to a high level of precision. We recognize, however, that cLBS information may vary in quality and reliability. How likely is it that location information derived from cLBS will increase in reliability and accuracy over time? What additional standards work must be accomplished? What would be the costs for covered text providers to test and implement the capabilities that cLBS offer?

26. *Privacy.* Commenters submit that leveraging cLBS services for purposes of providing enhanced location information raises privacy concerns. For example, Verizon notes that, in order to deliver location information using cLBS, covered text providers may ''need to maintain ongoing access to providers' and devices' commercial [LBS] capabilities,'' which ''may require a user to turn off all the device's privacy settings with respect to all communications, not just 911-related communications.'' Sprint and other commenters observe that with cLBS, ''a user is capable of disabling GPS location services on the device and there is currently no 'override' that exists on most wireless handsets to enable GPS to function if a text message is directed to emergency services.'' CSRIC also reports that the capability to override privacy settings may not be possible, depending on the smartphone operating system and the device's equipment manufacturer.

27. We seek comment on what solutions need to be developed for cLBS platforms to address these privacy issues. What technological developments and standards work needs to occur to override privacy settings for SMS text-based applications over legacy networks in order for enhanced location to be acquired and transmitted consistently to PSAPs with texts to 911? How quickly could these modifications be made? We emphasize that any such override of a user's device settings should be limited to those instances where a user is sending a 911 text message, and for the sole purpose of delivering the 911 text message to the appropriate PSAP.[2] Similarly, in the long term, for advanced NG911-compatible networks, such as IP-based text over LTE networks, what technological developments and standards work by stakeholders must occur to enable overriding of privacy settings for emergency texts to 911? The record generally suggests that, at least for a certain subset of devices, covered text providers and OS providers routinely upgrade the firmware and OS software. Could any modifications to implement emergency overriding of privacy settings be accomplished in this manner? What are the specific costs that both firmware and software approaches would entail?

28. Finally, what measures can or should the Commission take to address Heywire's contention that OS providers and hardware manufacturers have been removing or disabling access to geo-location functions available to applications outside of the native pre-authorized applications? How many applications and what OS platforms have been affected by this? What coordination must occur to address the issue of privacy settings?

29. *Security.* The record further indicates that the technical and privacy issues in implementing enhanced location over cLBS also raise the issue of security. TCS contends that ''application-managed location solutions place too much reliance on handset environment, configuration, and capability and are subject to security threats, including authentication and location spoofing.'' Motorola Mobility asserts that ''[a]ny location privacy override solution for SMS to 911 must be thoroughly validated using elaborate regression testing,'' and that ''[w]hile the [original equipment manufacturers] that develop smartphones could apply such rigorous testing to the system SMS [application], they have no control over the testing regimen applied to an OTT [application].'' We seek comment on what solutions need to be developed for cLBS to enable enhanced location capability that is secure. What measures can the Commission take to promote secure enhanced location capability and guard against security risks such as location spoofing? What would the cost burdens be on covered text providers, OS providers, and other stakeholders? Should we task CSRIC with location issues further—particularly in the context of making recommendations for enabling the use of cLBS and addressing security concerns to provide enhanced location for texts-to-911?

30. *Timeframe.* Based on the CSRIC *Enhanced Location Report* and the record, we seek comment on the timeframe in which covered text providers could reasonably offer either enhanced location information or more granular location information sufficient to provide dispatchable address information for some or all text-to-911 users. Based on the record, if we wait for covered text providers to migrate from interim SMS solutions to 4G LTE solutions before including enhanced location, we may be looking at a time horizon of five years or more.

31. In light of the serious public safety implications, we seek comment on what can be accomplished to deliver enhanced location in a shorter timeframe. With respect to the timeframe to migrate to LTE, TruePosition contends it is ''simply far too long to wait while tens of millions of wireless users are left without a Phase II-like location capability.'' We agree. While NENA asserts that a ''Commission mandate for enhanced text location capabilities would, at this juncture, be premature,'' it notes that ''multiple industry stakeholders have already begun developing solutions to enable more precise location capabilities. . . .'' RWA suggests that its members will need ''at least two years'' to ''be capable of achieving more precise location capabilities.'' Heywire adds that an ''undertaking'' to address OS providers and hardware manufacturers removing or disabling access to ''geo-location functions'' could take ''at least two years,'' and that ''until . . . a technical method'' is found, ''it would be impossible to establish a realistic timeframe. . . .'' In light of these comments, and balanced against the significant public policy interest and statutory mandate to promote public safety, we believe that a two-year timeframe to provide enhanced location—from the adoption of final rules on this issue—should be reasonable. We seek comment on this view, as well as how the various factors, including privacy and security concerns, would impact the establishment of timeframes for covered text providers to deliver enhanced location information.

32. *Confidence and Uncertainty.* Finally, we seek comment on CSRIC's recommendation that ''[a]lthough not all location platforms may be capable of delivering enhanced location information, when such information is available it should be delivered with uncertainty and confidence values.''

[2] In this discussion, we are focused on the development of standards necessary to enable an ''emergency mode'' for texts to 911, similar to the functionality that would be enabled if the user were to place a voice call to 911.

CSRIC recommends that the Commission ''encourage appropriate standards development organizations to incorporate confidence and uncertainty values into existing standards for enhanced location when it can be provided.'' Is this a necessary component for the delivery of enhanced location with texts to 911? Additionally, CSRIC observes that only one Class of Service (CoS) designation is available under the interim J–STD–110 and recommends adding CoS values to assist PSAPs ''in determining the best way to use additional resources to locate a caller in the event the location is not provided or the location that is verbally provided is inaccurate.'' We seek comment on CSRIC's recommendations and how these additional features would support the provision of enhanced location for texts to 911, and whether they would help PSAPs respond to texts to 911 by dispatching emergency resources more expeditiously.

*Roaming Support*

33. In the *Second Further Notice,* we emphasized that access to 911 through text messaging is just as critical for roaming consumers as it is for consumers utilizing a home CMRS provider's network, especially because consumers may be unaware of when they are roaming. Further, roaming is necessary to encourage competition by allowing smaller and rural CMRS providers the ability to offer their subscribers services comparable to those of larger CMRS providers. We recognize that roaming limitations are likely to disproportionately affect subscribers of smaller and rural CMRS providers, which often ''rely extensively'' on roaming.

34. Moreover, we acknowledged in the *Second Further Notice* that routing 911 text messages from roaming consumers presented technical complexities that might be necessary to resolve before we could require covered text providers to support text-to-911 in roaming situations. A key component of providing text-to-911 while roaming is obtaining location information to ensure proper routing of the text to the appropriate PSAP. Current SMS text delivery protocols do not allow for location information to be included with SMS texts-to-911 while roaming, which precludes the ability of covered text providers to route texts to an appropriate PSAP. SMS texts to 911 are handled by the consumer's home network,[3] which routes the text to the appropriate PSAP based on coarse location the TCC obtains from a location server in the home CMRS provider's network. When a consumer is roaming, the SMS text-to-911 is sent back to the home network for handling. As T-Mobile explains, ''[l]ocation lookup occurs in the home network,'' but ''in the case of roaming SMS messages, that lookup, which allows the TCC to determine whether an applicable PSAP accepts 911 texts, will fail because the location information was not generated by the home network but rather by the serving network, and the serving network does not pass along this location data with the SMS.''

35. While the record shows that roaming cannot be supported for text-to-911 at this time, there is also evidence that there may be several different solutions that could be implemented to address this issue. We therefore refrain from adopting a roaming requirement at this time, but propose to require covered text providers to support roaming for text-to-911 no later than two years from the effective date of the adoption of final roaming rules, and we seek comment on this approach. Specifically, we seek comment on whether solutions could be developed to provide roaming support in this timeframe and, if not, what would be a suitable timeframe.

36. One potential solution would be to update the current text-to-911 standard for SMS to provide for sharing of cell sector data through a hub-and-spoke mechanism. RWA notes that ''the establishment of a centralized database of supported PSAPs accessible to all carriers could address this issue.'' Using a ''hub-and-spoke'' model, CCA states, ''carriers' location platforms would interconnect into a centralized hub which could make cell sector information available to all connected providers.'' We seek comment on the technical feasibility of adopting the hub-and-spoke approach to address near-term roaming issues, and on any challenges associated with this approach. We also seek comment on whether this approach could be implemented within two years of the effective date of the adoption of final roaming rules. TCS claims that initial implementation of this approach could take place within six months, with full implementation within 18 months.

37. We also seek comment on the technical feasibility of other solutions. For example, we seek comment on the feasibility of modifying the current text-messaging protocol to provide that texts to 911 are handled by the serving network's TCC when a consumer is roaming. Modifying the protocol would resolve the routing issue and enable the text to be sent to the appropriate PSAP. Sprint argues that treating text-to-911 as a ''local 'break out' service'' in this manner ''would require changes in how SMS messages are routed and would involve changes to the SMS servers and likely to handsets as well.'' What changes to handsets are likely to be necessary, and could any such changes be implemented through an over-the-air software update? What SMS server changes would be necessary, and how quickly could these changes be implemented? We also seek comment on whether the serving network could either: (1) Automatically include location information embedded in the message, which could then be used by the home network to route the text to the appropriate PSAP; or (2) otherwise communicate and coordinate location information with the home network through other means, such as by responding to a location query from the home network to provide the serving cell's location, rather than the serving cell's identification number.

38. For each potential solution, we seek detailed and specific information on the potential technical hurdles associated with each step of the implementation process. We emphasize that we will not be persuaded by vague or unsupported arguments. We sought comment on supporting roaming for text-to-911 in our *Second Further Notice,* and we made it clear that roaming is an important public safety consideration. We therefore reasonably expect that studies regarding support for text-to-911 while roaming should already be underway, if not completed, and we ask covered text providers to include detailed information regarding the results of such studies in their comments in this proceeding.

39. We also seek comment on the potential costs. We recognize that commenters generally do not support the adoption of roaming requirements for an interim SMS standard, arguing instead that we should refrain from such requirements while covered text providers focus their resources on next-generation networks and applications. We seek comment on whether requiring near-term investments to support SMS-based roaming for text-to-911 would delay the deployment of new wireless technologies that incorporate roaming capability and, if so, by what length of time. We also seek comment on T-Mobile's statement that wireless networks are transitioning to LTE, which has ''native support . . . for robust text-to-911 features.''

[3] The ''home network'' refers to the network of the subscriber's CMRS provider, whereas the ''serving network'' refers to the network of the roaming partner.

Specifically, to what extent do LTE networks support roaming for text-to-911? In what timeframe could covered text providers support roaming, using an LTE network, on a nationwide basis?

40. We also seek comment on NENA's proposal that the Commission combine elements of two different approaches to ''achieve the right balance of incentives to ensure that the current lack of roaming support is timely resolved, while facilitating, and preserving resources for, the IP and NG transitions.'' First, the Commission could encourage industry standards work and establish a ''medium-term roaming capability requirement,'' tied to the development of necessary standards, for integrated text origination platforms. Second, the Commission could require roaming support for text-to-911 service ''as a precondition to the turn-up of any IP-based replacement for current-generation integrated text platforms.'' NENA also proposes that covered text providers may opt out of the medium-term deadline if they voluntarily commit to transition from their current generation platforms to NG911-compatible protocols and location mechanisms. Specifically, NENA proposes that the Commission ''establish a three-year deadline (December 31st, 2017) for roaming support on existing platforms, extendable to five years (December 31st, 2019) for carriers who commit to supporting NG-compatible text service on a network-wide basis by that date.'' NENA contends that this timeframe ''would better align with handset development cycles, encourage consumer adoption of more advanced handsets capable of leveraging the new texting platforms, and allow carriers additional time to recoup investments in their existing SMS platforms, which could continue to exist in parallel with newer platform for some time.'' We seek comment on NENA's proposal, and whether this two-step approach would achieve near-term support for roaming for text-to-911 while encouraging deployment of next generation wireless networks that provide automatic location information while roaming. We also seek comment on whether NENA's proposed timeframes are reasonable and would encourage investment and standards work for roaming support. In order to qualify for the opt-out provision, should covered text providers be required to substantiate their voluntary commitment to transitioning to NG-compatible technology, such as by providing the Commission with a transition timeline and specific benchmarks that show how they will support roaming for text-to-911 by the end of 2019? What other factors should we consider in evaluating this approach?

41. Finally, we seek comment on whether CSRIC should be tasked with investigating roaming support for delivering texts to 911. Several commenters suggest that it would be useful for CSRIC to examine roaming. What specific technical approaches and standards for roaming support should we task CSRIC with examining? What additional information could we expect from CSRIC that could not be provided by commenters that could help facilitate our decision-making process?

42. *International Roaming.* As we noted in the *Second Further Notice,* due to the limitations of the current ATIS/TIA J–STD–110 standard, significant changes to the SMS text platform would be necessary to handle roaming internationally. The comments indicate that international roaming present unique challenges to implement text-to-911 for consumers roaming on CMRS networks in the United States. Motorola Mobility suggests that ''any roaming requirements . . . should, like the 911 rules as a whole, be limited to equipment manufactured or imported for sale in the United States.'' We seek comment on this suggestion. Also, we seek comment on the role of U.S. standards bodies in coordinating with international standards organizations. Are U.S. standards bodies working on an international roaming standard for LTE networks as part of the IP transition? Are ATIS and similar standards groups addressing international roaming in the context of their standards work on MMES? What would be the costs for covered text providers, OS providers, and other relevant stakeholders to support of international roaming for text-to-911 in the U.S.?

*Cost-Benefit Analysis for Enhanced Location and Roaming*

43. In the *Second Report and Order,* we examine the overall benefits compared to the costs of a requirement for covered text providers to deliver 911 text messages. In assessing the benefits of the requirement, we stress that a universal capability to send 911 text messages can provide substantial, quantifiable public safety benefits to the disabilities community and to the public at large. In this *Third Further Notice,* we seek comment on the public safety benefits and improvements that our proposed enhanced location information and roaming requirements will provide, compared to the costs of meeting such requirements.

44. In particular, we seek comment on the extent to which the improvements proposed herein would result in tangible benefits with respect to safety of life and property compared to the costs of providing the best available location that covered text providers could obtain from any available location technology or technologies. We believe that enhanced location and a nationwide roaming capability will assist public safety entities in dispatching first responders more expeditiously and directly to the scene of emergencies, thereby saving lives. We seek quantitative data on this issue.

45. We acknowledge that quantifying the benefits and burdens for delivering enhanced location and roaming support for texts to 911 is potentially difficult. However, we anticipate that the proposed requirements will further contribute to the broad benefits of text messages to 911. We believe that our proposed requirements will enable public safety entities to better respond to texted requests for emergency assistance. Moreover, the roaming requirement will expand the benefits of text-to-911 to more consumers—those traveling beyond their home service area or those who may not realize they are roaming when their text-capable device is attached to a cell sector of their CMRS provider's roaming partner. We therefore expect the proposed requirements to provide an additional level of benefits beyond the estimated ''benefits floor'' of $63.7 million for the text-to-911 requirements adopted by the *Second Report and Order.* We seek comment on the increased value and benefits for providing more accurate location information enhanced location and a roaming capability with text messages to 911.

46. Further, we seek comment on the extent to which the generally recognizable benefits of the proposed requirements can be quantified with respect to the safety of life and property. In its pending E911 Location Accuracy proceeding, the Commission analyzed a 2013 study of the Salt Lake City, Utah area and derived from the study's relevant data an annual benefit of approximately $92 billion, based on an estimate that improvements in location accuracy for wireless 911 voice calls could save approximately 10,120 lives annually. We seek comment on whether our analysis and underlying assumptions are relevant to similarly quantifying the benefits of more granular location information and a roaming capability for text messages to 911.

47. We recognize that implementing the proposed location and roaming

requirements will impose costs on covered text providers. We seek detailed information on all of the costs covered text providers estimate the proposed enhanced location and roaming requirements would impose, including how these costs were determined. We seek comment on what universal costs would be necessary across all enhanced location and roaming technologies, as well as on any specific costs that are unique to the solutions that covered text providers may choose to implement. For instance, if covered text providers choose to use CMRS-based solutions using the SMS text-to-911 platform to meet the proposed requirements, we seek quantitative cost data for any possible modifications to the J–STD–110 and for the SMS text-to-911 platform in the near-term, *e.g.,* the next five years. We also request similarly detailed and quantitative data on the costs to implement enhanced location and roaming capabilities for LTE or other IP-based networks. Does the recent and ongoing the implementation of LTE networks result in the long run in lower overall cost levels, compared to the costs of changes to the SMS text-to-911 platform and of stranding investment in that current platform?

48. We also seek comment regarding the specific costs providers of interconnected text messaging applications may incur to resolve the technical complexities in delivering enhanced location and to meet the proposed roaming requirement. To the extent those costs may vary depending on the approaches that an interconnected text provider chooses, we seek quantitative cost information on these different approaches. Further, what other potential costs, if any, to interconnected text providers should the Commission consider? Since many interconnected text providers offer their services at no charge and they may incur significant costs to implement text-to-911, will interconnected text providers have to charge for these services, or are there other ways to obtain revenues to cover those costs? Finally, we seek comment on any additional costs or burdens that covered text providers may incur as a result of our proposed requirements.

*Future Texting Services*

49. *Scope of text-to-911 service and requirements.* In this proceeding, we believe that a forward-looking view of text messaging services, encompassing all text-capable media, is necessary to ensure continued access to emergency services as covered text providers migrate from legacy 911 networks to an all-IP environment. The limitations of SMS-based text-to-911, made clear in the record, underscore the need for further development of platform architectures and standards that can deliver enhanced location and support roaming with text-to-911. As new text messaging platforms are deployed, and to ensure that all consumers can reach 911 by sending a text message, we seek comment on our ultimate goal that text-to-911 be available on all text-capable media, regardless of the transmission method (*e.g.,* whether texts are delivered by IP or circuit-switched networks).

50. There is support in the record for a more expansive scope of our text-to-911 requirements. NASNA contends that the Commission's rules ''should apply to all text applications capable of texting to 911, regardless of the technology used.'' NENA emphasizes that, to ensure that future text users can be located in an emergency, the Commission should clarify that ''NG9–1–1 location determination and transmission obligations will eventually apply to access network providers and text originating service providers, respectively.'' Further, comments in response to the *Second Further Notice* indicate that consumers' expectations regarding the availability text-to-911 are likely to increase as covered text providers implement and offer new text messaging services. In further addressing these issues, we seek comment on the following matters: (1) 911 text messages delivered over Wi-Fi and non-CMRS networks; (2) non-interconnected text applications; (3) rich media services, including texts, video, photos, and the like; (4) real-time text communications; and (5) telematics and potentially additional public safety services.

51. *Location Information for Wi-Fi Enabled Devices.* In the *Second Report and Order,* we exclude 911 text messages that come from Wi-Fi only locations from the scope of the requirements at this time. In view of the record and recent trends suggesting the growth in the use of Wi-Fi generally, we believe that the public interest warrants further exploration of the feasibility of sending 911 text messages over non-CMRS networks. For instance, CMRS providers migrating to 4G LTE networks have network traffic and engineering incentives to off-load their subscriber traffic on to Wi-Fi networks that are connected to wired broadband connections, such as those provided by cable or telephone companies. The Commission's *Sixteenth Mobile Wireless Competition Report* observed that the large demand for wireless data by mobile users at public locations has been inducing CMRS providers to reduce congestion on their mobile wireless networks, and that the forecast for total mobile data traffic offload from CMRS mobile wireless networks to wireless local area networks (WLANs), which primarily use Wi-Fi technology will increase from 11 percent (72 petabytes/month) in 2011 to 22 percent (3.1 exabytes/month) in 2016.

52. We seek comment on the feasibility of sending text messages to 911 via Wi-Fi networks and on the ability of covered text providers to route those texts to the proper PSAP and provide granular location data. Public safety commenters support moving ahead on evaluating location solutions that could route text-to-911 messages using Wi-Fi networks only. NENA suggests that the Commission's medium- to long-term focus on text-to-911 should take a general approach that would address ''emerging technologies such as WiFi positioning.''

53. The record includes contrasting views. For example, Heywire submits that the technical issues will require ''substantial development'' to address matters ranging from ''the mobile devices themselves'' to the ''validity of the identification'' of individuals who use text-to-911 on Wi-Fi only devices. Similarly, VON Coalition contends that ''[i]n a Wi-Fi-only environment there is a lack of reliable location information and no reliable way for the text to be routed.'' In contrast, TCS submits that ''[a]dvances in the user plane protocol enable'' location techniques, including Wi-Fi and Bluetooth, that are not dependent on the macro cellular network. Also, Bandwidth describes two options for location capability with text-to-911 through Wi-Fi service: (1) ''Platform-derived location options,'' querying a database of Wi-Fi hotspots, and knowing the Wi-Fi router locations; and (2) ''off-platform services,'' available to application developers . . . that use hybrid positioning technology to determine a consumer's location. We seek comment on the approaches suggested by TCS and Bandwidth, as well as any other potential solutions.

54. *Non-interconnected text applications.* Additionally, the *Second Further Notice* sought comment on non-interconnected text applications that only support communications between a defined set of users, but do not support general communication with all or substantially all North American Numbering Plan numbers. The record shows support for addressing consumer expectations with respect to the use of such non-interconnected text applications. For instance, TCS submits that an interconnected text provider that

offers a service that sends and receives text messages ''between essentially any data-capable device should be required to fulfill the same 9–1–1 obligations as an OTT provider that provides such a service via one interface.'' Heywire observes that the differences between an interconnected versus non-interconnected application are not understood by the average person, and that further confusion arises with non-interconnected text providers using the consumer's mobile phone number for identification purposes or ''sending an 'authorization' SMS message'' to the consumer's mobile device. We seek comment on the appropriate approach to address non-interconnected text services—whether through voluntary commitments or by extending the text-to-911 rules we adopt today. We also seek comment generally on the scope of non-interconnected text applications that should be covered by any requirements. Should text-to-911 requirements address non-interconnected text providers offering services to consumers who participate in social media or choose to use applications that enable texting within an affinity group but that do not use NANP numbers? What could the Commission do to encourage rather than require relevant stakeholders to implement the text platforms and technologies necessary to achieve text-to-911, and in what timeframe? What standards are being developed or would have to be adopted to allow stakeholders to implement text-to-911 on all text-capable media on a technologically neutral basis?

55. We also seek comment on what bases of authority the Commission has that are sufficient for us to extend the scope of our text-to-911 requirements. VON Coalition opposes regulations that would apply to non-interconnected text services, especially services that ''only permit users to text other users of the same service.'' Additionally, the *Second Further Notice* sought comment on non-interconnected applications that only support communications between a defined set of users, but do not support general communication with using North American Numbering Plan numbers. The record shows support for addressing consumer expectations with respect to the use of such non-interconnected text applications. ITIC contends that this proceeding should not include text applications that ''only allow consumers to communication with other users running the same application.'' We seek comment on whether the legal authority set forth in the *Second Report and Order* would also support extending text-to-911 obligations to non-interconnected text providers. Alternatively, does the Commission have adequate bases of authority to require non-interconnected text providers to provide a bounce-back message that text-to-911 service to 911 not available? VON Coalition suggests that the Commission should recommend that non-interconnected text providers ''notify customers in their terms of use that texting 911 is not available'' but refrain from imposing requirements on such providers. We seek comment on VON Coalition's view.

56. We also seek comment on the technical feasibility for non-interconnected text messaging providers to deliver texts-to-911. Bandwidth asserts that because the ''application-centric model'' posed in the *Second Further Notice* ''does not depend on the 10-digit number assigned to the underlying communications device,'' that model would ''technically allow for the possible expansion of text-to-911 requirements to include non-interconnected OTT application providers in the future.'' Heywire suggests that the CMRS-based model would be feasible for non-interconnected text providers as well as interconnected text providers. We seek comment on these proposals. What costs would non-interconnected text providers incur to comply with requirements to provide either text-to-911 or a bounce-back message?

57. *Rich media text services.* We also seek comment on the delivery of multimedia messages to PSAPs.[4] Both MMS and MMES provide the capability to send multimedia, including photos and videos, in addition to text. We seek comment on PSAP implementation of multimedia messaging services and how the delivery of multimedia could affect PSAPs. Are PSAPs concerned regarding the amount of multimedia information they may receive? Currently, certain covered text providers remove non-text content and non-911 addresses from a MMS before delivery to the PSAP. Verizon adds that the ''potential for PSAP and consumer confusion'' can arise ''in various scenarios associated with MMS,'' and that the Commission should ''allow industry and public safety stakeholders to address issues concerning non-voice and non-text content in the context of NG911 systems and IP-enabled originating networks.'' Verizon contends that if the Commission intends to regulate messages delivered as MMS, it will need to provide ''the opportunity to resolve the technical issues in a consistent, standard way, and to address the potential for consumer confusion.'' ATIS urges that ''industry begin its technical evaluation quickly,'' because users today connect to CMRS and Wi-Fi networks ''at the same time to run SMS-like applications,'' including ''sophisticated applications that incorporate texting with other multimedia capabilities.'' We seek comment on these industry views. We also seek comment on what factors public safety entities must consider before they can efficiently handle text, photos, and video from whatever multimedia technologies covered text and other service providers choose to deploy. What best practices are being developed as more PSAPs implement IP-based or NG911 capabilities? Do regional or virtual PSAPs provide efficiencies to filter the flow of multimedia messages to 911, especially in disasters or other critical circumstances? Should the Commission impose requirements on covered text providers to restrict multimedia information to PSAPs? What cybersecurity concerns might multimedia messages introduce for covered text providers and PSAPs? We seek comment generally on the promise and potential of media-rich text messaging services, and how soon those capabilities will be realized.

58. *Real-Time Text.* Further, we seek comment on the delivery of real-time text communications to PSAPs, wherein the text is transmitted as it is typed. The EAAC recommended that ''standards and functional requirements be adopted that are technically and economically feasible'' to achieve direct access to 911 using, among other IP-based text communications, real-time text communications. We note that real-time text differs from traditional forms of text communications such as SMS, in that it provides an instantaneous exchange, character by character or word by word, whereas SMS and other traditional forms of text communications require uses to finish their typed message before sending it. According to the Rehabilitation Engineering Research Center for Telecommunications Access (RERC–TA), in an emergency, real-time text can allow for interruption and reduce the risk of crossed messages because the PSAP call taker is able to read the caller's message as it is being typed, rather than waiting until the caller presses the ''send'' key.

59. *Telematics and additional public safety services.* Telematics services offer

[4] The text portion of text-to-911 message initiated using an MMS or other text messaging platform must be transmitted to the PSAP pursuant to our requirements set forth in the Second Report and Order. In this section, we discuss the inclusion of rich media, including images, video, and the like.

a number of public-safety oriented services, including automatic crash notification (ACN), navigation, concierge, and diagnostic features. Until recently, these telematics services have not offered texting capability. Telematics services have now evolved, however, to enable text messaging over SMS platforms or platforms incorporating the ability to connect with LTE networks, either through device toggling or through a voice-to-text recognition capability in the telematics device embedded in the architecture of vehicles. We seek comment on the capabilities of telematics services devices to enable consumers to use text messaging to reach 911 services other than through the telematics call centers. For instance, we note that telematics-connected ''docks'' in vehicles can enhance the capabilities of smart phones to access telematics services. Additionally, we recognize that 911-only mobile devices and certain alarm services using either CMRS data or Wi-Fi networks have also evolved to incorporate new capabilities that can include 911-specific text messaging.

60. We request comment on whether the Commission should extend the scope of text-to-911 requirements to apply to public safety-oriented telematics services that include text capability. What expectations do consumers have in reaching PSAPs directly, using such telematics services, rather than through a third-party call center? What sources of jurisdictional authority does the Commission have to adopt text-to-911 requirements for such telematics services? What are the costs and benefits of including these services within the scope of the text-to-911 requirements for the purposes of providing enhanced location information or routing the emergency text-to-911 message to the appropriate PSAP?

*Procedural Matters*

61. *Ex Parte Rules.* The proceeding of which this *Third Further Notice* is a part is a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with 47 CFR1.1206(b). In proceedings governed by 47 CFR 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

62. *Comment Filing Procedures.* Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments should be filed in PS Dockets No. 11–153 and 10–255. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

1. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.

2. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

3. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.

63. *Accessible Formats.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

64. *Regulatory Flexibility Act.* As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact of the proposal described in the attached *Third Further Notice of Proposed Rulemaking* (*Third Further Notice*) on small entities. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments in the *Third Further Notice.* The Commission will send a copy of the *Third Further Notice,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the *Third Further Notice* and IRFA (or summaries thereof) will be published in the **Federal Register**.

**Initial Regulatory Flexibility Analysis**

*A. Need for, and Objectives of, the Proposed Rules*

65. In the *Third Further Notice,* we seek comment on ways to improve text-to-911 service for Americans by providing enhanced location and roaming support, and how to best include future texting services within the scope of existing and proposed text-to-911 requirements. We seek comment regarding the technical feasibility of specific approaches, and likely timeframe for covered text providers to achieve these capabilities. We seek comment on solutions for roaming support and whether we should consider near-term requirements for roaming, or whether we should focus on roaming in conjunction with the deployment of next generation wireless networks, such as LTE. Finally, we seek comment on how newer services and

networks will affect the delivery of text-to-911. These improvements will further long-term objectives to improve 911 communications and enable PSAPs to dispatch first responders directly and quickly to the scene of an emergency.

66. Currently, SMS text-to-911 does not provide for enhanced location of a mobile device due to differences in platforms for voice and text to send enhanced location information. We propose that, no later than two years from the effective date of the adoption of final rules, covered text providers must deliver enhanced location information (consisting of the best available location that covered text providers could obtain from any location technologies, or combination of technologies, including device-based location) with texts to 911. We also seek comment on the technical, privacy, and security issues associated with using commercial location-based services (cLBS) for enhanced text-to-911 location information. Lastly, we seek comment on the feasibility of sending text messages to 911 through Wi-Fi networks and on the capability of covered text providers to deliver location information with texts routed based on Wi-Fi location. There are times when a user's cell phone has only Wi-Fi as a means of connectivity, and being able to utilize it to connect with PSAPs when no other medium is available could save lives.

67. We must also consider the availability of roaming. If a subscriber is outside of his or her coverage area, the subscriber may not be able to reach 911 via text message unless roaming technology is provided where the mobile device can ''roam'' on another network and connect to other service providers that can support the delivery of 911 text messages. Thus we propose to require covered text providers to support roaming for text-to-911 no later than two years from the effective date of the adoption of final roaming rules and seek comment on this approach.

68. We also seek specific comment on NENA's proposal with regard to roaming solutions. NENA's proposal would first have the Commission encourage industry standards work and establish a medium-term roaming requirement, tied to the development of necessary standards, for integrated text origination platforms. Second, the Commission would require roaming support for text-to-911 service as a precondition to the launch of any IP-based replacement for current-generation integrated text platforms. NENA also proposes that covered text providers could opt out of the medium-term deadline if they voluntarily commit to transition from their current generation platforms to NG911-compatible protocols and location mechanisms. Specifically, NENA proposes that the Commission ''establish a three-year deadline (December 31st, 2017) for roaming support on existing platforms, extendable to five years (December 31st, 2019) for carriers who commit to supporting NG-compatible text service on a network-wide basis by that date.'' Providing roaming support for text-to-911 is important to ensure that the benefits of text-to-911 are shared by all consumers, and to encourage wireless competition by allowing smaller and rural CMRS providers the ability to offer their subscribers comparable services as larger CMRS providers.

69. Finally, we seek comment on our ultimate goal that text and other messaging to 911 be available on all text-capable media, regardless of the transmission method. The limitations of SMS-based text-to-911 underscore the need for further development of evolving platform architectures and standards that can deliver enhanced location and support roaming with text-to-911. We believe that a forward-looking view of text messaging services, encompassing all text-capable media, is warranted to ensure continued access to emergency services as some covered text providers migrate from legacy 911 networks to an all-IP environment. We also seek comment on how newer services and networks, as well as the transition to such newer services and networks, will affect the delivery of text-to-911, including text messages originating from Wi-Fi only locations, non-interconnected text applications, rich media text services, real-time text, and telematics and other public safety services. Thus, in the *Third Further Notice,* we seek to ensure that consumers have access to non-voice/text capabilities to our 911 system with enhanced location, roaming support, and future texting services, affirming our commitment to ensuring access to emergency services for all Americans, as well as advance the Commission's goal of enabling text, photo, and video transmission to 911.

### *B. Legal Basis*

70. The legal basis for any action that may be taken pursuant to this *Third Further Notice of Proposed Rulemaking* is contained in sections 1, 2, 4(i), 4(j), 4(o), 251(e), 303(b), 303(g), 303(r), 316, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 154(o), 251(e), 303(b), 303(g), 303(r), 316, 403, and section 4 of the Wireless Communications and Public Safety Act of 1999, Public Law 106–81, sections 101 and 201 of the New and Emerging Technologies 911 Improvement Act of 2008, Public Law 110–283, and section 106 of the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 47 U.S.C. 615a, 615a–1, 615b, 615c.

### *C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Would Apply*

71. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

72. *Small Businesses, Small Organizations, and Small Governmental Jurisdictions.* Our action may, over time, affect small entities that are not easily categorized at present. The Commission's current Master PSAP registry indicates that there are more than 6,000 active PSAPs, which we conclude fall into this category. Should a PSAP choose to implement text-to-911, they will be affected by the proposed rules. We emphasize, however, that PSAPs retain the choice of whether to implement text-to-911; any PSAP that chooses not to implement text-to-911 will not be affected by the adopted rules. As of 2009, small businesses represented 99.9% of the 27.5 million businesses in the United States, according to the SBA. Additionally, a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 2007, there were approximately 1,621,315 small organizations. Finally, the term ''small governmental jurisdiction'' is defined generally as ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' Census Bureau data for 2007 indicate that there were 89,527 governmental jurisdictions in the United States. We estimate that, of this total, as many as 88,761 entities may

qualify as ''small governmental jurisdictions.'' Thus, we estimate that most governmental jurisdictions are small.

73. *Other Small Entities to Which the Proposed Rules Would Apply.* The following small entities may be affected by the proposed rules: Wireless Telecommunications Carriers (except satellite); Wireless Service Providers; Incumbent Local Exchange Carriers (Incumbent LECs); Competitive Local Exchange Carriers (Competitive LECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers; Broadband Personal Communications Service; Narrowband Personal Communications Services; Specialized Mobile Radio; AWS Services (1710–1755 MHz and 2110–2155 MHz bands (AWS–1); 1915–1920 MHz, 1995–2000 MHz, 2020–2025 MHz and 2175–2180 MHz bands (AWS–2); 2155–2175 MHz band (AWS–3)); Wireless Communications Services; Upper 700 MHZ Band Licensees; Lower 700 MHz Band Licensees; Wireless Telephony; Satellite Telecommunications Providers; Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing; Semiconductor and Related Device Manufacturing; Software Publishers; Internet Service Providers; Internet Publishing and Broadcasting and Web Search Portals.

The full Initial Regulatory Flexibility Analysis (IRFA), which includes descriptions and estimates of the small entities to which the rules proposed would apply, can be found in the *Third Further Notice,* available at *http://www.fcc.gov/document/fcc-adopts-text-911-rules.* The Third Further Notice and its accompanying IRFA can also be accessed through the Commission's Electronic Document Management System (EDOCS) by searching for FCC No. 14–118.

*D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities*

74. The *Third Further Notice* proposes that no later than two years of the effective date of the adoption of final rules, covered text providers must deliver enhanced location information (consisting of the best available location that covered text providers could obtain from any available location technology or combination of technologies, including device-based location) with texts to 911. The *Third Further Notice* also proposes to require covered text providers to support roaming for text-to-911 no later than two years from the effective date of the adoption of final rules. The *Third Further Notice* also seeks comment on alternative proposals for enhanced location and roaming support.

*E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered*

75. The RFA requires an agency to describe any significant, specifically small business alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): ''(1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) and exemption from coverage of the rule, or any part thereof, for small entities.''

76. The *Third Further Notice* analyzes a variety of ways in which covered text providers could use enhanced location to route 911 text messages, as well as provide the PSAP with the caller's actual location, and seeks comment on associated costs. It also seeks comment on possible roaming solutions and the evolution of texting applications and how consumers use them. The *Third Further Notice* seeks comment on costs associated with the proposed requirements for enhanced location and roaming support, as well as the costs associated with alternative proposals. It also seeks comment on how future texting services would be best and most cost-efficiently incorporated into the 911 ecosystem.

77. The *Third Further Notice* also seeks comment on ways existing infrastructure and resources could be used to comply with the proposed rules, as well as how enhanced location and roaming capabilities could be addressed via expenditures made for broader NG911 deployments.

78. *Paperwork Reduction Analysis.* This document contains proposed new information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

79. We note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

80. *Congressional Review Act.* The Commission will send a copy of this *Third Further Notice* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act (CRA), *see* 5 U.S.C. 801(a)(1)(A).

*Ordering Clauses*

81. Accordingly, *it is ordered,* pursuant to sections 1, 2, 4(i), 4(j), 4(o), 251(e), 303(b), 303(g), 303(r), 316, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 154(o), 251(e), 303(b), 303(g), 303(r), 316, 403, and section 4 of the Wireless Communications and Public Safety Act of 1999, Public Law 106–81, sections 101 and 201 of the New and Emerging Technologies 911 Improvement Act of 2008, Public Law 110–283, and section 106 of the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 47 U.S.C. 615a, 615a–1, 615b, 615c, that the *Second Report and Order and Third Further Notice of Proposed Rulemaking* in PS Docket No. 11–153 and PS Docket No. 10–255 *is adopted* and shall become effective thirty (30) days after publication of the text or summary thereof in the **Federal Register**, except for those rules and requirements that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, which shall become effective after the Commission publishes a notice in the **Federal Register** announcing such approval and the relevant effective date.

82. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *Second Report and Order and Third Further Notice of Proposed Rulemaking,* including the Final Regulatory Flexibility Analysis and Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

**List of Subjects in 47 CFR Part 20**

Communications common carriers, Communications equipment, Radio.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

## Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR Part 20 as follows:

## PART 20—COMMERCIAL MOBILE RADIO SERVICES

■ 1. The authority citation for Part 20 is revised to read as follows:

**Authority:** 47 U.S.C. 151, 152, 154(i), 201(b), 225, 301, 303(b), 303(g), 303(r), 316, 403, 615a, 615a–1, 615b, and 47 U.S.C. 615c.

■ 2. Section 20.18 is amended by adding paragraphs (n)(12) and (13) to read as follows:

### § 20.18 911 Service.

* * * * *

(n) * * *

(12) *Enhanced location for 911 text messages.* Covered text providers subject to this section must provide the designated Public Safety Answering Point enhanced location, *i.e.,* the best available location that covered text providers can obtain from any available location technology or combination of technologies, with 911 text messages no later than [DATE 2 YEARS AFTER EFFECTIVE DATE OF FINAL RULE].

(13) *Roaming.* Covered text providers subject to this section must support roaming for 911 text messages no later than two years from the effective date of this rule.

[FR Doc. 2014–21852 Filed 9–15–14; 8:45 am]

BILLING CODE 6712–01–P

# Notices

Federal Register

Vol. 79, No. 179

Tuesday, September 16, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

September 10, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

**Food and Nutrition Service**

*Title:* Supplemental Nutrition Assistance Program Case and Procedural Case Action Review Schedule.

*OMB Control Number:* 0584–0034.

*Summary of Collection:* The legislative basis for the operation of the quality control system is provided by section 16 of the Food and Nutrition Act of 2008. State agencies are required to perform Quality Control (QC) reviews for the Supplemental Nutrition Assistance Program (SNAP). Section 275.21 requires State agencies to submit reports to enable the Food and Nutrition Service (FNS) to monitor their compliance with Program requirements relative to the Quality Control Review System. FNS will collect information using form FNS–245 *Case and Procedural Case Action Review Schedule.*

*Need and Use of the Information:* FNS will collect information to record data in negative case reviews. Case and Procedural cases include the denial, termination or suspension of benefits. If the information were not collected, FNS would not be able to effectively monitor invalid denials, terminations or suspensions; nor would we be able to identify related policy improvements to ensure program integrity.

*Description of Respondents:* State, Local, or Tribal Government.

*Number of Respondents:* 53.

*Frequency of Responses:* Recordkeeping; Reporting: On occasion; Annually.

*Total Burden Hours:* 121,784.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2014–21947 Filed 9–15–14; 8:45 am]

BILLING CODE 3410–30–P

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

### Agency Information Collection Activities: Proposed Collection; Comment Request: Supplemental Nutrition Assistance Program Pre-Screening Tool

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on the proposed information collection. This is a revision of a currently approved collection for a web-based pre-screening tool used by the general public to determine potential eligibility for Supplemental Nutrition Assistance Program (SNAP) benefits.

**DATES:** Written comments must be received on or before November 17, 2014.

**ADDRESSES:** Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will 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 those who are to respond, including use of appropriate, automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Sasha Gersten-Paal, Branch Chief, Certification Policy Branch, Program Development Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 812, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Sasha Gersten-Paal at 703–305–2507 or via email to *Sasha.Gersten-Paal@fns.usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov* and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of this information collection should be directed to Sasha Gersten-Paal at (703) 305–2507.

**SUPPLEMENTARY INFORMATION:**

*Title:* Supplemental Nutrition Assistance Program Pre-Screening Tool.

*OMB Number:* 0584–0519.

*Expiration Date:* January 31, 2015.

*Type of Request:* Revision of a currently approved collection.

*Abstract:* In June 2003, the Food and Nutrition Service (FNS) deployed an interactive web-based pre-screening tool that can be utilized by the general public to determine potential eligibility for benefits in the Supplemental Nutrition Assistance Program (SNAP). The tool has been modified since the last revision of this collection to maintain ease of use. Once the user enters household size, income, expenses and resource information, the tool will calculate and provide the user with an estimated range of benefits that the household may be eligible to receive. Since SNAP eligibility and benefit amount may vary by location, FNS makes it clear that the tool is only an estimator and the household will need to contact the local agency to determine actual eligibility and the appropriate benefit amount. Other data collected are:

- State: State or territory in which the user resides;
- Number of People: Number of people living in the household;
- Migrant Workers: Is anyone in the household a seasonal or migrant farm worker;
- Homeless: Is the household homeless or living in a shelter;
- Citizenship: Whether each member is a U.S. citizen;
- Utility expenses: Whether client is billed for utility costs;

Although the tool also requests the name and age of the user, FNS does not retain this information nor does it request other personally identifiable information such as social security numbers, birthdays, etc. of the household members. FNS estimates it will take approximately 402, 534 users about 10 minutes (0.167 hours) to provide the required information to receive potential eligibility benefit information using the pre-screening tool. Users are expected to access the system once for a total annual response of 402,534. FNS estimates 67,223 burden hours for this activity. Once the user logs out of the system, none of the user-provided information is retained by FNS.

In reviewing National Databank program participation data for FY 2012 to FY 2014, it was noted that a peak in household participation occurred in FY 2013. Although we estimated a 1.65 percent difference in participation levels since the last extension of this collection, the trajectory of current participation levels suggests that household participation in SNAP may level off for FY 2014. Based on this analysis, and the number of potential applicants estimated to use the prescreening tool, the current burden inventory is 66,132; FNS projects an annual burden of 67,223 hours, representing an increase of 1,091 hours.

*Affected Public:* Individuals and Households, potential SNAP clients.

*Estimated Number of Respondents:* 402,534.

*Estimated Number of Responses per Respondent:* 1.

*Estimated Total Annual Responses:* 402,534.

*Estimate Time per Response:* 0.167.

*Estimated Total Annual Burden:* 67,223.

Because none of the data entered by users is retained, there is no recordkeeping requirement associated with this information collection.

| OMB # 0584–0519 | Requirement | Estimated number of respondents | Responses annually per respondent | Total annual responses | Hours per response | Annual burden hours |
|---|---|---|---|---|---|---|
| Affected Public | | | | | | |
| **Potential SNAP Clients** | | | | | | |
| Reporting burden | Completion of SNAP Prescreening Tool. | 402,534 | 1 | 402,534 | 0.167 | 67,223 |
| Reporting totals. | ..... | 402,534 | 1 | 402,534 | 0.167 | 67,223 |

Dated: September 5, 2014.

**Audrey Rowe,**

*Administrator, Food and Nutrition Service.*

[FR Doc. 2014–21948 Filed 9–15–14; 8:45 am]

**BILLING CODE 3410–30–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Transfer of Administrative Jurisdiction: Ernest Veuve Hall United States Army Reserve Center at Fort Missoula, Missoula, Montana, and the Helena Property, Helena National Forest, Helena, Montana

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of joint jurisdictional interchange of lands between the Forest Service and the Department of the Army.

**SUMMARY:** On July 25, 2014, Paul D. Cramer, the Deputy Assistant Secretary of the Army and Robert Bonnie, the Under Secretary of Agriculture, signed a joint interchange order authorizing the transfer of administrative jurisdiction of 12.31 acres from the Department of the Army to the United States Department of Agriculture for the inclusion in the Lolo National Forest located at Fort Missoula, Missoula, Montana. Furthermore, the joint order transfers administrative jurisdiction of 59.96 acres from the United States Department of Agriculture to the Department of the Army, located at the Helena Airport.

**DATES:** The 45-day Congressional oversight requirement of the Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505a, 505b) has been met. The order is effective September 15, 2014.

**ADDRESSES:** Copies of the signed joint order, legal descriptions along with maps showing the lands included in this joint interchange are on file and available for public inspection in the Office of the Regional Forester, Northern Region, 200 E. Broadway, (P.O. Box 7669) Missoula, Montana 59807, between the hours of 8:30 a.m. and 4:30 p.m. on business days. Those wishing to inspect the maps and legal descriptions are encouraged to call ahead to Mr. Guy Adams at 406–329–3581 or by email *ghadams@fs.fed.us* to facilitate entry into the building.

**FOR FURTHER INFORMATION CONTACT:** A.L. Richard, Washington Office Lands and Realty Staff, USDA, Forest Service, 201 14th Street SW., Washington, DC 20250,

Telephone at 202–205–1792 or by email at *arichard@fs.fed.us,*

Dated: September 10, 2014.

**Brian Ferebee,**

*Acting Associate Deputy Chief, NFS, Forest Service.*

[FR Doc. 2014–22150 Filed 9–15–14; 8:45 am]

**BILLING CODE 3411–15–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–570–904]**

### Certain Activated Carbon From the People's Republic of China; 2013–2014; Partial Rescission of the Seventh Antidumping Duty Administrative Review

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** On May 29, 2014, the Department of Commerce (''Department'') published a notice of initiation of an administrative review of the antidumping duty order on certain activated carbon from the People's Republic of China (''PRC'') based on multiple timely requests for an administrative review. The review covers 190 companies. Based on a withdrawal of the requests for review of certain companies from Calgon Carbon Corporation and Cabot Norit Americas Inc. (''Petitioners''), we are now rescinding this administrative review with respect to 165 companies.

**DATES:** *Effective Date:* September 16, 2014.

**FOR FURTHER INFORMATION CONTACT:** Emeka Chukwudebe, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–0219.

### Background

In April 2013, the Department received multiple timely requests to conduct an administrative review of the antidumping duty order on certain activated carbon from the PRC (''the *Order*'').[1] Based upon these requests, on May 29, 2014, the Department published a notice of initiation of an administrative review of the *Order* covering the period April 1, 2013, to March 31, 2014.[2] The Department initiated the administrative review with respect to 190 companies.[3] On August 27, 2014, Petitioners withdrew their request for an administrative review on 166 companies.[4] Of the 166 companies, Petitioners also withdrew their request for review of Calgon Carbon (Tianjin) Co., Ltd. (''Calgon''). However, because Calgon also requested an administrative review of itself in the current segment, it remains part of this review.[5]

### Partial Rescission

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. Petitioners withdrew their request for an administrative review on the 165 companies listed in the Appendix.[6] Petitioners were the only party to request a review of these companies. Accordingly, we are rescinding this review, in part, with respect to these entities, in accordance with 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. For the companies for which this review is rescinded, 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.

### Notification to Importers

This notice serves as the only reminder to importers for whom this review is being rescinded, as of the publication date of this notice, 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.

### Notification Regarding Administrative Protective Orders

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 or 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.

### Notification to Interested Parties

This notice is issued and published in accordance with sections 751 and 777(i)(l) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: September 10, 2014.

**Christian Marsh,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

### APPENDIX

1 AmeriAsia Advanced Activated Carbon Products Co., Ltd.
2 Anhui Handfull International Trading (Group) Co., Ltd.
3 Anhui Hengyuan Trade Co. Ltd.
4 Anyang Sino-Shan International Trading Co., Ltd.
5 Baoding Activated Carbon Factory
6 Beijing Broad Activated Carbon Co., Ltd.
7 Beijing Haijian Jiechang Environmental Protection Chemicals
8 Beijing Hibridge Trading Co., Ltd.
9 Bengbu Jiutong Trade Co. Ltd.
10 Changji Hongke Activated Carbon Co., Ltd.
11 Chengde Jiayu Activated Carbon Factory
12 China National Building Materials and Equipment Import and Export Corp.
13 China National Nuclear General Company Ningxia Activated Carbon Factory
14 China Nuclear Ningxia Activated Carbon Plant
15 Da Neng Zheng Da Activated Carbon Co., Ltd.
16 Datong Carbon Corporation

[1] *See Notice of Antidumping Duty Order: Certain Activated Carbon From the People's Republic of China,* 72 FR 20988 (April 27, 2007) (''*Order*'').

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 79 FR 30809, 30816 (May 29, 2014).

[3] *Id.*

[4] *See* Letter to the Department from Petitioners, Re: 7th Administrative Review of Certain Activated Carbon from the People's Republic of China: Petitioners' Withdrawal of Certain Requests for Administrative Review, dated August 27, 2014.

[5] *See* Letter from Calgon, dated April 25, 2014.

[6] As stated in *Change in Practice in NME Reviews,* the Department will no longer consider the non-market economy (''NME'') entity as an exporter conditionally subject to administrative reviews. *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 213 (November 4, 2013) (''*Change in Practice in NME Reviews*'').

17 Datong Changtai Activated Carbon Co., Ltd.
18 Datong City Zuoyun County Activated Carbon Co., Ltd.
19 Datong Fenghua Activated Carbon
20 Datong Forward Activated Carbon Co., Ltd.
21 Datong Fuping Activated Carbon Co. Ltd.
22 Datong Guanghua Activated Co., Ltd.
23 Datong Hongtai Activated Carbon Co., Ltd.
24 Datong Huanqing Activated Carbon Co., Ltd.
25 Datong Huaxin Activated Carbon
26 Datong Huibao Activated Carbon Co., Ltd.
27 Datong Huibao Active Carbon Co., Ltd.
28 Datong Huiyuan Cooperative Activated Carbon Plant
29 Datong Kaneng Carbon Co. Ltd.
30 Datong Locomotive Coal & Chemicals Co., Ltd.
31 Datong Tianzhao Activated Carbon Co., Ltd.
32 DaTong Tri-Star & Power Carbon Plant
33 Datong Weidu Activated Carbon Co., Ltd.
34 Datong Xuanyang Activated Carbon Co., Ltd.
35 Datong Zuoyun Biyun Activated Carbon Co., Ltd.
36 Datong Zuoyun Fu Ping Activated Carbon Co., Ltd.
37 Dezhou Jiayu Activated Carbon Factory
38 Dongguan Baofu Activated Carbon
39 Dongguan SYS Hitek Co., Ltd.
40 Dushanzi Chemical Factory
41 Fu Yuan Activated Carbon Co., Ltd.
42 Fujian Jianyang Carbon Plant
43 Fujian Nanping Yuanli Activated Carbon Co., Ltd.
44 Fujian Yuanli Active Carbon Co., Ltd.
45 Fuzhou Taking Chemical
46 Fuzhou Yihrian Carbon
47 Great Bright Industrial
48 Hangzhou Hengxing Activated Carbon
49 Hangzhou Hengxing Activated Carbon Co., Ltd.
50 Hangzhou Linan Tianbo Material (HSLATB)
51 Hangzhou Nature Technology
52 Hebei Foreign Trade and Advertising Corporation
53 Hebei Shenglun Import & Export Group Company
54 Hegongye Ninxia Activated Carbon Factory
55 Heilongjiang Provincial Hechang Import & Export Co., Ltd.
56 Hongke Activated Carbon Co., Ltd.
57 Huaibei Environment Protection Material Plant
58 Huairen Huanyu Purification Material Co., Ltd.
59 Huairen Jinbei Chemical Co., Ltd.
60 Huaiyushan Activated Carbon Group
61 Huatai Activated Carbon
62 Huzhou Zhonglin Activated Carbon
63 Inner Mongolia Taixi Coal Chemical Industry Limited Company
64 Itigi Corp. Ltd.
65 J&D Activated Carbon Filter Co. Ltd.
66 Jiangle County Xinhua Activated Carbon Co., Ltd.
67 Jiangsu Taixing Yixin Activated Carbon Technology Co., Ltd.
68 Jiangxi Hanson Import Export Co.
69 Jiangxi Huaiyushan Activated Carbon
70 Jiangxi Huaiyushan Activated Carbon Group Co.
71 Jiangxi Huaiyushan Suntar Active Carbon Co., Ltd.
72 Jiangxi Jinma Carbon
73 Jianou Zhixing Activated Carbon
74 Jiaocheng Xinxin Purification Material Co., Ltd.
75 Jilin Province Bright Future Industry and Commerce Co., Ltd.
76 Jing Mao (Dongguan) Activated Carbon Co., Ltd.
77 Kaihua Xingda Chemical Co., Ltd.
78 Kemflo (Nanjing) Environmental Tech
79 Keyun Shipping (Tianjin) Agency Co., Ltd.
80 Kunshan Actview Carbon Technology Co., Ltd.
81 Langfang Winfield Filtration Co.
82 Link Shipping Limited
83 Longyan Wanan Activated Carbon
84 Mindong Lianyi Group
85 Nanjing Mulinsen Charcoal
86 Nantong Ameriasia Advanced Activated Carbon Product Co., Ltd.
87 Ningxia Baota Activated Carbon Co., Ltd.
88 Ningxia Baota Active Carbon Plant
89 Ningxia Blue-White-Black Activated Carbon (BWB)
90 Ningxia Fengyuan Activated Carbon Co., Ltd.
91 Ningxia Guanghua Chemical Activated Carbon Co., Ltd.
92 Ningxia Haoqing Activated Carbon Co., Ltd.
93 Ningxia Henghui Activated Carbon
94 Ningxia Honghua Carbon Industrial Corporation
95 Ningxia Huinong Xingsheng Activated Carbon Co., Ltd.
96 Ningxia Jirui Activated Carbon
97 Ningxia Lingzhou Foreign Trade Co., Ltd.
98 Ningxia Luyuangheng Activated Carbon Co., Ltd.
99 Ningxia Pingluo County Yaofu Activated Carbon Plant
100 Ningxia Pingluo Xuanzhong Activated Carbon Co., Ltd.
101 Ningxia Pingluo Yaofu Activated Carbon Factory
102 Ningxia Taixi Activated Carbon
103 Ningxia Tianfu Activated Carbon Co., Ltd.
104 Ningxia Weining Active Carbon Co., Ltd.
105 Ningxia Xingsheng Coal and Active Carbon Co., Ltd.
106 Ningxia Xingsheng Coke & Activated Carbon Co., Ltd.
107 Ningxia Yinchuan Lanqiya Activated Carbon Co., Ltd.
108 Ningxia Yirong Alloy Iron Co., Ltd.
109 Ningxia Zhengyuan Activated
110 Ninxia Tongfu Coking Co., Ltd.
111 Nuclear Ningxia Activated Carbon Co., Ltd.
112 OEC Logistic Qingdao Co., Ltd.
113 Panshan Import and Export Corporation
114 Pingluo Xuanzhong Activated Carbon Co., Ltd.
115 Pingluo Yu Yang Activated Carbon Co., Ltd.
116 Shanghai Activated Carbon Co., Ltd.
117 Shanghai Coking and Chemical Corporation
118 Shanghai Goldenbridge International
119 Shanghai Jiayu International Trading (Dezhou Jiayu and Chengde Jiayu)
120 Shanghai Jinhu Activated Carbon (Xingan Shenxin and Jiangle Xinhua)
121 Shanghai Light Industry and Textile Import & Export Co., Ltd.
122 Shanghai Mebao Activated Carbon
123 Shanghai Xingchang Activated Carbon
124 Shanxi Blue Sky Purification Material Co., Ltd.
125 Shanxi Carbon Industry Co., Ltd.
126 Shanxi Dapu International Trade Co., Ltd.
127 Shanxi Newtime Co., Ltd.
128 Shanxi Qixian Foreign Trade Corporation
129 Shanxi Qixian Hongkai Active Carbon Goods
130 Shanxi Supply and Marketing Cooperative
131 Shanxi Tianli Ruihai Enterprise Co.
132 Shanxi Xiaoyi Huanyu Chemicals Co., Ltd.
133 Shanxi Xinhua Activated Carbon Co., Ltd.
134 Shanxi Xinhua Chemical Co., Ltd. (formerly Shanxi Xinhua Chemical Factory)
135 Shanxi Xinhua Protective Equipment
136 Shanxi Xinshidai Import Export Co., Ltd.
137 Shanxi Xuanzhong Chemical Industry Co., Ltd.
138 Shanxi Zuoyun Yunpeng Coal Chemistry
139 Shenzhen Sihaiweilong Technology Co.
140 Sincere Carbon Industrial Co. Ltd.
141 Taining Jinhu Carbon
142 Taiyuan Hengxinda Trade Co., Ltd.
143 Tianchang (Tianjin) Activated Carbon
144 Tianjin Century Promote International Trade Co., Ltd.
145 Tonghua Bright Future Activated Carbon Plant
146 Tonghua Xinpeng Activated Carbon Factory
147 Triple Eagle Container Line
148 Uniclear New-Material Co., Ltd.
149 United Manufacturing International (Beijing) Ltd.
150 Valqua Seal Products (Shanghai) Co.
151 VitaPac (HK) Industrial Ltd.
152 Wellink Chemical Industry
153 Xi Li Activated Carbon Co., Ltd.
154 Xiamen All Carbon Corporation
155 Xi'an Shuntong International Trade & Industrials Co., Ltd.
156 Xingan County Shenxin Activated Carbon Factory
157 Xinhua Chemical Company Ltd.
158 Xuanzhong Chemical Industry
159 Yangyuan Hengchang Active Carbon
160 Yicheng Logistics
161 Yinchuan Lanqiya Activated Carbon Co., Ltd.
162 Zhejiang Quizhou Zhongsen Carbon
163 Zhejiang Yun He Tang Co., Ltd.
164 Zhuxi Activated Carbon
165 Zuoyun Bright Future Activated Carbon Plant

[FR Doc. 2014–22078 Filed 9–15–14; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–533–840]**

### Certain Frozen Warmwater Shrimp From India: Notice of Correction to the Final Results of the 2012–2013 Antidumping Duty Administrative Review

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**FOR FURTHER INFORMATION CONTACT:** Stephen Banea, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0656.

**SUPPLEMENTARY INFORMATION:**

On August 28, 2014, the Department of Commerce (the Department) published in the **Federal Register,** the final results of the 2012–2013 administrative review of the antidumping duty order on certain frozen warmwater shrimp from India.[1] The period of review is February 1, 2012, through January 31, 2013. The published **Federal Register** notice omitted the names of two companies that were covered by this administrative review: Satya Seafoods Private Limited (Satya) and Usha Seafoods (Usha). Both of these companies, which were listed in the *Initiation Notice*[2] for this administrative review, are affiliated with Devi Fisheries Limited (Devi Fisheries) as part of the Devi Fisheries Group.[3] Therefore, the cash deposit and assessment rates calculated for Devi Fisheries in the *Final Results* apply equally to Satya and Usha. As a result, we now correct the final results of the 2012–2013 administrative review as noted above.

This correction to the final results of administrative review is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: September 10, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2014–22074 Filed 9–15–14; 8:45 am]

**BILLING CODE 3510–DS–P**

[1] *See Certain Frozen Warmwater Shrimp from India: Final Results of Antidumping Duty Administrative Review; 2012–2013,* 79 FR 51309 (Aug. 28, 2014) (*Final Results*).

[2] *See Certain Frozen Warmwater Shrimp from India and Thailand: Notice of Initiation of Antidumping Duty Administrative Reviews,* 78 FR 19639 (Apr. 2, 2013) (*Initiation Notice*).

[3] The Department collapsed Devi Fisheries, Satya and Usha during the 2011–2012 administrative review. *See e.g., Certain Frozen Warmwater Shrimp from India; Preliminary Results of Antidumping Duty Administrative Review; 2011–2012,* 78 FR 15691 (Mar. 12, 2013), unchanged in *Certain Frozen Warmwater Shrimp from India: Final Results of Antidumping Duty Administrative Review and Final No Shipment Determination; 2011–2012,* 78 FR 42492 (July 16, 2013). Devi Fisheries therefore reported Satya's and Usha's sales as affiliated sales in the 2012–2013 administrative review.

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

### Visiting Committee on Advanced Technology

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice of Public Meeting.

**SUPPLEMENTARY INFORMATION:** The Visiting Committee on Advanced Technology (VCAT or Committee), National Institute of Standards and Technology (NIST), will meet in open session on Tuesday, October 7, 2014, from 12:00 p.m. to 6:30 p.m. Mountain Time and Wednesday, October 8, 2014, from 8:30 a.m. to 12:30 p.m. Mountain Time. The VCAT is composed of fifteen members appointed by the NIST Director who are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations.

**DATES:** The VCAT will meet on Tuesday, October 7, 2014, from 12:00 p.m. to 6:30 p.m. Mountain Time and Wednesday, October 8, 2014, from 8:30 a.m. to 12:30 p.m. Mountain Time.

**ADDRESSES:** The meeting will be held in Building 81, Room 1A116, at the National Institute of Standards and Technology, Boulder, Colorado, 80305–3328. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Shaw, NIST, 100 Bureau Drive, Gaithersburg, Maryland 20899–1060, telephone number 301–975–2667. Ms. Shaw's email address is *stephanie.shaw@nist.gov.*

**SUPPLEMENTARY INFORMATION:**

**Authority:** 15 U.S.C. 278 and the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

The purpose of this meeting is to review and make recommendations regarding general policy for NIST, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. The agenda will include an update on NIST followed by presentations reviewing safety trends at NIST, continued discussions around NIST's disaster resilience efforts, and presentations on NIST's recruitment and retention of scientific and technical staff. The meeting also will include discussions of NIST's approach to advanced communications research. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST Web site at *http://www.nist.gov/director/vcat/agenda.cfm.*

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request a place on the agenda. On Wednesday, October 8, approximately one-half hour will be reserved in the afternoon for public comments, and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about 3 minutes each. The exact time for public comments will be included in the final agenda that will be posted on the NIST Web site at *http://www.nist.gov/director/vcat/agenda.cfm.* Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak, but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to VCAT, NIST, 100 Bureau Drive, MS 1060, Gaithersburg, Maryland, 20899, via fax at 301–216–0529 or electronically by email to *Karen.lellock@nist.gov.*

All visitors to the NIST site are required to pre-register to be admitted. Please submit your name, time of arrival, email address and phone number to Stephanie Shaw by 5:00 p.m. Eastern Time, Monday, September 29, 2014. Non-U.S. citizens must submit additional information; please contact Ms. Shaw. Ms. Shaw's email address is *stephanie.shaw@nist.gov* and her phone number is 301–975–2667. Also, please note that under the REAL ID Act of 2005 (Pub. L. 109–13), federal agencies, including NIST, can only accept a state-issued driver's license or identification card for access to federal facilities if issued by states that are REAL ID compliant or have an extension. NIST also currently accepts other forms of federal-issued identification in lieu of a state-issued driver's license. For detailed information please contact Ms. Shaw or visit: *http://nist.gov/public_affairs/visitor/*

Dated: September 8, 2014.

**Willie E. May,**

*Associate Director for Laboratory Programs.*

[FR Doc. 2014–22050 Filed 9–15–14; 8:45 am]

BILLING CODE 3510–13–P

## DEPARTMENT OF COMMERCE

### National Ocean and Atmospheric Administration

### Proposed Information Collection; Comment Request; Alaska Region Logbook Family of Forms

**AGENCY:** National Ocean and Atmospheric Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before November 17, 2014.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, (907) 586–7008, or *patsy.bearden@noaa.gov.*

**SUPPLEMENTARY INFORMATION:**

#### I. Abstract

The Magnuson-Stevens Fishery Conservation and Management Act 16 U.S.C. 1801 et seq. authorizes the North Pacific Fishery Management Council (Council) to prepare and amend fishery management plans for any fishery in waters under its jurisdiction. National Marine Fisheries Service, Alaska Region (NMFS) manages: (1) The crab fisheries in the Exclusive Economic Zone (EEZ) waters off the coast of Alaska under the Fishery Management Plan for Bering Sea and Aleutian Islands Crab; (2) groundfish under the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Management Area; and (3) groundfish under the Fishery Management Plan for Groundfish of the Gulf of Alaska. The International Pacific Halibut Commission (IPHC) and NMFS manage fishing for Pacific halibut (*Hippoglossus stenolepis*) through regulations established under the authority of the Northern Pacific Halibut Act of 1982. The IPHC promulgates regulations governing the halibut fishery under the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea.

Vessels required to have a Federal Fisheries Permit (FFP) are issued free daily fishing logbooks (DFLs) for harvesters and daily cumulative production logbooks (DCPL) for processors to record groundfish, Crab Rationalization Program (CR) crab, Individual Fishing Quota (IFQ) halibut, IFQ sablefish, Western Alaska Community Development Quota Program (CDQ) halibut, and prohibited species catch (PSC) information. Catcher vessels under 60 ft (18.3 m) length overall are not required to maintain DFLs. Multiple self-copy logsheets within each logbook are available for distribution to the harvester, processor, observer program, and NOAA Fisheries Office for Law Enforcement. The longline or pot gear logbooks have an additional logsheet for submittal to the IPHC.

As electronic logbooks (eLogs) become available, paper logbooks are discontinued and removed from this collection. The forms and DFL and DCPL logsheets may be viewed on the NMFS Alaska Region Home Page at *http://www.alaskafisheries.noaa.gov/rr/default.htm.*

In addition to the logbooks, this collection includes the buying station report, check-in/out for shoreside processors, product transfer report, and U.S. vessel activity report.

#### II. Method of Collection

Paper logbooks and paper and electronic reports are required from participants. Methods of submittal include mail, Internet, and facsimile transmission of paper forms.

#### III. Data

*OMB Control Number:* 0648–0213.

*Form Number(s):* None.

*Type of Review:* Regular submission (extension of a current information collection).

*Affected Public:* Individuals or households; Business or other for-profit organizations.

*Estimated Number of Respondents:* 512.

*Estimated Time per Response:* 30 minutes per active response and 5 minutes inactive response for Catcher/processor Trawl Gear DCPL; 41 minutes per active response and 5 minutes per inactive response for Catcher/processor Longline and Pot Gear DCPL; 23 minutes for Buying Station Report; 5 minutes for Shoreside Processor Check-in/Check-out Report; 20 minutes for Product Transfer Report' and 14 minutes for Vessel Activity Report.

*Estimated Total Annual Burden Hours:* 12,068.

*Estimated Total Annual Cost to Public:* $23,218.

#### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 10, 2014.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2014–22006 Filed 9–15–14; 8:45 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### Proposed Information Collection; Comment Request; Marine Technology and Services Enterprise Impact and Utilization Survey Sponsored by the U.S. Integrated Ocean Observing System

**AGENCY:** National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on

proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before November 17, 2014.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov).*

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Carl Gouldman, (301) 427–2435 or *carl.gouldman@noaa.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Abstract

This request is for a new information collection supported by Section 12302 (3) of the Integrated Coastal and Ocean Observation System Act (ICOOS Act) part of the Omnibus Public Land Management Act of 2009 (Pub. L. 111–11). The survey is voluntary.

NOAA's National Ocean Service is requesting approval of a Web-based survey of employers who provide either services or infrastructure to the Integrated Ocean Observing System (IOOS) or organizations that add value to the IOOS data and other outputs by tailoring them for specific end uses. The purpose of the survey and overall project is to gather data to articulate the collective and derived value of the IOOS enterprise, and to create a profile of businesses and organizations who are involved with providing services or utilizing the data for other specific end uses. This is the first survey of its kind on a national scale. The project is funded by NOAA and is being conducted on its behalf by the contractor, ERISS Corporation. The project contract spans three years with the first portion of the contract mainly involved with researching and selecting appropriate businesses to include in the study database. The web survey will be the final data collection piece of the project and is necessary in order to collect demographic, financial, and functional information for each organization with regards to their involvement with IOOS. The final deliverable of this project is an analytic report detailing the findings of the web survey and the analysis of the employer database.

The marine technology industry is an important partner and stakeholder within IOOS; however, without the baseline that this study will provide, IOOS is unable to articulate its collective and derived value. The results will demonstrate the size and economic impact of IOOS data to the United States marine ocean sector. That information can be used to understand the value of export sales and the identification of potential growth and/or new international markets which would further the Department of Commerce (DOC) strategic goal for better *environment intelligence* and translate into better programs by the DOC International Trade Administration in ocean observing industries in international trade.

## II. Method of Collection

The method of data collection is through a Web (Internet) delivered survey.

## III. Data

*OMB Control Number:* 0648–XXXX.

*Form Number:* None.

*Type of Review:* Regular submission (request for a new information collection).

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 300.

*Estimated Time per Response:* 25 minutes.

*Estimated Total Annual Burden Hours:* 125.

*Estimated Total Annual Cost to Public:* $0 in recordkeeping/reporting costs.

## IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 10, 2014.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2014–22007 Filed 9–15–14; 8:45 am]

**BILLING CODE 3510–JE–P**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XD492**

### Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Scoping Process

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

**ACTION:** Notice of intent to prepare an environmental impact statement (EIS); notice of initiation of scoping process; notice of public scoping meetings; requests for comments.

**SUMMARY:** In cooperation with NOAA's National Marine Fisheries Service and the Atlantic States Marine Fisheries Commission, the Mid-Atlantic Fishery Management Council announces its intent to prepare an amendment to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan and to prepare an Environmental Impact Statement in accordance with the National Environmental Policy Act to analyze the impacts of any proposed management measures. This notice also announces a public process for determining the scope of issues to be addressed and for identifying the significant issues related to summer flounder fisheries in the Greater Atlantic region. This notice is to alert the interested public of the scoping process, the development of the amendment and Environmental Impact Statement, and to provide for public participation in that process.

**DATES:** Written comments must be received on or before 11:59 p.m., EST, on October 31, 2014. Fourteen public scoping meetings will be held during this comment period. See **SUPPLEMENTARY INFORMATION** for dates, times, and locations.

**ADDRESSES:** Written comments may be sent by any of the following methods:

- *Email to the following address: nmfs.gar.FlukeAmendment@noaa.gov;* Include ''Summer Flounder Amendment Scoping Comments'' in the subject line;
- Mail or hand deliver to Dr. Christopher M. Moore, Executive

Director, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, Delaware 19901. Mark the outside of the envelope ''Summer Flounder Amendment Scoping Comments''; or

• Fax to (302) 674–5399.

• A web form for submitting comments is available on the Council's Web site: *http://www.mafmc.org/comments/summer-flounder-amendment.*

The scoping document may be obtained from the Council office at the previously provided address, or by request to the Council by telephone (302) 674–2331, or via the Internet at *http://www.mafmc.org.*

Comments may also be provided verbally at any of the 14 public scoping meetings. See **SUPPLEMENTARY INFORMATION** for dates, times, and locations.

**FOR FURTHER INFORMATION CONTACT:** Dr. Christopher M. Moore, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901, (telephone 302–674–2331).

**SUPPLEMENTARY INFORMATION:**

## Background

The Mid-Atlantic Fishery Management Council, in cooperation with the Atlantic States Marine Fisheries Commission, has initiated this action in order to: (1) Perform a comprehensive review of all aspects of the Fishery Management Plan (FMP) related to summer flounder; (2) update the FMP goals and objectives for summer flounder management; and (3) modify management strategies and measures as necessary to achieve those goals and objectives. A number of issues and concerns relative to summer flounder management have been raised by managers, advisors, and other interested stakeholders, and there is significant stakeholder interest in examining and updating many of the management strategies and measures currently in place. In addition, the Council has proposed this action to evaluate the need for management response to changing conditions in the summer flounder fishery. This includes addressing apparent shifts in the distribution and center of biomass for the summer flounder stock (possibly related to the effects of rebuilding and/or climate change), as well as changing social and economic drivers for these fisheries. This action was initiated so that the FMP goals, objectives, and management strategies can be assessed in light of these changing fishery conditions and align better with the current priorities of stakeholders.

At this time, the Council is expected to consider revising or implementing several types of management measures, including, but not limited to:

• No action (i.e., no additional measures would be adopted or revised);

• Revised FMP goals and objectives for summer flounder;

• Revised quota allocation strategies between the commercial and recreational fisheries;

• Commercial summer flounder management measures and strategies, including, but not limited to:

Commercial fishing gear requirements and restrictions, such as mesh requirements, net dimensions, bycatch reduction devices, head and footrope lengths;

○ Minimum fish size requirements;

○ Possession limit and trigger requirements;

○ Time/area closures and exemption programs;

○ Licensing;

○ Fleet capacity/number of permits relative to stock size;

○ Catch monitoring and validation;

○ Commercial quota allocation strategies; and

○ Landings flexibility (regional, coastwide, other).

• Recreational summer flounder management measures and strategies, including, but not limited to:

○ Recreational bag limits, size limits, and seasonal limits;

○ Recreational fishing gear requirements and restrictions;

○ Inter-jurisdictional management processes and strategies (including use of state-by-state or regional conservation equivalency vs. coastwide measures);

○ Management strategies specific to the party/charter (for-hire) recreational fleet;

○ Management strategies specific to private recreational anglers; and

○ Recreational quota allocation strategies (by state, fishing sector, other).

• Measures to address summer flounder discards in the commercial and recreational fisheries;

• Measures to address ecosystem, habitat, bycatch, and protected species issues; and

• Data collection requirements and protocols.

More details on the topics addressed in this notice can be found in the Summer Flounder Amendment Scoping Document (see **ADDRESSES**) and on the summer flounder amendment page of the Council's Web site at *http://www.mafmc.org/actions/summer-flounder-amendment.*

The Council will first gather information during the scoping period. This is the first and best opportunity for members of the public to raise concerns related to the scope of issues that will be considered in the amendment. The Council needs your input both to identify management issues and develop effective alternatives. Public comments early in the amendment development process will help the Council address issues of public concern in a thorough and appropriate manner. Comments can be made in writing or during the scoping hearings as described above.

Following the scoping process, the Council will develop a range of management alternatives to be considered and prepare an EIS to analyze the impacts of the management alternatives being considered as required by the National Environmental Policy Act. A draft EIS will be distributed for public review. During the public comment period, which will include public hearings, the public may comment on any aspect of the draft EIS. Following a review of the comments and further development of alternatives, the Council will choose preferred management measures with the Final EIS and submit the Amendment to the Secretary of Commerce for approval and publication of proposed and final rules, both of which have additional comment periods.

## Scoping Hearings

Fourteen scoping meetings to facilitate public comment will be held on the following dates and locations:

| Date and time | Location |
|---|---|
| Monday, September 29, 2014, 6:30 p.m | Kingsborough Community College, Building T3, Room 303, Brooklyn, NY 11235. |
| Monday, September 29, 2014, 6 p.m | Somers Point City Hall, 1 West New Jersey Avenue, Somers Point, NJ 08244. |
| Tuesday, September 30, 2014, 5:30 p.m | Montauk Library, 871 Montauk Highway, Montauk, NY 11954. |
| Tuesday, September 30, 2014, 6 p.m | Belmar Municipal Court, 601 Municipal Court, Belmar, NJ 07719. |
| Wednesday, October 1, 2014, 7 p.m | CT DEEP Marine Headquarters, Boating Education Center (Bldg 3), 333 Ferry Rd, Old Lyme, CT 06371. |

| Date and time | Location |
|---|---|
| Wednesday, October 1, 2014, 6:30 p.m | NYDEC Bureau of Marine Resources, 205 North Belle Mead Road, Suite 1, East Setauket, NY 11733. |
| Thursday, October 2, 2014, 6 p.m | Ocean Pines Library, 11107 Cathell Rd, Berlin, MD 21811. |
| Thursday, October 2, 2014, 5 p.m | Bourne Fire Station #3 Meeting Room, 53 Meetinghouse Lane, Sagamore, MA 02561. |
| Monday, October 6, 2014, 6 p.m | DNREC Auditorium, 89 Kings Hwy, Dover, DE 19901. |
| Wednesday, October 8, 2014, 6 p.m | University of Rhode Island Bay Campus, Corless Auditorium, South Ferry Rd, Narragansett, RI 02882. |
| Tuesday, October 14, 2014, 6 p.m | Virginia Marine Resources Commission, 4th Floor Meeting Room, 2600 Washington Avenue, Newport News, VA 23607. |
| Wednesday, October 15, 2014, 6 p.m | NCDMF Pamlico District Office, 943 Washington Square Mall, Highway 17, Washington, NC 27889. |
| Tuesday, October 21, 2014, 6 p.m | Washington Marriott at Metro Center, 775 12th St NW., Washington, DC 20005. |
| Wednesday, October 22, 2014, 6 p.m | Internet webinar, Connection information to be available at *http://www.mafmc.org* or by contacting the Council (see **ADDRESSES** above). |

## Special Accommodations

The scoping hearings are accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders (302–674–2331, ext 251) at least 5 days prior to the meeting date.

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

Dated: September 11, 2014.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2014–22040 Filed 9–15–14; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

**RIN 0648–XD500**

## New England Fishery Management Council (NEFMC); Public Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) will hold a 3-day meeting to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

**DATES:** The meeting will be held on Tuesday, Wednesday and Thursday, September 30–October 2, 2014, and will start at 8:30 a.m., each day.

**ADDRESSES:** The meeting will be held at the Cape Codder Resort, 1225 Iyannough Road, Hyannis, MA 02601; telephone: (855) 861–4370; fax: (508) 771–6564. For online information about the venue check *http://www.capecodderresort.com/.*

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone: (978) 465–0492.

**FOR FURTHER INFORMATION CONTACT:** Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

**SUPPLEMENTARY INFORMATION:**

### Tuesday, September 30, 2014

The Council meeting will begin with introductions, the formal swearing-in of new and reappointed members, and the election of the 2014 Council officers. Immediately after these issues have been addressed, the members will hear a report by the Northeast Fisheries Science Center (NEFSC) staff who will summarize the 59th Northeast Regional Stock Assessment Workshop/Stock Assessment Review Committee findings. The focus will be on Gulf of Maine haddock and Atlantic sea scallops. NEFSC staff will also present a summary of the Transboundary Resources Assessment Committee (TRAC) Report on the 2014 stock assessments for Eastern Georges Bank cod and haddock, and Georges Bank yellowtail flounder. The Council's Scientific and Statistical Committee (SSC) will provide its overfishing limit (OFL) and acceptable biological catch (ABC) recommendations for stocks of Gulf of Maine haddock and Gulf of Maine cod, Georges Bank yellowtail flounder, four small-mesh multispecies stocks (northern and southern whiting and northern and southern red hake), and Atlantic sea scallops. Discussions also will include committee comments on the draft ABC risk policy statement provided by the Risk Policy Working Group. After a lunch break, the Transboundary Management Guidance Committee (TMGC) will ask the Council to review and possibly approve its recommendations for fishing year 2015 quotas for Eastern Georges Bank cod and Eastern Georges Bank haddock and the Georges Bank stock of yellowtail flounder. Other TMGC-related issues also may be addressed. Prior to meeting adjournment for the day, the Council intends to discuss and possibly modify the management measures under consideration for inclusion in Framework Adjustment 26 to the Sea Scallop Fishery Management Plan (FMP), including a review of 2014 survey results, potential fishery specifications, and other measures.

### Wednesday, October 1, 2014

In general, the Council will spend this day on Northeast Multispecies (Groundfish) FMP-related issues. There will be a report on the recent Gulf of Maine cod 2014 assessment update to be followed by a discussion of topics that will likely evolve from the assessment and peer review results. These could include but are not limited to a request for emergency action or other approaches that are brought forward during the discussion. The NEFMC will then address Framework Adjustment 53 to the FMP. The current timeline provides for approval of the range of alternatives for inclusion in this action. Measures under consideration may address Gulf of Maine cod, fishing year 2015–17 specifications for several groundfish stocks, windowpane flounder sub-annual catch limits and accountability measures, expansion of the Gulf of Maine cod spawning closure, a rollover provision that would apply to groundfish fishery specifications, and several other measures. Next, Amendment 18 to the FMP will be discussed. The Council could approve additional alternatives for inclusion in this action—accumulation limits and an inshore/offshore line to address the concentration of fishing effort in the inshore Gulf of Maine. Before the Council adjourns for the day, they will receive a summary report on the development of an Omnibus Industry-Funded Monitoring Amendment. Based on the information provided, the Council may consider and approve committee recommendations on

alternatives for inclusion in the amendment.

**Thursday, October 2, 2014**

The Council will receive brief reports from the NEFMC Chairman and Executive Director (including information and possible action on bluefin tuna management), the NOAA Fisheries Regional Administrator, the Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council liaisons, NOAA General Counsel and NOAA Law Enforcement, and representatives of the Atlantic States Marine Fisheries Commission and U.S Coast Guard. The Ecosystem-based Fisheries Management (EBFM) Committee will provide a progress report on recent work, including a summary of perspectives of stakeholders, climate change vulnerability and governance, and additional issues. The Northeast Fisheries Science Center will report on the process used to develop stock assessment updates. This will be followed by an opportunity for the public to provide brief comments on items that are relevant to Council business but are otherwise not listed on the published agenda. The Council's Risk Policy Working Group will ask for approval of a Draft Risk Policy Statement it has developed and discuss steps about how it would apply across all Council-managed FMPs. The NEFMC Whiting Committee will ask for approval of a range of management adjustments to be included in a 2014 specifications document, pending a decision on the issues to be addressed in this action (whether to address overfishing of northern red hake). Depending on that outcome, the Council could initiate a framework adjustment in lieu of developing a specifications document at this meeting. Finally, the Council will have its first discussion on its 2015 draft management priorities. Members will address any additional outstanding business prior to meeting adjournment.

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

**Special Accommodations**

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: September 11, 2014.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2014–22018 Filed 9–15–14; 8:45 am]

**BILLING CODE 3510–22–P**

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## DEPARTMENT OF COMMERCE

## United States Patent and Trademark Office

**[Docket No. PTO–C–2014–0038]**

## Performance Review Board (PRB)

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Notice.

**SUMMARY:** In conformance with the Civil Service Reform Act of 1978, the United States Patent and Trademark Office announces the appointment of persons to serve as members of its Performance Review Board.

**ADDRESSES:** Director, Human Capital Management, Office of Human Resources, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

**FOR FURTHER INFORMATION CONTACT:** Karen Karlinchak at (571) 272–8717.

**SUPPLEMENTARY INFORMATION:** The membership of the United States Patent and Trademark Office Performance Review Board is as follows:

Michelle K. Lee, Chair, Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office

Frederick W. Steckler, Vice Chair, Chief Administrative Officer, United States Patent and Trademark Office

Margaret A. Focarino, Commissioner for Patents, United States Patent and Trademark Office

Mary Boney Denison, Deputy Commissioner for Trademark Operations, United States Patent and Trademark Office

Anthony P. Scardino, Chief Financial Officer, United States Patent and Trademark Office

John B. Owens II, Chief Information Officer, United States Patent and Trademark Office

Sarah T. Harris, General Counsel, United States Patent and Trademark Office

Shira Perlmutter, Chief Policy Officer and Director for International Affairs, United States Patent and Trademark Office

Alternates

Sharon R. Marsh, Deputy Commissioner for Trademark Examination Policy, United States Patent and Trademark Office

Andrew I. Faile, Deputy Commissioner for Patent Operations, United States Patent and Trademark Office

Dated: September 9, 2014.

**Michelle K. Lee,**

*Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.*

[FR Doc. 2014–22066 Filed 9–15–14; 8:45 am]

**BILLING CODE 3510–16–P**

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## DEPARTMENT OF COMMERCE

## United States Patent and Trademark Office

**[Docket No.: PTO–C–2014–0052]**

## Extension of the 2014 Application Deadline for Patents for Humanity Program

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Notice.

**SUMMARY:** In April 2014, the United States Patent and Trademark Office (USPTO) renewed the Patents for Humanity Program which recognizes patent holders who use their technology for humanitarian purposes. In response to stakeholder feedback, the USPTO is extending the deadline for applications until October 31, 2014.

**DATES:** *Effective Date:* September 16, 2014.

**FOR FURTHER INFORMATION CONTACT:** Office of Policy and International Affairs, by telephone at (571) 272–9300; or by mail addressed to: Patents for Humanity Program, Office of Policy and International Affairs, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; or by email to *patentsforhumanity@uspto.gov.*

**SUPPLEMENTARY INFORMATION:** In April 2014, the USPTO renewed its Patents for Humanity program and announced details for 2014. *See Patents for Humanity Program,* 79 FR 18670 (Apr. 3, 2014). The original deadline for applications was September 15, 2014.

Stakeholders have requested an extension of time to file applications in 2014 for different reasons. First, some prospective applicants indicated that

they are engaged in qualifying work which will not be complete before the deadline. Additionally, others have indicated that they do not have enough personnel available at this time of year to complete their applications.

In response to these requests, the USPTO is extending the application deadline for this year until October 31, 2014. After the application deadline, selections will be made as described in the April notice, with the goal of completing the recommendation process within 90 days. Awards will be made thereafter. The other terms of the program remain unchanged.

Dated: September 10, 2014.

**Michelle K. Lee,**

*Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.*

[FR Doc. 2014–22067 Filed 9–15–14; 8:45 am]

**BILLING CODE 3510–16–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Docket ID DoD–2014–OS–0135]**

### Proposed Collection; Comment Request

**AGENCY:** Office of the Under Secretary of Defense (Personnel and Readiness).

**ACTION:** Notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense (Personnel and Readiness) announces a proposed public information collection and seeks public comment on the provisions thereof. 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 information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by November 17, 2014.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Federal Voting Assistance Program ATTN: Mr. David Beirne, 4800 Mark Center Drive, Suite 03J25, Alexandria, VA 22350, or call at (571) 372–0740.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Survey of Overseas Civilians, OMB Control Number 0704–XXXX.

*Needs and Uses:* The information collection requirement is necessary for Federal Voting Assistance Program (FVAP), an agency of the Department of Defense, to fulfill the mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA of 1986 [42 U.S.C. 1973ff]). UOCAVA requires a statistical analysis report to the President and Congress on the effectiveness of assistance under the Act, a statistical analysis of voter registration and participation, and a description of State/Federal cooperation after each federal election. The data obtained through this study will allow FVAP to assess the feasibility of using survey data to assess registration and participation rates for non-military U.S. citizens living overseas.

*Affected Public:* Non-military UOCAVA voters.

*Annual Burden Hours:* 7,500.

*Number of Respondents:* 45,000.

*Responses per Respondent:* 1.

*Average Burden per Response:* 10 minutes.

*Frequency:* One time.

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) requires the States to allow Uniformed Services personnel, their family members, and overseas citizens to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal offices. The Act covers members of the Uniformed Services and the merchant marine to include the commissioned corps of the National Oceanic and Atmospheric Administration and Public Health Service and their eligible dependents, Federal civilian employees overseas, and overseas U.S. citizens not affiliated with the Federal Government. Subsequent to each Presidential election year, FVAP must report voter registration and participation rates for uniformed service voters and overseas citizens to Congress; while FVAP collects data for this report through regular surveys of uniformed service voters and other relevant *UOCAVA* populations, it does not currently collect data from non-military, non-government overseas civilians. The Survey of Overseas Civilians research project will serve as a pilot, examining the feasibility of collecting data from this population by surveying a sample of registered voters living overseas during the 2014 election. Collecting information from this population will also support FVAP in its purpose of ensuring that Service members, their eligible family members and overseas citizens are aware of their right to vote and have the tools and resources to successfully do so from anywhere in the world. In addition to determining the feasibility of conducting a survey of overseas civilians, the information collected will be used for overall program evaluation, management and improvement, and to compile the congressionally-mandated report to the President and Congress after the 2016 General Election should this pilot prove successful.

Dated: September 11, 2014.

**Aaron Siegel,**

*Alternate OSD Federal Register, Liaison Officer, Department of Defense.*

[FR Doc. 2014–22014 Filed 9–15–14; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Defense Policy Board; Notice of Federal Advisory Committee Meeting

**AGENCY:** Department of Defense, Office of the Under Secretary of Defense (Policy).

**ACTION:** Federal Advisory Committee Meeting Notice.

**SUMMARY:** The Department of Defense (DoD) is publishing this notice to announce the following Federal advisory committee meeting of the Defense Policy Board (DPB). This meeting will be closed to the public.

**DATES:** *Quarterly Meeting:* Tuesday, September 16, 2014, from 8:30 a.m. to 5:30 p.m. and Wednesday, September 17, 2014, from 7:00 a.m. to 9:30 a.m.

**ADDRESSES:** The Pentagon, 2000 Defense Pentagon, Washington, DC 20301–2000.

**FOR FURTHER INFORMATION CONTACT:** Ms. Ann Hansen, 2000 Defense Pentagon, Washington, DC 20301–2000. Phone: (703) 571–9232.

**SUPPLEMENTARY INFORMATION:** Due to difficulties finalizing the meeting agenda for the scheduled meeting of September 16–17, 2014, of the DPB the requirements of 41 CFR 102–3.150(a) were not met. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended) (''the Sunshine Act''), and the Federal Advisory Committee Management Act; Final Rule 41 CFR Parts 101–6 and 102–3.

*Purpose of Meeting:* To obtain, review and evaluate classified information related to the DPB's mission to advise on: (a) Issues central to strategic DoD planning; (b) policy implications of U.S. force structure and force modernization and on DoD's ability to execute U.S. defense strategy; (c) U.S. regional defense policies; and (d) other research and analysis of topics raised by the Secretary of Defense, the Deputy Secretary or the Under Secretary of Defense for Policy.

*Meeting Agenda:* Beginning at 8:30 a.m. on September 16 through the end of the meeting on September 17, the DPB will have secret through top secret (SCI) level discussions on national security issues regarding Iraq regional implications.

*Meeting Accessibility:* Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.155, the Department of Defense has determined that this meeting shall be closed to the public. The Under Secretary of Defense (Policy), in consultation with the Department of Defense FACA Attorney, has determined in writing that this meeting be closed to the public because the discussions fall under the purview of § 552b(c)(1) of the Sunshine Act and are so inextricably intertwined with unclassified material that they cannot reasonably be segregated into separate discussions without disclosing secret or higher classified material.

*Committee's Designated Federal Officer or Point of Contact:* Ann Hansen, *osd.pentagon.ousd-policy.mbx.defense-board@mail.mil.*

*Written Statements:* Pursuant to 41 CFR 102–3.105(j) and 102–3.140(c) and section 10(a)(3) of the FACA, the public or interested organizations may submit written statements to the membership of the DPB at any time regarding its mission or in response to the stated agenda of a planned meeting. Written statements should be submitted to the DPB's Designated Federal Officer (DFO); the DFO's contact information is listed in this notice or it can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/.*

Written statements that do not pertain to a scheduled meeting of the DPB may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at a planned meeting then these statements must be submitted no later than five business days prior to the meeting in question. The DFO will review all submitted written statements and provide copies to all committee members.

Dated: September 10, 2014.

**Aaron Siegel,**

*Alternate OSD Federal Register, Liaison Officer, Department of Defense.*

[FR Doc. 2014–21949 Filed 9–15–14; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF EDUCATION

**[Docket No.: ED–2014–ICCD–0133]**

### Agency Information Collection Activities; Comment Request; State and Local Educational Agency Record and Reporting Requirements Under Pat B of the Individuals With Disabilities Education Act

**AGENCY:** Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a reinstatement of a previously approved information collection.

**DATES:** Interested persons are invited to submit comments on or before November 17, 2014.

**ADDRESSES:** Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0133 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Rebecca, Walawender, 202–745–7399.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection

requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* State and Local Educational Agency Record and Reporting Requirements under Pat B of the Individuals with Disabilities Education Act.

*OMB Control Number:* 1820–0600.

*Type of Review:* A reinstatement of a previously approved information collection.

*Respondents/Affected Public:* State, Local and Tribal Governments.

*Total Estimated Number of Annual Responses:* 73,503.

*Total Estimated Number of Annual Burden Hours:* 347,449.

*Abstract:* OMB Information Collection 1820–0600 reflects the provisions in the Act and the Part B regulations requiring States and/or local educational agencies (LEAs) to collect and maintain information or data and, in some cases, report information or data to other public agencies or to the public. However, such information or data are not reported to the Secretary. Data are collected in the areas of private schools, parentally placed private school students, State high cost fund, notification of free and low cost legal services, early intervening services, notification of hearing officers and mediators, State complaint procedures, and the LEA application under Part B.

Dated: September 11, 2014.

**Tomakie Washington,**

*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2014–22025 Filed 9–15–14; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

**[Docket No.: ED–2014–ICCD–0132]**

## Agency Information Collection Activities; Comment Request; Charter School Facilities National Questionnaire

**AGENCY:** Office of Innovation and Improvement (OII), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before November 17, 2014.

**ADDRESSES:** Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0024 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Sathya Soumya, (202) 260–0819.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Charter School Facilities National Questionnaire.

*OMB Control Number:* 1855–0024.

*Type of Review:* An extension of an existing information collection.

*Respondents/Affected Public:* State, Local, and Tribal Governments.

*Total Estimated Number of Annual Responses:* 369.

*Total Estimated Number of Annual Burden Hours:* 1,107.

*Abstract:* According to Part B section 5201 of the Elementary and Secondary Education Act, one of the established purposes of the Charter Schools Program at the U.S. Department of Education (ED) is to encourage ''States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools''. To help achieve this purpose, the Charter School Program needs reliable data to understand the current facilities landscape for charter schools. There have been discussions on the struggles of charter schools for equitable and adequate access to facilities and facilities financing, yet there were no official studies, reports, or analyses explicitly discussing the facility landscape of charter schools and the similarities and differences between charter school and traditional public school facilities. The Charter Schools Program, through the National Charter School Resource Center, administers a questionnaire conducted by the Colorado League of Charter Schools to gather data on charter schools facilities. This data helps to assess the true facilities challenges of the charter schools and what actions ED and the SEAs must take to better financially support the facilities needs of quality charter schools. ED would like to continue to use and administer this survey in additional states and compile the data from all states into a facilities

database. ED plans to conduct this survey in approximately three to four states per year, depending on the size of the state and local resources of the CSO to support the survey. This database will provide comprehensive information about the facilities for charter schools and the issues that charter school face in trying to obtain adequate facilities. The League will produce a report and an analysis summarizing the findings per state.

Dated: September 11, 2014.

**Tomakie Washington,**

*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2014–22024 Filed 9–15–14; 8:45 am]

BILLING CODE 4000–01–P

## DEPARTMENT OF EDUCATION

**[Docket No.: ED–2014–ICCD–0081]**

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Family Educational Rights and Privacy Act (FERPA) Regulatory Requirements

**AGENCY:** Office of Management (OM), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before October 16, 2014.

**ADDRESSES:** Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0081 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E105, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Ellen Campbell, 202–260–3887.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Family Educational Rights and Privacy Act (FERPA) Regulatory Requirements.

*OMB Control Number:* 1880–0543.

*Type of Review:* An extension of an existing information collection.

*Respondents/Affected Public:* State, Local and Government.

*Total Estimated Number of Annual Responses:* 20,293,021.

*Total Estimated Number of Annual Burden Hours:* 1,914,593.

*Abstract:* The Family Educational Rights and Privacy Act (FERPA) requires that subject educational agencies and institutions notify parents and students of their rights under FERPA and requires that they record disclosures of personally identifiable information from education records, with certain exceptions.

Dated: September 11, 2014.

**Stephanie Valentine,**

*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2014–22031 Filed 9–15–14; 8:45 am]

BILLING CODE 4000–01–P

## DEPARTMENT OF EDUCATION

**[Docket No.: ED–2014–ICCD–0099]**

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Annual Protection and Advocacy of Individual Rights (PAIR) Program Assurances

**AGENCY:** Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before October 16, 2014.

**ADDRESSES:** Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0099 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact David Jones, 202–245–7356.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C.

3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Annual Protection and Advocacy of Individual Rights (PAIR) Program Assurances.

*OMB Control Number:* 1820–0625.

*Type of Review:* An extension of an existing information collection.

*Respondents/Affected Public:* Private Sector.

*Total Estimated Number of Annual Responses:* 57.

*Total Estimated Number of Annual Burden Hours:* 9.

*Abstract:* Section 509 of the Rehabilitation Act of 1973, as amended (act), and its implementing Federal Regulations at 34 CFR Part 381, require the Protection and Advocacy of Individual Rights (PAIR) grantees to submit an application to the Rehabilitation Services Administration (RSA) Commissioner in order to receive assistance under Section 509 of the act. The act requires that the application contain Assurances to which the grantee must comply. Section 509(f) of the act specifies the Assurances. There are 57 PAIR grantees. All 57 grantees are required to be part of the protection and advocacy system in each State established under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 USC 6041 et seq.).

Dated: September 11, 2014.

**Tomakie Washington,**

*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2014–22026 Filed 9–15–14; 8:45 am]

**BILLING CODE 4000–01–P**

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## DEPARTMENT OF EDUCATION

**[Docket No. ED–2014–ICCD–0102]**

## Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and approval; Comment Request; Generic Application Package for Departmental Generic Grant Programs

**AGENCY:** Office of the Secretary/Office of the Deputy Secretary (OS), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before October 16, 2014.

**ADDRESSES:** Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0102 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E105, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Alfreida Pettiford, 202–245–6110.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Generic Application Package for Departmental Generic Grant Programs.

*OMB Control Number:* 1894–0006.

*Type of Review:* An extension of an existing information collection.

*Respondents/Affected Public:* Individuals or households.

*Total Estimated Number of Annual Responses:* 9,861.

*Total Estimated Number of Annual Burden Hours:* 447, 089.

*Abstract:* The Department is requesting an extension of the approval for the Generic Application Package that numerous ED discretionary grant programs use to provide to applicants the forms and information needed to apply for new grants under those grant program competitions. The Department will use this Generic Application package for discretionary grant programs that: (1) Use the standard ED or Federal-wide grant applications forms that have been cleared separately through OMB under the terms of this generic clearance as approved by OMB and (2) use selection criteria from the Education Department General Administrative Regulations (EDGAR); selection criteria that reflect statutory or regulatory provisions that have been developed under 34 CFR 75.209, or a combination of EDGAR, statutory or regulatory criteria or other provisions, as authorized under 34 CFR 75.200 and 75.209. The use of the standard ED grant application forms and the use of EDGAR

and/or criteria developed under §§ 75.200 and 75.209 promotes the standardization and streamlining of ED discretionary grant application packages.

Dated: September 11, 2014.

**Stephanie Valentine,**

*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2014–22042 Filed 9–15–14; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

### President's Advisory Commission on Educational Excellence for African Americans

**AGENCY:** President's Advisory Commission on Educational Excellence for African Americans, U.S. Department of Education (PACEEAA).

**ACTION:** Notice of an open meeting.

**SUMMARY:** This notice sets forth the schedule and agenda of the meeting of the President's Advisory Commission on Educational Excellence for African Americans. The notice also describes the functions of the Commission. Notice of the meeting is required by section 10(a)(2) of the Federal Advisory Committee Act and intended to notify the public of its opportunity to attend.

Due to unexpected complications in delivering this notice to the **Federal Register** coupled with the requirement that the Commission hold two meetings per year and this is the only time a second meeting could be scheduled, this notice is being published late.

**DATES:** The PACEAA will be held on Monday, September 22, 2014 at 9:00 a.m.–4:00 p.m. (EDT).

**ADDRESSES:** Wardman Park Marriott Hotel, Wilson Room, 2660 Woodley Rd. NW., Washington, DC 20008, (202) 328–2000.

**FOR FURTHER INFORMATION CONTACT:** Kimberly Watkins-Foote, Acting Deputy Director, White House Initiative on Educational Excellence for African Americans, 400 Maryland Avenue SW., Washington, DC 20202; email: *Kimberly.Watkins-Foote@ed.gov;* telephone: (202) 260–8197, fax: (202) 401–1971.

**SUPPLEMENTARY INFORMATION:** The President's Advisory Commission on Educational Excellence for African Americans is established by Executive Order 13621 (July 26, 2012). The Commission is governed by the provisions of the Federal Advisory Committee Act (FACA), (Pub. L. 92–463; as amended, 5 U.S.C.A., Appendix 2) which sets forth standards for the formation and use of advisory committees. The purpose of the Commission is to advise the President and the Secretary of Education on matters pertaining to the educational attainment of the African American community, including: (1) The development, implementation, and coordination of educational programs and initiatives at the Department and other agencies to improve educational opportunities and outcomes for African Americans of all ages; (2) efforts to increase the participation of the African American community and institutions that serve the African American community in the Department's programs and in education programs at other agencies; (3) efforts to engage the philanthropic, business, nonprofit, and education communities in a national dialogue on the mission and objectives of this order; and (4) the establishment of partnerships with public, private, philanthropic, and nonprofit stakeholders to meet the mission and policy objectives of its Executive Order.

**Meeting Agenda**

The purpose of this meeting is to discuss current and future endeavors of the White House Initiative on Educational Excellence for African Americans through strategic planning to help facilitate and focus its work; review the work of the White House Initiative on Educational Excellence for African Americans; and determine key strategies to help meet the Commission's charge as outlined in Executive Order 13621.

Individuals interested in attending the meeting must register by Tuesday, September 16, 2014 because seating is limited. Please contact Kimberly Watkins-Foote at (202) 260–8197 or by email at *Kimberly.Watkins-Foote@ed.gov.*

An opportunity for public comment is available on Monday, September, 22, 2014, from 3:30 p.m.–4:00 p.m. Individuals who wish to provide comments will be allowed three to five minutes to speak. Those members of the public interested in submitting written comments may do so by submitting them to the attention of Kimberly Watkins-Foote, White House Initiative on Educational Excellence for African Americans, U.S. Department of Education, 400 Maryland Avenue SW., Washington, DC 20202, by Tuesday, September 16, 2014.

Access to Records of the Meeting: Records are kept of all Commission proceedings and are available for public inspection at the office of the White House Initiative on Educational Excellence for African Americans, U.S. Department of Education, 400 Maryland Avenue SW., Washington, DC 20202, Monday through Friday (excluding federal holidays) during the hours of 9:00 a.m. to 5:00 p.m.

**Reasonable Accommodations**

Individuals needing accommodations for a disability in order to attend the meeting (e.g., interpreting services, assistive listening devices, or material in alternative format) should notify Kimberly Watkins-Foote, White House Initiative on Educational Excellence on African Americans, at (202) 260–8197, no later than Tuesday, September 16, 2014. We will attempt to meet requests for such accommodations after this date, but cannot guarantee their availability. The meeting site is accessible to individuals with disabilities.

*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.

**Authority:** 20 U.S.C. 1011c.

**Ted Mitchell,**

*Under Secretary, U.S. Department of Education.*

[FR Doc. 2014–22072 Filed 9–15–14; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

### Privacy Act of 1974; Computer Matching Program Between the U.S. Department of Education and the Department of Homeland Security, U.S. Citizenship and Immigration Services

**AGENCY:** Department of Education.

**ACTION:** Notice.

**SUMMARY:** This document provides notice of the continuation of a computer matching program between the Department of Education and the

Department of Homeland Security, U.S. Citizenship and Immigration Services. The continuation is effective on the date described in paragraph 5 of this notice.

**SUPPLEMENTARY INFORMATION:** We provide this notice in accordance with 5 U.S.C. 552a (commonly known as the Privacy Act of 1974); Office of Management and Budget (OMB) Final Guidance Interpreting the Provisions of Public Law 100–503; the Computer Matching and Privacy Protection Act of 1988, 54 FR 25818 (June 19, 1989); and OMB Circular A–130, Appendix I, *http://www.whitehouse.gov/omb/circulars_a130*.

**1. Names of Participating Agencies**

The U.S. Department of Education (ED) and the U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS).

**2. Purpose of the Match**

The matching program entitled ''Verification Division USCIS/ED'' will permit ED to confirm the immigration status of alien applicants for, or recipients of, financial assistance under title IV of the Higher Education Act of 1965, as amended (HEA), as authorized by section 484(g) of the HEA (20 U.S.C. 1091(g)). The title IV, HEA programs that are covered by the agreement include: The Federal Pell Grant Program, the Teacher Education Assistance for College and Higher Education (TEACH) Grant Program, the Iraq and Afghanistan Service Grant Program, the Federal Perkins Loan Program, the Federal Work-Study Program, the Federal Supplemental Educational Opportunity Grant Program, and the William D. Ford Federal Direct Loan Program.

**3. Authority for Conducting the Matching Program**

The information contained in the USCIS database is referred to as the Verification Information System (VIS), which is authorized by section 274A(b) of the Immigration and Nationality Act, 8 U.S.C. 1324a(b). ED seeks access to the VIS for the purpose of confirming the immigration status of applicants for assistance, as authorized by section 484(g) of the HEA, 20 U.S.C. 1091(g), and consistent with the title IV student eligibility requirements of section 484(a)(5) of the HEA, 20 U.S.C. 1091(a)(5). USCIS is authorized to participate in this immigration status verification by section 103 of the Immigration and Nationality Act, 8 U.S.C. 1103.

**4. Categories of Records and Individuals Covered by the Match**

The records to be used in the match and the roles of the matching participants are: Through the use of user identification codes and passwords, authorized persons from ED will electronically transmit to USCIS data from ED's Privacy Act system of records entitled ''Federal Student Aid Application File (18–11–01).'' The data will include the alien registration number, the first and last name, date of birth, current Social Security number, and gender of the alien applicant for, or recipient of, title IV, HEA program assistance. This action will initiate a search for corresponding data elements in a USCIS Privacy Act system of records entitled ''Verification Information System Records Notice (DHS–2007–0010).'' Where there is a match of records, the USCIS system will add the following data to the record and return the file to ED: the primary or secondary verification number, the date of entry into the U.S., the country of birth, the USCIS status code of the alien applicant or recipient, and a code indicating that the alien applicant or recipient was confirmed to be an eligible non-citizen or that this determination could not be made.

In accordance with 5 U.S.C. 552a(p), ED will not suspend, terminate, reduce, or make a final denial of any title IV, HEA program assistance to the individual, or take other adverse action against the individual, as a result of information produced by the match, until ED has independently verified the information, or ED's Data Integrity Board determines, in accordance with guidance issued by the Director of the OMB, that: (1) The information is limited to identification and amount of benefits paid by ED under a Federal benefit program; and (2) there is a high degree of confidence that the information provided to ED is accurate. In addition, the individual must first receive a notice from ED containing a statement of its findings and informing the individual of the opportunity to contest those findings by submitting documentation demonstrating a satisfactory immigration status within 30 days of receipt of the notice. After 30 days from the date of the individual's receipt of such notice, ED may take adverse action against an individual as a result of information produced by the match.

**5. Effective Dates of the Matching Program**

The matching program will be effective on the latest of the following three dates: (A) October 17, 2014; (B) 30 days from the date on which ED publishes a Computer Matching Notice in the **Federal Register,** as required by 5 U.S.C. 552a(e)(12); or (C) 40 days from the date on which ED transmits the report of the matching program, as required by 5 U.S.C. 552a(r), to OMB, the U.S. House Committee on Oversight and Government Reform, and the U.S. Senate Committee on Homeland Security and Governmental Affairs, unless OMB waives 10 days of the 40-day review period for compelling reasons, in which case 30 days from the date of ED's transmittal of the matching program report.

The matching program will continue for 18 months after the effective date and may be extended for an additional 12 months thereafter, if the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

This agreement terminates and replaces the current 12-month Computer Matching Program extension because the following substantive change has occurred since the last 18-month computer matching agreement: ED and DHS will have moved the mainframe-to-mainframe batch file exchange process to a Web-oriented data-exchange process as of the effective date of this agreement.

**6. Address for Receipt of Public Comments or Inquiries**

Individuals who wish to comment on this matching program or obtain additional information about the program, including a copy of the computer matching agreement between ED and DHS, may contact Ms. Marya Dennis, Management and Program Analyst, U.S. Department of Education, Federal Student Aid, Union Center Plaza, 830 First Street NE., Washington, DC 20002–5345. Telephone: (202) 377–3385. 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.

*Accessible Format:* Individuals with disabilities can obtain this document in an accessible format (such as, braille, large print, audiotape, or compact disc) on request to the contact person listed in the preceding paragraph.

*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 through 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.

**Authority:** 5 U.S.C. 552a.

Dated: September 5, 2014.

**Matthew D. Sessa,**

*Deputy Chief Operating Officer Federal Student Aid.*

[FR Doc. 2014–22073 Filed 9–15–14; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF ENERGY

### Record of Decision and Floodplain Statement of Findings for the Cameron LNG, LLC Export Application

**AGENCY:** Office of Fossil Energy, Department of Energy.

**ACTION:** Record of decision.

**SUMMARY:** The U.S. Department of Energy (DOE) announces its decision in Cameron LNG, LLC, DOE/FE Docket No. 11–162–LNG, to issue DOE/FE Order No. 3391–A, its *Final Opinion and Order Granting Long-Term Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel From the Cameron LNG Terminal in Cameron Parish, Louisiana to Non-Free Trade Agreement Countries* (Order No. 3391–A). Order No. 3391–A is issued under section 3 of the Natural Gas Act. DOE participated as a cooperating agency with the Federal Energy Regulatory Commission (FERC) in preparing an environmental impact statement (EIS) analyzing the potential environmental impacts of a proposed liquefaction project (Liquefaction Project) and a proposed pipeline project (Pipeline Project) and alternatives that, if constructed, will be used to support the export authorization sought from DOE's Office of Fossil Energy (FE).

**ADDRESSES:** The EIS and this Record of Decision (ROD) are available on DOE's National Environmental Policy Act (NEPA) Web site at *http://energy.gov/nepa/nepa-documents.* Order No. 3391–A is available on DOE/FE's Web site at *http://energy.gov/fe/downloads/listing-doefe-authorizations-issued-2014.* Copies of these documents may be requested by writing John Anderson, U.S. Department of Energy (FE–34), Office of Natural Gas Regulatory Activities, Office of Fossil Energy, 1000 Independence Avenue SW., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:** To obtain additional information about the project, the EIS, or the ROD, contact Mr. John Anderson as indicated above under **ADDRESSES** or Mr. Edward LeDuc, U.S. Department of Energy (GC–51), Office of the Assistant General Counsel for Environment, 1000 Independence Avenue SW., Washington, DC 20585.

**SUPPLEMENTARY INFORMATION:** DOE prepared this ROD and Floodplain Statement of Findings pursuant to the National Environmental Policy Act of 1969 (42 United States Code [U.S.C.] 4321, et seq.), and in compliance with the Council on Environmental Quality (CEQ) implementing regulations for NEPA (40 Code of Federal Regulations [CFR] parts 1500 through 1508), DOE's implementing procedures for NEPA (10 CFR part 1021), and DOE's ''Compliance with Floodplain and Wetland Environmental Review Requirements'' (10 CFR part 1022).

#### Background

Cameron is a limited liability company organized under the laws of Delaware, with its executive offices located in San Diego, California. Cameron owns the existing Cameron LNG Terminal and has an existing interconnection with Cameron Interstate Pipeline, LCC (Cameron Interstate). Cameron Interstate, an affiliate of Cameron, is an interstate pipeline regulated by FERC. Cameron Interstate's facilities consist primarily of a 36.2 mile pipeline connecting the Cameron Terminal with five other interstate pipelines. The Terminal initially was used for the sole purpose of receiving and storing foreign-sourced LNG, re-gasifying such LNG, and sending it out for delivery to domestic markets. In January 2011, FERC authorized Cameron to operate the Cameron Terminal for the additional purpose of exporting previously imported (*i.e.,* foreign sourced) LNG on behalf of its customers.[1]

#### Project Description

Cameron proposes to site, construct, and operate the Liquefaction Project, including liquefaction and export facilities, on a 502 acre site that is partially within the existing Terminal fence line in Cameron Parish, Louisiana. The Liquefaction Project includes three liquefaction systems and a 160,000 cubic meter LNG storage tank, and would allow Cameron to liquefy domestic natural gas supplies for the export of approximately 12 million metric tons per year (mtpy) of LNG.

Cameron Interstate proposes to site, construct, operate, and maintain the Pipeline Project, consisting of a new natural gas pipeline in Cameron, Calcasieu and Beauregard Parishes, Louisiana. The Pipeline Project includes the construction of 21 miles of 42-inch diameter pipeline and a compressor station, and would add bi-directional flow capability to Cameron Interstate's existing pipeline to enable the transport of natural gas to the Cameron Terminal for export. The pipeline right-of-way would be within or abutting existing rights-of-way, and about 15.5 miles of the pipeline would be collocated with Cameron Interstate's existing pipeline right-of-way.

#### Cameron's Application

Cameron filed its application with DOE in Docket No. 11–162–LNG on December 21, 2011, seeking authorization to export up to 12 mtpy of domestically produced LNG (the equivalent of 620 billion cubic feet (bcf) per year of natural gas) for a 20-year period to nations with which the United States has not entered into a free trade agreement providing for national treatment for trade in natural gas (non-FTA nations).[2] On February 11, 2014, DOE/FE issued Order No. 3391 to Cameron, conditionally granting Cameron's application for long-term, multi-contract authorization to export domestically produced LNG by vessel to non-FTA nations. DOE/FE conditionally authorized Cameron to export LNG in a volume equivalent to 620 bcf per year of natural gas, or approximately 12 mtpy of LNG, for a term of 20 years. The Conditional Order addressed the record evidence and DOE/FE's findings on all non-environmental issues considered under NGA section 3(a), including economic impacts, international impacts, and security of gas supply. Because DOE/FE must also consider environmental issues, DOE/FE conditioned the authorization on satisfactory completion of the environmental review process under NEPA and DOE/FE's issuance of a finding of no significant impact or a record of decision.

[1] *Cameron LNG, LLC,* 134 FERC ¶ 61,049 (2011).

[2] Cameron previously sought authorization to export the same quantity of LNG to any country with which the United States has, or in the future may enter into, a FTA requiring national treatment for trade in natural gas (FTA countries). DOE/FE granted that FTA authorization by order dated January 17, 2012.

**EIS Process**

FERC was the lead federal agency and initiated the NEPA process by publishing a notice of intent (NOI) to prepare an EIS in the **Federal Register** (FR) on August 6, 2012 (77 FR 48145); DOE was a cooperating agency. FERC issued the draft EIS for the Liquefaction Project and Pipeline Project on January 10, 2014 (79 FR 3197), and the final EIS on April 30, 2014 (79 FR 26244). The final EIS recommended that FERC approve Cameron's proposed projects subject to 76 environmental conditions. Accordingly, on June 19, 2014, FERC issued an ''Order Granting Authorization Under Section 3 of the Natural Gas Act and Issuing Certificates'' (FERC Order), which authorized Cameron to site, construct, and operate the Liquefaction Project, and for Cameron Interstate to construct the associated Pipeline Project, subject to the 76 environmental conditions contained in Appendix A of that order.[3] In accordance with 40 CFR 1506.3, after an independent review of FERC's final EIS, DOE adopted the EIS on August 7, 2014 (DOE/EIS–0488), and the U.S. Environmental Protection Agency published a notice of that adoption in the **Federal Register** on August 15, 2014. (79 FR 48140)

**Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States (Addendum)**

On June 4, 2014, DOE/FE published the Draft Addendum for public comment (79 FR 32258). Although not required by NEPA, DOE/FE prepared the Addendum in an effort to be responsive to the public and to provide the best information available on a subject that had been raised by commenters. The Addendum is a review of existing literature and was intended to provide information only on the resource areas potentially impacted by unconventional gas production.

The 45-day comment period on the Draft Addendum closed on July 21, 2014. DOE/FE received 40,745 comments in 18 separate submissions, and considered those comments in issuing the Addendum on August 15, 2014. DOE provided a summary of the comments received and responses to substantive comments in Appendix B of the Addendum. DOE/FE has incorporated the Draft Addendum, comments, and final Addendum into the record in its Cameron proceeding.

[3] *Cameron LNG, LLC,* 147 FERC ¶ 61,230 (2014).

**Alternatives**

The EIS assessed alternatives that could achieve the project objectives. The range of alternatives analyzed included the No-Action Alternative, alternative energy sources, system alternatives, alternative Terminal Expansion sites, alternative Terminal Expansion configurations and designs, alternative Pipeline Expansion above ground facility sites, and alternative compressor station designs. Alternatives were evaluated and compared to the proposed project to determine if the alternatives were environmentally preferable.

The EIS evaluated system alternatives for the Terminal Expansion, including five operating LNG import terminals in the Gulf of Mexico area, and seven proposed or planned liquefaction and export projects along the Gulf Coast. All of the system alternatives were eliminated from further consideration for reasons that include comparatively greater construction, production volume limitations, in-service dates scheduled significantly beyond Cameron's commitments to its customers, and environmental impacts that were considered comparable to or greater than those of the proposed project.

The EIS evaluated two alternative sites for the Terminal Expansion. Construction of the Terminal Expansion at each of the alternative sites would have comparatively greater impacts on open water, marshes, aquatic resources, wetlands and wildlife.

For the Terminal Expansion, the EIS considered the use of on-site power generation as a design alternative to the proposed use of purchased power. During operation, emissions and noise levels of the turbine generators under this alternative would be greater than those of purchased power in the vicinity of the Terminal Expansion site. However, based on the available data, it was not possible to determine the overall difference in the levels of the key air emissions of the two design options.

For the Pipeline Expansion, the EIS evaluated three existing pipeline systems as system alternatives. None of the systems were determined to be environmentally preferable, as each would require significant expansion of the existing facilities and would likely result in environmental impacts similar to or greater than those of the Pipeline Expansion. The EIS did not identify any site-specific environmental concerns that would necessitate consideration of alternative pipeline routes, because the proposed route largely overlaps or is parallel to existing rights-of-way.

The EIS evaluated four alternative sites for the Holbrook Compressor Station and determined that these alternative sites were not environmentally preferable to the proposed site. The EIS also evaluated four design options for the compressor station. The use of purchased power would result in increased impacts due to installation of an additional 3.5-mile-long electrical distribution line, would not provide the flexibility and quality of service Cameron Interstate requires, would increase the cost of operation, and does not appear to offer an emissions advantage over the proposed on-site power generation. The use of larger turbine engines would decrease the flexibility and reliability of service because the turbines would not have variable speed control, and larger turbines would require more than 35 percent more fuel, resulting in a substantial increase in annual fuel expense. Best available control technology analysis indicated selective catalytic reduction and use of an oxidation catalyst were not feasible pollution control options due to economic, environmental, and energy impacts. As a result, the EIS determined that there was not a significant advantage to any of the design alternatives considered for the Holbrook Compressor Station.

**Environmentally Preferred Alternative**

When compared against the other action alternatives assessed in the EIS, as discussed above, the Cameron project is the environmentally preferred alternative. While the No-Action Alternative would avoid the environmental impacts identified in the EIS, adoption of this alternative would not meet the project objectives.

**Decision**

DOE has decided to issue Order No. 3391–A authorizing Cameron to export domestically produced LNG by vessel from the Cameron LNG Terminal in Cameron Parish, Louisiana, up to the equivalent of 620 bcf/yr of natural gas for a term of 20 years to commence on the earlier of the date of first export or seven years from the date that the Order is issued (September 10, 2014).

Concurrently with this Record of Decision, DOE is issuing Order No. 3391–A in which it finds that a grant of the requested authorization has not been shown to be inconsistent with the public interest, and that the Application should be granted subject to compliance with the terms and conditions set forth in the Order, including the 76 environmental conditions recommended in the EIS and adopted in

the FERC Order at Appendix A. Additionally, this authorization is conditioned on Cameron's compliance with any other preventative and mitigative measures imposed by other Federal or state agencies.

**Basis of Decision**

DOE's decision is based upon the analysis of potential environmental impacts presented in the EIS, and DOE's determination in Order No. 3391–A that the opponents of Cameron's application have failed to overcome the statutory presumption that the proposed export authorization is consistent with the public interest. Although not required by NEPA, DOE also considered the Addendum, which summarizes available information on potential upstream impacts associated with unconventional natural gas activities, such as hydraulic fracturing.

**Mitigation**

As a condition of its decision to issue Order No. 3391–A authorizing Cameron to export LNG, DOE is imposing requirements that will avoid or minimize the environmental impacts of the project. These conditions include the 76 environmental conditions recommended in the EIS and adopted in the FERC Order at Appendix A. Mitigation measures beyond those included in DOE's Order that are enforceable by other Federal and state agencies are additional conditions of Order No. 3391–A. With these conditions, DOE has determined that all practicable means to avoid or minimize environmental harm from the Cameron project have been adopted.

**Floodplain Statement of Findings**

DOE prepared this Floodplain Statement of Findings in accordance with DOE's regulations entitled ''Compliance with Floodplain and Wetland Environmental Review Requirements'' (10 CFR Part 1022). The required floodplain and wetland assessment was conducted during development and preparation of the EIS (see Table 3.6.1–1 and Section 4.1.4.1 of the EIS). DOE determined that the placement of some project components within floodplains would be unavoidable. However, the current design for the project minimizes floodplain impacts to the extent practicable.

Issued in Washington, DC, on September 10, 2014.

**Christopher A. Smith,**

*Principal Deputy Assistant Secretary, Office of Fossil Energy.*

[FR Doc. 2014–22056 Filed 9–15–14; 8:45 am]

BILLING CODE 6450–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers: EC14–133–000.*
*Applicants:* Avalon Solar Partners, LLC.
*Description: Application under Section 203 with Confidential Exhibit I of Avalon Solar Partners, LLC.*
*Filed Date:* 9/4/14.
*Accession Number: 20140904–5222.*
*Comments Due:* 5 p.m. ET 9/25/14.

*Docket Numbers: EC14–135–000.*
*Applicants:* Calpine Fore River Energy Center, LLC, Constellation Mystic Power, LLC.
*Description: Joint Application for Approval Under Section 203 of the Federal Power Act of Calpine Fore River Energy Center, LLC, et. al.*
*Filed Date:* 9/5/14.
*Accession Number: 20140905–5187.*
*Comments Due:* 5 p.m. ET 9/26/14.

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers: EG14–93–000.*
*Applicants:* Beech Ridge Energy LLC.
*Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Beech Ridge Energy LLC.*
*Filed Date:* 9/8/14.
*Accession Number: 20140908–5054.*
*Comments Due:* 5 p.m. ET 9/29/14.

*Docket Numbers: EG14–94–000.*
*Applicants:* Beech Ridge Energy II LLC.
*Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Beech Ridge Energy II LLC.*
*Filed Date:* 9/8/14.
*Accession Number: 20140908–5055.*
*Comments Due:* 5 p.m. ET 9/29/14.

*Docket Numbers: EG14–95–000.*
*Applicants:* Beech Ridge Energy Storage LLC.
*Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Beech Ridge Energy Storage LLC.*
*Filed Date:* 9/8/14.
*Accession Number: 20140908–5056.*
*Comments Due:* 5 p.m. ET 9/29/14.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers: ER10–1325–002; ER12–1946–002; ER14–2323–000; ER11–2080–002; ER10–1333–002; ER14–2319–000; ER12–1958–002; ER14–2321–000; ER10–1335–002.*
*Applicants:* CinCap V, LLC, Duke Energy Beckjord, LLC, Duke Energy Carolinas, LLC, Duke Energy Commercial Asset Management, LLC, Duke Energy Commercial Enterprises, Inc., Duke Energy Florida, Inc., Duke Energy Piketon, LLC, Duke Energy Progress, Inc., Duke Energy Retail Sales, LLC.
*Description: Supplement to June 30, 2014 Triennial Market Power Analysis Update for the Southeast Region of Duke Energy Corporation MBR Sellers.*
*Filed Date:* 9/5/14.
*Accession Number: 20140905–5176.*
*Comments Due:* 5 p.m. ET 9/26/14.

*Docket Numbers: ER11–2029–004; ER12–1400–003.*
*Applicants:* Cedar Creek II, LLC, Flat Ridge 2 Wind Energy LLC.
*Description: Notification of Change in Status of Cedar Creek II, LLC, et. al.*
*Filed Date:* 9/5/14.
*Accession Number: 20140905–5189.*
*Comments Due:* 5 p.m. ET 9/26/14.

*Docket Numbers: ER12–2273–000.*
*Applicants:* Public Service Company of Colorado.
*Description: eTariff filing per 35.19a(b): 2014–9–5 Cadott, Tremplo Refund Report Filing to be effective N/A.*
*Filed Date:* 9/5/14.
*Accession Number: 20140905–5145.*
*Comments Due:* 5 p.m. ET 9/26/14.

*Docket Numbers: ER14–2107–002.*
*Applicants:* Southwest Power Pool, Inc.
*Description: Compliance filing per 35: 1148 Substitute R18 American Electric Power NITSA and NOA (Compliance Filing to be effective 5/1/2014.*
*Filed Date:* 9/5/14.
*Accession Number:* 20140905–5161.
*Comments Due:* 5 p.m. ET 9/26/14.

*Docket Numbers: ER14–2793–000.*
*Applicants:* Imperial Valley Solar, LLC.
*Description: Tariff Withdrawal per 35.15: Notice of Cancellation to be effective 9/5/2014.*
*Filed Date:* 9/5/14.
*Accession Number:* 20140905–5140.
*Comments Due:* 5 p.m. ET 9/26/14.

*Docket Numbers: ER14–2794–000.*
*Applicants:* Green Mountain Power Corporation, ISO New England Inc.

*Description: § 205(d) rate filing per 35.13(a)(2)(iii): Rev. Depreciation Rates for OATT Formula Transmission Rate and RNS Cost Calc to be effective 10/1/2014.*

*Filed Date:* 9/8/14.

*Accession Number: 20140908–5025.*

*Comments Due:* 5 p.m. ET 9/29/14.

*Docket Numbers: ER14–2795–000.*

*Applicants:* Beech Ridge Energy LLC.

*Description: Baseline eTariff Filing per 35.1: Filing of Assignment, Co-Tenancy, and Shared Facilities Agreement to be effective 9/9/2014.*

*Filed Date:* 9/8/14.

*Accession Number: 20140908–5049.*

*Comments Due:* 5 p.m. ET 9/29/14.

*Docket Numbers: ER14–2796–000.*

*Applicants:* Beech Ridge Energy II LLC.

*Description: Baseline eTariff Filing per 35.1: Filing of Assignment, Co-Tenancy, and Shared Facilities Agreement to be effective 9/9/2014.*

*Filed Date:* 9/8/14.

*Accession Number: 20140908–5050.*

*Comments Due:* 5 p.m. ET 9/29/14.

*Docket Numbers: ER14–2797–000.*

*Applicants:* Beech Ridge Energy Storage LLC.

*Description: Baseline eTariff Filing per 35.1: Filing of Assignment, Co-Tenancy, and Shared Facilities Agreement to be effective 9/9/2014.*

*Filed Date:* 9/8/14.

*Accession Number: 20140908–5051.*

*Comments Due:* 5 p.m. ET 9/29/14.

*Docket Numbers: ER14–2798–000.*

*Applicants:* Beech Ridge Energy II LLC.

*Description: Initial rate filing per 35.12 Application for Market-Based Rate Authorization to be effective 11/8/2014.*

*Filed Date:* 9/8/14.

*Accession Number: 20140908–5052.*

*Comments Due:* 5 p.m. ET 9/29/14.

*Docket Numbers: ER14–2799–000.*

*Applicants:* Beech Ridge Energy Storage LLC.

*Description: Initial rate filing per 35.12 Application for Market-Based Rate Authorization to be effective 11/8/2014.*

*Filed Date:* 9/8/14.

*Accession Number: 20140908–5053.*

*Comments Due:* 5 p.m. ET 9/29/14.

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: September 8, 2014.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2014–21975 Filed 9–15–14; 8:45 am]

**BILLING CODE 6717–01–P**

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## 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:* RP14–1244–000.

*Applicants:* Algonquin Gas Transmission, LLC.

*Description:* § 4(d) rate filing per 154.204: Excelerate 510510 Revised NegRate eff 11–1–2014 to be effective 11/1/2014.

*Filed Date:* 9/4/14.

*Accession Number:* 20140904–5074.

*Comments Due:* 5 p.m. ET 9/16/14.

*Docket Numbers:* RP14–1245–000.

*Applicants:* Rockies Express Pipeline LLC.

*Description:* § 4(d) rate filing per 154.204: Neg Rate 2014–09–04 Encana del pt change to be effective 9/4/2014.

*Filed Date:* 9/4/14.

*Accession Number:* 20140904–5177.

*Comments Due:* 5 p.m. ET 9/16/14.

*Docket Numbers:* RP14–1246–000.

*Applicants:* Kern River Gas Transmission Company.

*Description:* § 4(d) rate filing per 154.204: 2014 Edison Delivery Meter to be effective 10/8/2014.

*Filed Date:* 9/5/14.

*Accession Number:* 20140905–5000.

*Comments Due:* 5 p.m. ET 9/17/14.

*Docket Numbers:* RP14–1247–000.

*Applicants:* Enable Gas Transmission, LLC.

*Description:* § 4(d) rate filing per 154.204: Negotiated Rate Filing—September 2014—LER 1010222 Att A to be effective 9/5/2014.

*Filed Date:* 9/5/14.

*Accession Number:* 20140905–5043.

*Comments Due:* 5 p.m. ET 9/17/14.

*Docket Numbers:* RP14–1248–000.

*Applicants:* Columbia Gulf Transmission, LLC.

*Description:* § 4(d) rate filing per 154.601: Negotiated Rate Service Agmt—Texla to be effective 11/1/2014.

*Filed Date:* 9/5/14.

*Accession Number:* 20140905–5052.

*Comments Due:* 5 p.m. ET 9/17/14.

*Docket Numbers:* RP14–1249–000.

*Applicants:* Golden Triangle Storage, Inc.

*Description:* § 4(d) rate filing per 154.204: GTS Firm Wheeling Service to be effective 10/8/2014.

*Filed Date:* 9/5/14.

*Accession Number:* 20140905–5126.

*Comments Due:* 5 p.m. ET 9/17/14.

*Docket Numbers:* RP14–1250–000.

*Applicants:* Enable Mississippi River Transmission, L.

*Description:* § 4(d) rate filing per 154.204: Negotiated Rate Filing to Amend LER 5680's Attachment A to be effective 9/5/2014.

*Filed Date:* 9/5/14.

*Accession Number:* 20140905–5149.

*Comments Due:* 5 p.m. ET 9/17/14.

*Docket Numbers:* RP14–1251–000.

*Applicants:* Exelon Generation Company, LLC.

*Description:* Petition for a Temporary Waiver of Capacity Release Regulations of Exelon Generation Company, LLC.

*Filed Date:* 9/5/14.

*Accession Number:* 20140905–5191.

*Comments Due:* 5 p.m. ET 9/17/14.

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:* RP13–12–002.

*Applicants:* Gulf South Pipeline Company, LP.

*Description:* Compliance filing per 154.203: Further Compliance Filing-Order 587 V (Docket No. RP13–12–000 et al) to be effective 12/1/2012.

*Filed Date:* 9/5/14.

*Accession Number:* 20140905–5030.

*Comments Due:* 5 p.m. ET 9/17/14.

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 September 8, 2014.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2014–21977 Filed 9–15–14; 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:* RP14–1252–000.
*Applicants:* Mex Gas Supply, S.L., Comisión Federal de Electricidad.
*Description:* Joint Petition for Temporary Waivers of Capacity Release Regulations and Related Pipeline Tariff Provisions and Request for Expedited Consideration of Mex Gas Supply, S.L., et. al.
*Filed Date:* 9/8/14.
*Accession Number:* 20140908–5150.
*Comments Due:* 5 p.m. ET 9/22/14.

*Docket Numbers:* RP14–1253–000.
*Applicants:* Transcontinental Gas Pipe Line Company.
*Description:* § 4(d) rate filing per 154.204: Clean Up Filing to be effective 10/9/2014.
*Filed Date:* 9/8/14.
*Accession Number:* 20140908–5163.
*Comments Due:* 5 p.m. ET 9/22/14.

*Docket Numbers:* RP14–1254–000.
*Applicants:* WBI Energy Transmission, Inc.
*Description:* § 4(d) rate filing per 154.204: Fuel Footnote to be effective 9/8/2014.
*Filed Date:* 9/8/14.
*Accession Number:* 20140908–5165.
*Comments Due:* 5 p.m. ET 9/22/14.

*Docket Numbers:* RP14–1255–000.
*Applicants:* WBI Energy Transmission, Inc.
*Description:* § 4(d) rate filing per 154.204: Non-conforming Service Agreements—Garden Creek II to be effective 9/8/2014.
*Filed Date:* 9/8/14.
*Accession Number:* 20140908–5172.
*Comments Due:* 5 p.m. ET 9/22/14.

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:* RP14–540–001.
*Applicants:* Paiute Pipeline Company.
*Description:* Compliance filing per 154.203: Motion to Place Tariff Sheets to be effective 9/1/2014.
*Filed Date:* 9/8/14.
*Accession Number:* 20140908–5200.
*Comments Due:* 5 p.m. ET 9/22/14.

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 September 9, 2014.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2014–21978 Filed 9–15–14; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER14–2756–000.
*Applicants:* California Independent System Operator Corporation.
*Description:* § 205(d) rate filing per 35.13(a)(2)(iii): 2014–09–02_ClarifyCRRSettlements to be effective 9/2/2014.
*Filed Date:* 9/2/14.
*Accession Number:* 20140902–5260.
*Comments Due:* 5 p.m. ET 9/23/14.

*Docket Numbers:* ER14–2756–000.
*Applicants:* California Independent System Operator Corporation.
*Description:* Report Filing: 2014–09-Supplement CRRS SettlementClarification to be effective N/A.
*Filed Date:* 9/3/14.
*Accession Number:* 20140903–5054.
*Comments Due:* 5 p.m. ET 9/23/14.

*Docket Numbers:* ER14–2798–001.
*Applicants:* Beech Ridge Energy II LLC.
*Description: Tariff Amendment per 35.17(b): Supplement to Market-Based Rate Application to be effective 11/8/2014.*
*Filed Date:* 9/8/14.
*Accession Number:* 20140908–5109.
*Comments Due:* 5 p.m. ET 9/29/14.

*Docket Numbers:* ER14–2799–001.
*Applicants:* Beech Ridge Energy Storage LLC.
*Description: Tariff Amendment per 35.17(b): Supplement to Market-Based Rate Application to be effective 11/8/2014.*
*Filed Date:* 9/8/14.
*Accession Number:* 20140908–5111.
*Comments Due:* 5 p.m. ET 9/29/14.

*Docket Numbers:* ER14–2800–000.
*Applicants:* Regulus Solar, LLC.
*Description: Compliance filing per 35: Compliance Tariff Revisions in the Availability section to be effective 8/12/2014.*
*Filed Date:* 9/8/14.
*Accession Number:* 20140908–5112.
*Comments Due:* 5 p.m. ET 9/29/14.

*Docket Numbers:* ER14–2801–000.
*Applicants:* Puget Sound Energy, Inc.
*Description: § 205(d) rate filing per 35.13(a)(2)(iii): Revisions re Schedules 5 & 6—Order No. 789 to be effective 10/1/2014.*
*Filed Date:* 9/8/14.
*Accession Number:* 20140908–5121.
*Comments Due:* 5 p.m. ET 9/29/14.

*Docket Numbers:* ER14–2802–000.
*Applicants:* CP Energy Marketing (US) Inc.
*Description: § 205(d) rate filing per 35.13(a)(2)(iii): Request for Category 1 Status and Request for Waiver of Filing of Triennial Mark to be effective 9/9/2014.*
*Filed Date:* 9/8/14.
*Accession Number:* 20140908–5128.
*Comments Due:* 5 p.m. ET 9/29/14.

*Docket Numbers:* ER14–2803–000.
*Applicants:* CPI USA North Carolina LLC.
*Description: § 205(d) rate filing per 35.13(a)(2)(iii): Request for Category 1 Status and Request for Waiver of Filing of Triennial Mark to be effective 9/9/2014.*
*Filed Date:* 9/8/14.
*Accession Number:* 20140908–5129.
*Comments Due:* 5 p.m. ET 9/29/14.

*Docket Numbers:* ER14–2804–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description: § 205(d) rate filing per 35.13(a)(2)(iii): Original Service Agreement No. 3934; Queue No. R30 to be effective 8/7/2014.*

*Filed Date:* 9/8/14.

*Accession Number:* 20140908–5171.

*Comments Due:* 5 p.m. ET 9/29/14.

Take notice that the Commission received the following qualifying facility filings:

*Docket Numbers:* QF14–658–000*; QF14–659–000; QF14–660–000; QF14–661–000; QF14–662–000; QF14–663–000; QF14–664–000; QF14–665–000; QF14–666–000.*

*Applicants:* Minwind I, LLC, Minwind II, LLC, Minwind III, LLC, Minwind IV, LLC, Minwind V, LLC, Minwind VI, LLC, Minwind VII, LLC, Minwind VIII, LLC, Minwind IX, LLC.

*Description: Refund Report with respect to nine small wind generating facilities managed by Minwind Energy, LLC.*

*Filed Date:* 9/8/14.

*Accession Number:* 20140908–5151.

*Comments Due:* 5 p.m. ET 9/29/14.

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: September 8, 2014.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2014–21976 Filed 9–15–14; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OAR–2011–0371; FRL—9916–59–OAR]**

## Proposed Information Collection Request; Comment Request; National Volatile Organic Compound Emission Standards for Architectural Coatings (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''National Volatile Organic Compound Emission Standards for Architectural Coatings,'' (EPA ICR No. 1750.07, OMB Control No. 2060–0393) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through February 28, 2015. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Comments must be submitted on or before November 17, 2014.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2011–0371 in the subject line, online using *www.regulations.gov* (our preferred method), by email to: *a-and-r-docket@epa.gov* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kim Teal, Sector Policies and Programs Division (Mail Code D243–02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–5580; fax number: (919) 541–5450; email address: *teal.kim@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about the EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the Paperwork Reduction Act, the EPA is soliciting comments and information to enable it to: (i) 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; (ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility and clarity of the information to be collected; and (iv) 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. The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

*Abstract:* The EPA is required under section 183(e) of the Clean Air Act (CAA) to regulate volatile organic compound (VOC) emissions from the use of consumer and commercial products. Pursuant to CAA section 183(e)(3), the EPA published a list of consumer and commercial products and a schedule for their regulation (60 FR 15264). Architectural and industrial maintenance coatings are included on the list, and the standards for such coatings are codified at 40 CFR part 59, subpart D. The information collection includes initial reports and periodic recordkeeping necessary for the EPA to ensure compliance with federal standards for VOC in architectural coatings. Respondents are manufacturers, distributors and importers of architectural coatings. Responses to the collection are mandatory under 40 CFR part 59,

subpart D—National Volatile Organic Compound Emission Standards for Architectural Coatings. All information submitted to the EPA for which a claim of confidentiality is made will be safeguarded according to the agency policies set forth in 40 CFR part 2, subpart B—Confidentiality of Business Information.

The EPA provided notice and sought comments on the previous ICR renewal on June 27, 2011 (76 FR 37347), pursuant to 5 CFR 1320.8(d). The EPA received no comments to that notice.

*Form Numbers:* None.

*Respondents/affected entities:* Entities potentially affected by this action as respondents are manufacturers, distributors or importers of architectural and industrial maintenance coatings and coating components for sale or distribution in the United States, including the District of Columbia and all United States territories.

*Respondent's obligation to respond:* Mandatory under 40 CFR part 59, subpart D—National Volatile Organic Compound Emission Standards for Architectural Coatings.

*Estimated number of respondents:* 500 (total).

*Frequency of response:* On occasion.

*Total estimated burden:* 14,661 hours (per year). Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* $1,261,526 (per year). There are no annualized capital or operation and maintenance costs.

*Changes in Estimates:* There is no change in the total estimated respondent burden compared with the ICR currently approved by OMB.

Dated: September 5, 2014.

**Kevin Culligan,**

*Acting Director, Sector Policies and Programs Division.*

[FR Doc. 2014–22055 Filed 9–15–14; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OAR–2006–0971; FRL–9916–60–OAR]**

## Proposed Information Collection Request; Comment Request; National Volatile Organic Compound Emission Standards for Aerosol Coatings

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''National Volatile Organic Compound Emission Standards for Aerosol Coatings'' (EPA ICR No. 2289.03, OMB Control number 2060–0617) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through January 31, 2015. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Comments must be submitted on or before November 17, 2014.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2006–0971 in the subject line, online using *www.regulations.gov* (our preferred method), by email to: *a-and-r-docket@epa.gov* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

The EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kaye Whitfield, Sector Policies and Programs Division (Mail Code D243–02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–2509; fax number: (919) 541–5450; email address: *whitfield.kaye@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about the EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the Paperwork Reduction Act, the EPA is soliciting comments and information to enable it to: (i) 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; (ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility and clarity of the information to be collected; and (iv) 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. The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

*Abstract:* The EPA is required under section 183(e) of the Clean Air Act (CAA) to regulate volatile organic compound (VOC) emissions from the use of consumer and commercial products. Pursuant to CAA section 183(e)(3), the EPA published a list of consumer and commercial products and a schedule for their regulation (60 FR 15264). Aerosol coatings are included on the list, and the standards for such coatings are codified at 40 CFR part 59, subpart E. The reports required under the standards enable the EPA to identify coating formulations manufactured, imported or distributed in the United States, and to determine the product-weighted reactivity. The ICR addresses the burden for activities conducted in 3-year increments after promulgation of the national VOC emission standards for aerosol coatings. Regulated entities read instructions to determine how they are affected by the rule. They are required to submit initial notifications when an aerosol coating is manufactured and notification of changes in the initial report, to report formulation data and exemptions claimed and to maintain records. In addition, regulated entities are required to submit triennial reports that include formulation data and VOC usage.

*Form Numbers:* None.

*Respondents/affected entities:* Respondents to this information collection are manufacturers, distributors and importers of aerosol coatings. These regulated entities fall within the North American Industry Classification System (NAICS) Code 32551, ''Paint and Coating

Manufacturing'' and NAICS Code 325998 ''All Other Miscellaneous Chemical Production and Preparation Manufacturing.''

*Respondent's obligation to respond:* Mandatory under 40 CFR part 59, subpart E.

*Estimated number of respondents:* 64 (total).

*Frequency of response:* Annual, triennial.

*Total estimated burden:* 12,265 hours (per year). Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* $1,033,626 in labor costs. There are no annualized capital or operation and maintenance costs.

*Changes in Estimates:* There is no change in hours in the total estimated respondent burden compared with the ICR currently approved by OMB.

Dated: September 5, 2014.

**Kevin Culligan,**

*Acting Director, Sector Policies and Programs Division.*

[FR Doc. 2014–22057 Filed 9–15–14; 8:45 am]

**BILLING CODE 6560–50–P**

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## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPPT–2014–0463; FRL–9914–43]**

## Certain New Chemicals; Receipt and Status Information

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA is required under the Toxic Substances Control Act (TSCA) to publish in the **Federal Register** a notice of receipt of a premanufacture notice (PMN); an application for a test marketing exemption (TME), both pending and/or expired; and a periodic status report on any new chemicals under EPA review and the receipt of notices of commencement (NOC) to manufacture those chemicals. This document covers the period from February 1, 2014 to March 31, 2014.

**DATES:** Comments identified by the specific PMN number or TME number, must be received on or before October 16, 2014.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2014–0463, and the specific PMN number or TME number for the chemical related to your comment, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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

**FOR FURTHER INFORMATION CONTACT:** *For technical information contact:* Bernice Mudd, Information Management Division (7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8951; email address: *mudd.bernice@epa.gov.*

*For general information contact:* The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. General Information

*A. Does this action apply to me?*

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the PMNs addressed in this action.

*B. What should I consider as I prepare my comments for EPA?*

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

### II. What action is the agency taking?

This document provides receipt and status reports, which cover the period from February 1, 2014 to March 31, 2014, and consists of the PMNs pending and/or expired, and the NOCs to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

### III. What is the agency's authority for taking this action?

Section 5 of TSCA requires that EPA periodical publish in the **Federal Register** receipt and status reports, which cover the following EPA activities required by provisions of TSCA section 5.

EPA classifies a chemical substance as either an ''existing'' chemical or a ''new'' chemical. Any chemical substance that is not on EPA's TSCA Inventory is classified as a ''new chemical,'' while those that are on the TSCA Inventory are classified as an ''existing chemical.'' For more information about the TSCA Inventory go to: *http://www.epa.gov/opptintr/newchems/pubs/inventory.htm.* Anyone who plans to manufacture or import a new chemical substance for a non-exempt commercial purpose is required by TSCA section 5 to provide EPA with a PMN, before initiating the activity. Section 5(h)(1) of TSCA authorizes EPA

to allow persons, upon application, to manufacture (includes import) or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a), for ''test marketing'' purposes, which is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: *http://www.epa.gov/oppt/newchems.*

Under TSCA sections 5(d)(2) and 5(d)(3), EPA is required to publish in the **Federal Register** a notice of receipt of a PMN or an application for a TME and to publish in the **Federal Register** periodic status reports on the new chemicals under review and the receipt of NOCs to manufacture those chemicals.

## IV. Receipt and Status Reports

In Table I. of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: The EPA case number assigned to the PMN, the date the PMN was received by EPA, the projected end date for EPA's review of the PMN, the submitting manufacturer/importer, the potential uses identified by the manufacturer/importer in the PMN, and the chemical identity.

TABLE 1—155 PMNS RECEIVED FROM 2/1/14 TO 3/31/14

| Case No. | Received date | Projected notice end date | Manufacturer/ importer | Use | Chemical |
|---|---|---|---|---|---|
| P–14–0300 | 2/3/2014 | 5/4/2014 | CBI | (S) Crosslinking Agent for Thermoset Resins. | (G) Substituted polysiloxane. |
| P–14–0301 | 2/3/2014 | 5/4/2014 | Alberdingk Boley Inc | (S) For wood and plastic | (G) Alkanedioic acid, polymer with alkanediol, hydroxy-(hydroxymethyl)-2-alkylcarboxylic acid, methylenebis [isocyanatocycloalkane] and alkyl-2-alkylalkenoate, compound with alkyl morpholine. |
| P–14–0302 | 2/3/2014 | 5/4/2014 | Alberdingk Boley Inc | (S) For wood and plastic | (G) Alkanedioic acid, polymer with dialkyl carbonate, alkanediol, hydroxy-(hydroxymethyl)-2-alkylcarboxylic acid, methylenebis[isocyanatocycloalkane] and alkyl-2-alkenoate, compound With *N,N*-dialkylalkylamine. |
| P–14–0303 | 2/3/2014 | 5/4/2014 | Alberdingk Boley Inc | (S) For wood and plastic | (G) Alkanedioic acid, polymer with 2,2-dimethyl-1,3-propanediol, hydroxy-(hydroxymethyl)-2-alkylcarboxylic acid, alkanediol, methylenebis[isocyanatocycloalkane] and alkyl-2-alkyl-alkenoate, compound With alkylylmorpholine. |
| P–14–0304 | 2/3/2014 | 5/4/2014 | Alberdingk Boley Inc | (S) For wood and plastic | (G) Alkanedioic acid, polymer with *N*-(1,1-dimethyl-3-oxobutyl)-2-propenamide, 1,6-hexanediol, hydroxy-(hydroxymethyl)-2-alkyl carboxylic acid, methylenebis [isocyanatocycloalkane] and alkyl-2-alkyl-alkenoate, compd. With *N,N*-dialkylalkylamine. |
| P–14–0305 | 2/3/2014 | 5/4/2014 | Alberdingk Boley Inc | (S) For wood and plastic | (G) Alkanedioic acid, polymer with *N*-(1,1-dimethyl-3-oxobutyl)-2-propenamide,1,2-alkanediol,1,6-hexanediol, hydroxy-(hydroxymethyl)-2- alkycarboxylic acid, methylenebis[isocyanatocycloalkane] and alkyll 2-alkyl-alkenoate, compd. With *N,N*-dialkylalkylamine. |
| P–14–0306 | 2/4/2014 | 5/5/2014 | CBI | (G) P0184T is used as a lubricant additive. | (G) Alklyl borate ester. |
| P–14–0307 | 2/4/2014 | 5/5/2014 | CBI | (S) Fluorinated acrylic terpolymer used as a wetting, levelling and flow control agent for solvent and free and solvent based coatings and paints. | (G) Fluorinated acrylic terpolymer. |
| P–14–0308 | 2/4/2014 | 5/5/2014 | Solazyme, Inc | (G) Industrial feedstock chemical. | (G) Algal biomass from fermentation. |
| P–14–0309 | 2/5/2014 | 5/6/2014 | CBI | (S) Dispersent | (G) 2-Butenoic acid, 4-amino-4-oxo-, (*Z*), polymer with alkyl modified alkene, ammonium salt. |
| P–14–0310 | 2/5/2014 | 5/6/2014 | CBI | (G) The product will be used in as a demulsifier in crude oil emulsions in field oil operations and desalter in crude oil refiners. | (G) Modified polymeric alkoxylate. |
| P–14–0311 | 2/5/2014 | 5/6/2014 | CBI | (G) Additive for plastic | (G) Hindered phenol amide compounds. |
| P–14–0312 | 2/6/2014 | 5/7/2014 | Solazyme, Inc | (G) Industrial feedstock chemical. | (G) Algal biomass from fermentation. |
| P–14–0313 | 2/7/2014 | 5/8/2014 | CBI | (G) Textile coating | (G) Aliphatic Polyurethane Resin. |
| P–14–0314 | 2/7/2014 | 5/8/2014 | CBI | (G) Industrial flame retardant. | (G) Poly aliphatic phosphate. |
| P–14–0315 | 2/7/2014 | 5/8/2014 | CBI | (G) Intermediate | (G) Substituted carbomonocycle. |
| P–14–0316 | 2/7/2014 | 5/8/2014 | CBI | (S) Catalyst for use in polyurethane coatings. | (G) Substituted bismuth. |
| P–14–0320 | 2/10/2014 | 5/11/2014 | Innovative Resin Systems. | (G) Epoxy adhesive flexibilizer. | (G) Phenol capped uretnane prepolymer. |
| P–14–0321 | 2/10/2014 | 5/11/2014 | CBI | (G) Site-limited isolated and recycled intermediate. | (G) Hydrochlorofluoropropene. |
| P–14–0322 | 2/10/2014 | 5/11/2014 | Innovative Resin Systems. | (G) Epoxy adhesive Flexibilizer. | (G) Capped urethane prepolymer. |
| P–14–0323 | 2/10/2014 | 5/11/2014 | CBI | (G) Site-limited, isolated and recycled intermediate. | (G) Hydrochlorofluoropropene. |
| P–14–0324 | 2/10/2014 | 5/11/2014 | CBI | (G) Lubricating oil additive | (G) Fatty ester derivatives, reaction products with alkanolamine, hydroxylated, borated. |

TABLE 1—155 PMNS RECEIVED FROM 2/1/14 TO 3/31/14—Continued

| Case No. | Received date | Projected notice end date | Manufacturer/ importer | Use | Chemical |
|---|---|---|---|---|---|
| P–14–0326 | 2/10/2014 | 5/11/2014 | CBI | (G) Emulsifier | (G) Maleaic adduct of fatty acids. |
| P–14–0327 | 2/10/2014 | 5/11/2014 | CBI | (G) emulsifier | (G) Maleic adduct of glyceridic compounds. |
| P–14–0328 | 2/10/2014 | 5/11/2014 | CBI | (G) Emulsifier | (G) Maleaic adduct of fatty acids. |
| P–14–0329 | 2/10/2014 | 5/11/2014 | CBI | (G) Emulsifier | (G) Maleaic adduct of fatty acids. |
| P–14–0330 | 2/10/2014 | 5/11/2014 | CBI | (G) Emulsifier | (G) Maleaic adduct of fatty acids. |
| P–14–0331 | 2/11/2014 | 5/12/2014 | CBI | (G) Rhelogy control polymer additive. | (G) 2-Propenoic acid, alkyl ester, polymer with butyl 2-propenoate and 1-ethenyl-2-pyrrolidinone. |
| P–14–0332 | 2/11/2014 | 5/12/2014 | DIC International (USA) LLC. | (G) Lamination with plastic sheets or textiles. | (G) Polyester/polyether-type-polyurethane resin. |
| P–14–0333 | 2/13/2014 | 5/14/2014 | CBI | (G) Monomer | (G) Acrylic acid alkyl ester. |
| P–14–0334 | 2/13/2014 | 5/14/2014 | CBI | (G) Monomer | (G) Methacrylic acid alkyl ester. |
| P–14–0335 | 2/13/2014 | 5/14/2014 | CBI | (S) Surfactant for use in asphalt emulsions. | (G) Lignin amine salt. |
| P–14–0336 | 2/14/2014 | 5/15/2014 | CBI | (S) Polyester for polyurethane production. | (S) Dodecanedioic acid, polymer with 2,2-dimethyl-1,3-propanediol. |
| P–14–0337 | 2/14/2014 | 5/15/2014 | CBI | (S) Plastic coating compounds. | (S) Poly(oxy(methyl-1,2-ethanediyl)], .alpha.-hydro-.omega.-hydroxy-, polymer with 1,6-diisocyanatohexane and 1,1′-methylenebis[4-isocyanatocyclohexane], caprolactam- and polyethylene glycol mono-me ether-blocked. |
| P–14–0339 | 2/14/2014 | 5/15/2014 | CBI | (S) Plastic coating compounds. | (S) Hexanedioic acid, polymer with 1,3-bis(1-isocyanato-1-methylethyl)benzene, 1,4-butanediol, 2,2-dimethyl-1,3-propanediol, 1,6-hexanediol, hydrazine, 3-hydroxy-2-(hydroxymethyl)-2-methylpropanoic acid and 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, compd. with *N,N*-diethylethanamine. |
| P–14–0340 | 2/14/2014 | 5/15/2014 | CBI | (G) Consumer liquid coatings. | (G) 2-Propenoic acid, 2-methyl-, functionalized alkyl ester polymer with butyl 2-propenoate and methyl 2-methyl-2-propenoate. |
| P–14–0341 | 2/15/2014 | 5/16/2014 | CBI | (G) Contained use (production of mineral wool products). | (G) Alkanolamine-acid-anhydride reaction product (AAA reaction product). |
| P–14–0342 | 2/18/2014 | 5/19/2014 | CBI | (G) Additive for gasoline | (G) Alkoxylated alcohol. |
| P–14–0343 | 2/17/2014 | 5/18/2014 | CBI | (G) Component of polymer additive. | (G) Akyl diol, polymer with alkyldiisocyanate, .alpha-hydro-.omega. hydroxypoly(oxy-alkyldiyl), alkyloxirane, oxirane ether with diol. |
| P–14–0344 | 2/18/2014 | 5/19/2014 | CBI | (G) Binder resin for automotive coatings. | (G) Alkyl methacrylate polymer with cyclomethacrylate, vinyl monomer, hydroxyl methacrylate and sec-hydroxy methacrylate, peroxide initiated. |
| P–14–0345 | 2/18/2014 | 5/19/2014 | CBI | (G) Binder resin for automotive coatings. | (G) Alkyl methacrylate polymer with cyclomethacrylate, vinyl monomer, hydroxyl methacrylate, sec-hydroxy methacrylate and acid monomer,peroxide initiated. |
| P–14–0346 | 2/18/2014 | 5/19/2014 | CBI | (G) Chemical for semiconductor manufacture. | (G) Polyester with triazine. |
| P–14–0347 | 2/17/2014 | 5/18/2014 | CBI | (G) Additive for resin | (G) Isocyanic acid, polymethylenepolyphenylene ester, polymer with -hydro—hydroxypoly[oxy(alkyl-1,2-ethanediyl)] and ,'-[(methylimino)di-2,1- ethanediyl]bis[-hydroxypoly[oxy(alkyl-1,2-ethanediyl)]], acetate (salt) sulfamate (salt). |
| P–14–0348 | 2/17/2014 | 5/18/2014 | CBI | (G) Additive for resin | (G) Isocyanic acid, polymethylenepolyphenylene ester, polymer with -hydro—hydroxypoly[oxy(alkyl-1,2-ethanediyl)] and ,'-[(methylimino)di-2,1- ethanediyl]bis[-hydroxypoly[oxy(alkyl-1,2-ethanediyl)]], acetate (salt) sulfamate (salt). |
| P–14–0349 | 2/17/2014 | 5/18/2014 | CBI | (G) Additive for resin | (G) Formic acid, compd. with -hydro—hydroxypoly [oxy(alkyl-1,2-ethanediyl)] polymer with ,'-[(methylimino)di-2,1-ethanediyl]bis[-hydroxypoly[oxy (alkyl-1,2-ethanediyl)]] and polymethylenepolyphenylene isocyanate. |
| P–14–0350 | 2/17/2014 | 5/18/2014 | CBI | (G) Additive for resin | (G) Propanoic acid,2-hydroxy compd. with -hydro—hydroxypoly[oxy(alkyl-1,2-ethanediyl)] polymer with ,'-[(methylimino)di-2,1-ethanediyl]bis[- hydroxypoly[oxy (alkyl-1,2-ethanediyl)]] and polymethylenepolyphenylene isocyanate. |
| P–14–0351 | 2/18/2014 | 5/19/2014 | CBI | (G) Coating agent for electronics. | (G) Epoxy compounded acrylate polymer. |
| P–14–0352 | 2/17/2014 | 5/18/2014 | MANE USA | (S) Fragrance in a household consumer product. | (S) 4*H*-1,3-Benzodioxin, hexahydro-4-methyl-2-(phenylmethyl)-. |
| P–14–0352 | 2/17/2014 | 5/18/2014 | MANE USA | (S) Fragrance in a consumer product. | (S) 4*H*-1,3-Benzodioxin, hexahydro-4-methyl-2-(phenylmethyl)-. |
| P–14–0352 | 2/17/2014 | 5/18/2014 | MANE USA | (S) Fragrance used in a fine fragrance. | (S) 4*H*-1,3-Benzodioxin, hexahydro-4-methyl-2-(phenylmethyl)-. |
| P–14–0353 | 2/18/2014 | 5/19/2014 | CBI | (S) Leather coating | (S) Hexanedioic acid, polymer with 1,4-butanediol, 3-hydroxy-2-(hydroxymethyl)-2-methylpropanoic acid and 1,1'-methylenebis[4-isocyanatocyclohexane], compound with *N,N*-diethylethanamine. |

TABLE 1—155 PMNS RECEIVED FROM 2/1/14 TO 3/31/14—Continued

| Case No. | Received date | Projected notice end date | Manufacturer/ importer | Use | Chemical |
|---|---|---|---|---|---|
| P–14–0354 | 2/19/2014 | 5/20/2014 | InfiGreen Polymers | (S) Polyol intermediate for use in ridged polyurethane foam. | (G) Depolymerized polyurethane. |
| P–14–0355 | 2/19/2014 | 5/20/2014 | MANE USA | (S) Fragrance used in a fine fragrance; fragrance in a consumer product. | (S) 4*H*-1,3-benzodioxin, hexahydro-4-methyl-2-(phenylmethyl)-. |
| P–14–0356 | 2/20/2014 | 5/21/2014 | CBI | (G) Lubricant additive | (G) Sulfurized olefin and oil. |
| P–14–0357 | 2/20/2014 | 5/21/2014 | DIC International (USA) LLC. | (G) Lamination with plastic sheets or textiles. | (G) Isocyanate-terminated urethane prepolymer. |
| P–14–0358 | 2/20/2014 | 5/21/2014 | CBI | (G) Lubricant additive | (G) Sulfurized olefin and oil. |
| P–14–0359 | 2/20/2014 | 5/21/2014 | CBI | (G) Lubricant additive | (G) Sulfurized olefin and oil. |
| P–14–0360 | 2/24/2014 | 5/25/2014 | CBI | (G) Destructive and contained use. | (G) Substituted polyheterocycle. |
| P–14–0361 | 2/24/2014 | 5/25/2014 | CBI | (G) Destructive and contained use. | (G) (substitutedhydroaromatic) heteropolycyclic. |
| P–14–0362 | 2/24/2014 | 5/25/2014 | CBI | (G) Destructive and contained use. | (G) Metal, disubstituted [poly(substitutedhydroaromatic)heteropolycyclic]. |
| P–14–0363 | 2/24/2014 | 5/25/2014 | CBI | (G) Destructive and contained use. | (G) (substitutedhydroaromatic) heteropolycyclic. |
| P–14–0364 | 2/24/2014 | 5/25/2014 | Ethox Chemicals, LLC | (S) A reactive emulsifier for manufacturing aqueous emulsion polymers or alkyd resins. Dispersant for pigments in aqueous or solvent-based coatings. Intermediate for production of related anionic dispersants. | (S) Phenol, styrenated, reaction products with polyethylene glycol and 2-[(2-propen-1-yloxy)methyl]oxirane. |
| P–14–0365 | 2/24/2014 | 5/25/2014 | Ethox Chemicals, LLC | (S) A reactive emulsifier for manufacturing aqueous emulsion polymers or alkyd resins. Dispersant for pigments in aqueous or solvent-based coatings. Intermediate for production of related anionic dispersants. | (S) Phenol, styrenated, reaction products with polyethylene glycol and 2-[(2-propen-1-yloxy)methyl]oxirane. |
| P–14–0366 | 2/24/2014 | 5/25/2014 | CBI | (G) Destructive and contained use. | (G) Metal, (substitutedhydroaromatic) heteropolycyclic. |
| P–14–0367 | 2/25/2014 | 5/26/2014 | Ethox Chemicals, LLC | (S) A reactive emulsifier for manufacturing aqueous emulsion polymers or alkyd resins. dispersant for pigment in aqueous or solvent-based coatings. | (S) Phenol, styrenated, reaction products with polyethylene glycol phosphate ammonium salt and 2-[(2-propen-1-yloxy)methyl]oxirane. |
| P–14–0368 | 2/25/2014 | 5/26/2014 | Ethox Chemicals, LLC | (S) A reactive emulsifier for manufacturing aqueous emulsion polymers or alkyd resins. dispersant for pigment in aqueous or solvent-based coatings. | (S) Phenol, styrenated, reaction products with polyethylene glycol mono(hydrogen sulfate) monoammonium salt and 2-[(2-propen-1-yloxy)methyl]oxirane. |
| P–14–0369 | 2/25/2014 | 5/26/2014 | Ethox Chemicals, LLC | (S) A reactive emulsifier for manufacturing aqueous emulsion polymers or alkyd resins. dispersant for pigment in aqueous or solvent-based coatings. | (S) Phenol, styrenated, reaction products with polyethylene glycol mono(hydrogen sulfate) monoammonium salt and 2-[(2-propen-1-yloxy)methyl]oxirane. |
| P–14–0370 | 2/25/2014 | 5/26/2014 | DIC International (USA) LLC. | (G) A coating polymer | (G) Acrylic esters and methacrylic esters epoxy resin. |
| P–14–0371 | 2/26/2014 | 5/27/2014 | CBI | (S) Flame retardant for plastics. | (G) Polysulfone. |
| P–14–0372 | 2/26/2014 | 5/27/2014 | InfiGreen Polymers | (S) Polyol intermediate for use in ridged Polyurethane foam. | (G) Depolymerized Polyurethane. |
| P–14–0372 | 2/26/2014 | 5/27/2014 | InfiGreen Polymers | (S) Polyol intermediate for use in flexible Polyurethane foam. | (G) Depolymerized Polyurethane. |
| P–14–0373 | 2/26/2014 | 5/27/2014 | CBI | (G) Floor coatings | (G) Polyacrylate. |
| P–14–0374 | 2/27/2014 | 5/28/2014 | CBI | (S) Sulfurized fatty acid derivative used as an extreme pressure/anti-wear additive for metal cutting/drilling applications. | (G) Sulfurized fatty acid derivative. |
| P–14–0376 | 2/27/2014 | 5/28/2014 | CBI | (G) Additive in WaterBorne Coating. | (G) Fatty acids, tall-oil, compounds with Heteromonocyclic monomer-2-ethylhexyl acrylate-2-hydroxyethyl methacrylate- Alkyl ether monomer. |
| P–14–0377 | 2/28/2014 | 5/29/2014 | CBI | (G) Additive, open, non-dispersive use. | (G) Reaction product of acidic polymers with amino silanes. |

TABLE 1—155 PMNS RECEIVED FROM 2/1/14 TO 3/31/14—Continued

| Case No. | Received date | Projected notice end date | Manufacturer/ importer | Use | Chemical |
|---|---|---|---|---|---|
| P–14–0378 | 2/28/2014 | 5/29/2014 | CBI | (G) The product will be used in as a demulsifier in crude oil field operations and a desalter in crude oil refiniers. | (G) Modified Polymeric Alkoxylate. |
| P–14–0380 | 3/3/2014 | 6/1/2014 | Huntsman | (G) Resin | (G) Aromatic monophenol, reaction products with aniline and formaldehyde. |
| P–14–0381 | 3/3/2014 | 6/1/2014 | CBI | (S) Dispersent | (G) 2,5-furandione, polymer with alkyl modified alkene, reaction products with ammonium hydroxide. |
| P–14–0382 | 2/28/2014 | 5/29/2014 | PTC Organies Inc | (G) Cleaning component for fuels. | (G) quaternary ammonium compounds, tri-$C_{8-10}$-alkylmethyl, hydrogen sulfates. |
| P–14–0383 | 3/3/2014 | 6/1/2014 | Shell Chemical LP | (S) Coatings; cleaning fluids; agrochemicals; metal working fluids/rolling oils; sold as intermediate. | (S) Alkanes, $C_{8-11}$-branched and linear. |
| P–14–0384 | 3/3/2014 | 6/1/2014 | Shell Chemical LP | (S) Coatings, cleaning fluids, agrochemicals, metal working fluids, rollings oils. | (S) Alkanes, $C_{9-12}$ branched and linear. |
| P–14–0385 | 3/3/2014 | 6/1/2014 | Shell Chemical LP | (S) Coatings, cleaning fluids, agrochemicals, metal working fluids, rollings oils. | (S) Alkanes, $C_{9-13}$ branched and linear. |
| P–14–0386 | 3/3/2014 | 6/1/2014 | Shell Chemical LP | (S) Coatings, cleaning fluids, agrochemicals, metal working fluids, rollings oils. | (S) Alkanes, $C_{10-13}$ branched and linear. |
| P–14–0387 | 3/3/2014 | 6/1/2014 | Shell Chemical LP | (S) Coatings, cleaning fluids, agrochemicals, metal working fluids, rollings oils. | (S) Alkanes, $C_{12-15}$ branched and linear. |
| P–14–0388 | 3/3/2014 | 6/1/2014 | Shell Chemical LP | (S) Coatings, cleaning fluids, agrochemicals, metal working fluids, rollings oils. | (S) Alkanes, $C_{14-16}$ branched and linear. |
| P–14–0389 | 3/3/2014 | 6/1/2014 | Shell Chemical LP | (S) Paint and coating; cleaning and inks; electronics; other solvents. | (S) 2-propanol, 1-ethoxy-, 2-acetate. |
| P–14–0390 | 2/28/2014 | 5/29/2014 | Cray Valley USA, LLC | (G) Additive for filler dispersion and/or property enhancement in thermoplastic and rubber compounds. | (G) Maleated Resin, half-ester. |
| P–14–0391 | 2/28/2014 | 5/29/2014 | Cray Valley USA, LLC | (G) Additive for filler dispersion and/or property enhancement in thermoplastic and rubber compounds. | (G) Maleated Resin, half-ester. |
| P–14–0392 | 3/4/2014 | 6/2/2014 | CBI | (G) Resin used to fabricate plastic components. | (G) Modified starch copolymer. |
| P–14–0393 | 3/4/2014 | 6/2/2014 | CBI | (G) Resin used to fabricate plastic components. | (G) Modified starch copolymer. |
| P–14–0394 | 3/4/2014 | 6/2/2014 | Reichhold Inc | (S) Wood coatings; plastic coatings; concrete coatings. | (G) Amine salt of acrylic acid, polymer with alkanedioic acid, epoxy, hydroxy substituted carboxylic acid, alkanediol, aliphatic diisocyanate, hydroxy ester acrylate and cyclic carboxylic acid. |
| P–14–0395 | 3/4/2014 | 6/2/2014 | CBI | (G) Detergent additive | (S) 1,2,3,-propanetriol, homoploymer, dodecanoate. |
| P–14–0396 | 3/5/2014 | 6/3/2014 | CBI | (G) Transportation undercoat. | (G) Polymer of vegetable oil, aliphatic polyols, and aromatic acids. |
| P–14–0397 | 3/6/2014 | 6/4/2014 | CBI | (S) A plasticizer in adhesives for food-product packaging. | (S) Benzenepropanol, 1-benzoate. |
| P–14–0400 | 3/7/2014 | 6/5/2014 | CBI | (G) Foam suppressant | (G) Substituted acid, electrophilic aromatic substitution products. |
| P–14–0401 | 3/7/2014 | 6/5/2014 | Huntsman Corporation | (S) Emollient, emulsifier, and foam builder for personal care. | (S) Fats and glyceridic oils, avocado, esters with polyethylene glycol ether with glycerol (3:1). |
| P–14–0402 | 3/7/2014 | 6/5/2014 | Huntsman Corporation | (S) Emollient, emulsifier, and foam builder for personal care. | (S) Coconut oil, ester with polyethylene glycol ether with glycerol (3:1). |
| P–14–0403 | 3/7/2014 | 6/5/2014 | Huntsman Corporation | (S) Emollient, emulsifier, and foam builder for personal care. | (S) Olive oil, ester with polyethylene glycol ether with glycerol (3:1). |
| P–14–0404 | 3/7/2014 | 6/5/2014 | Huntsman Corporation | (S) Emollient, emulsifier, and foam builder for personal care. | (S) Soybean oil, ester with polyethylene glycol ether with glycerol (3:1). |

TABLE 1—155 PMNS RECEIVED FROM 2/1/14 TO 3/31/14—Continued

| Case No. | Received date | Projected notice end date | Manufacturer/ importer | Use | Chemical |
|---|---|---|---|---|---|
| P–14–0405 | 3/7/2014 | 6/5/2014 | Huntsman Corporation | (S) Emollient, emulsifier, and foam builder for personal care. | (S) Oils, palm kernel, esters with polyethylene glycol ether with glycerol (3:1). |
| P–14–0406 | 3/7/2014 | 6/5/2014 | Huntsman Corporation | (S) Emollient, emulsifier, and foam builder for personal care products. | (S) Oils, palm, esters with polyethylene glycol ether with glycerol (3:1). |
| P–14–0407 | 3/7/2014 | 6/5/2014 | Cardolite corporation | (S) Epoxy binder for coatings application. | (S) Cashew, nutshell liquid (liq.), polymer with Bisphenol A, epichlorohydrin, ethylenediamine, formaldehyde and 2-[[3-(trimethyoxysilyl)propoxyl]methyl]oxirane. |
| P–14–0408 | 3/10/2014 | 6/8/2014 | CBI | (S) Plastic coating compounds. | (S) 1,3-Benzenedicarboxylic acid, polymer with 1,2-ethanediamine, hexanedioic acid, 1,6-hexanediol, 3-hydroxy-2- (hydroxymethyl)-2-methylpropanoic acid and 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, iso- Bu alc.-blocked, compounds with 2-(dimethylamino)-ethanol. |
| P–14–0409 | 3/10/2014 | 6/8/2014 | CBI | (S) Plastic coatings | (S) Propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, polymer with hydrazine, a-hydro-w-hydroxypoly[oxy(methyl -1,2-ethanediyl)] and 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, compound with *N,N* diethylethanamine. |
| P–14–0410 | 3/10/2014 | 6/8/2014 | Cardolite Corporation | (S) Curing agent for industrial coatings formulations. | (G) Fatty acids, $C_{18}$-unsaturated (unsatd.), dimers, polymers with ammonia-ethanolamine reaction by-product. |
| P–14–0411 | 3/10/2014 | 6/8/2014 | Natural Plant Products | (S) Used as an emollient in cosmetics and personal care products. | (S) Fats and glyceridic oils, limnanthes alba seed. |
| P–14–0412 | 3/12/2014 | 6/10/2014 | CBI | (G) Component of polymer additive. | (G) Akyl diol, polymer with alkyldiisocyanate, .alpha-hydro-.omega. hydroxypoly(oxy-alkyldiyl), alkyloxirane, oxirane ether with diol. |
| P–14–0413 | 3/12/2014 | 6/10/2014 | CBI | (G) Insulator | (G) Surface modified clay. |
| P–14–0416 | 3/17/2014 | 6/15/2014 | CBI | (G) The polyurethane resin will be part of a coating product used for automotive applications. | (G) Polyurethane. |
| P–14–0417 | 3/17/2014 | 6/15/2014 | CBI | (G) Solvent for ink | (G) Aliphatic ether alcohol. |
| P–14–0418 | 3/17/2014 | 6/15/2014 | CBI | (G) Polymer in inkjet ink | (G) Styrene-methacrylate copolymer. |
| P–14–0420 | 3/18/2014 | 6/16/2014 | CBI | (G) Destructive and contained use. | (G) Metal, (substituted hydroaromatic)heteropolycyclic derivative. |
| P–14–0421 | 3/18/2014 | 6/16/2014 | CBI | (G) Adhesive for open non-descriptive use. | (G) Isocyanate terminated polyurethane polymer. |
| P–14–0423 | 3/18/2014 | 6/16/2014 | Henkel Corporation | (S) A soluble photoinitiator in ultra violet (uv) curable silicone formulations. | (S) 1-propanone, 2-methyl-1-phenyl-2-[[1,3,3,3-tetramethyl-1-[(trimethylsilyl)oxy]-1-disiloxanyl]oxy]-. |
| P–14–0424 | 3/19/2014 | 6/17/2014 | Henkel Corporation | (S) A polymerizable component of novel sealant formulations. | (S) Siloxanes and silicones, di-me, mono[[dimethoxy[3-[(1-oxo-2-propen-1-yl)oxy]propyl]silyl]oxy]-terminated. |
| P–14–0425 | 3/19/2014 | 6/17/2014 | Cardolite Corporation | (S) Epoxy curing agent for light color coatings. | (G) Fatty acids, $C_{18}$-unsaturated, dimers, polymers with cashew nutshell liq., glycidyl ethers. |
| P–14–0426 | 3/19/2014 | 6/17/2014 | CBI | (G) Component of foam insulation. | (G) Polyester polyol. |
| P–14–0427 | 3/19/2014 | 6/17/2014 | CBI | (G) Catalyst used in closed process. | (S) Nitrile-hydratase. |
| P–14–0428 | 3/19/2014 | 6/17/2014 | CBI | (S) Emulsifier intermediate for use in asphalt applications. | (G) Fatty acid amide. |
| P–14–0428 | 3/19/2014 | 6/17/2014 | CBI | (S) Adhesion promoter for use in asphalt applications. | (G) Fatty acid amide. |
| P–14–0429 | 3/19/2014 | 6/17/2014 | CBI | (S) Adhesion promoter for use in asphalt applications. | (G) Fatty acid amide. |
| P–14–0429 | 3/19/2014 | 6/17/2014 | CBI | (S) Emulsifier intermediate for use in asphalt applications. | (G) Fatty acid amide. |
| P–14–0430 | 3/19/2014 | 6/17/2014 | CBI | (S) Emulsifier intermediate for use in asphalt applications. | (G) Fatty acid amide. |
| P–14–0430 | 3/19/2014 | 6/17/2014 | CBI | (S) Adhesion promoter for use in asphalt applications. | (G) Fatty acid amide. |
| P–14–0431 | 3/19/2014 | 6/17/2014 | CBI | (S) Adhesion promoter for use in asphalt applications. | (G) Fatty acid amide. |
| P–14–0431 | 3/19/2014 | 6/17/2014 | CBI | (S) Emulsifier intermediate for use in asphalt applications. | (G) Fatty acid amide. |
| P–14–0432 | 3/19/2014 | 6/17/2014 | DIC International (USA) LLC. | (G) Adhesive | (G) Isocyanate-terminated urethane prepolymer. |

TABLE 1—155 PMNS RECEIVED FROM 2/1/14 TO 3/31/14—Continued

| Case No. | Received date | Projected notice end date | Manufacturer/ importer | Use | Chemical |
|---|---|---|---|---|---|
| P–14–0433 | 3/20/2014 | 6/18/2014 | DIC International (USA) LLC. | (G) Adhesive | (G) Isocyanate-terminated urethane prepolymer. |
| P–14–0434 | 3/20/2014 | 6/18/2014 | CBI | (G) Coating ingredient for plastics. | (G) Polyacrylate. |
| P–14–0435 | 3/21/2014 | 6/19/2014 | Allnex USA Inc | (G) Coating resin | (G) Substituted fatty acids, polymers with alkanedioic acid, substituted carbomonocycles, alkanediol, substituted alkanoate, compounds with alkylamine. |
| P–14–0436 | 3/21/2014 | 6/19/2014 | Shepherd Chemical | (G) Polymer additive | (G) *N′,N′,N′,N′*-tetrakis-(2-hydroxypropyl) ethylenediamine coordinated with bismuth neodecanoate. excess *N′,N′,N′,N′*-tetrakis-(2-hydroxypropyl) ethylenedi amine over stoichiometric ratio to improve hydrolysis of bismuth ligands. |
| P–14–0437 | 3/21/2014 | 6/19/2014 | H.B. Fuller Company | (G) Industrial adhesive | (G) 2-propenoic acid, alkyl ester, telomer with alkanethiol, ethenyl acetate and 2-hydroxyethyl 2-propenoate. |
| P–14–0438 | 3/21/2014 | 6/19/2014 | CBI | (G) Lubricant | (G) Trialkyl substituted carboxylic acid, mixed esters with alkyl substituted carboxylic acid and polyol. |
| P–14–0439 | 3/24/2014 | 6/22/2014 | CBI | (G) Chemical intermediate | (G) Aryl-substituted amide. |
| P–14–0440 | 3/24/2014 | 6/22/2014 | CBI | (G) Catalyst | (G) Arylalkylphosphonium salt. |
| P–14–0441 | 3/24/2014 | 6/22/2014 | CBI | (G) Processing aid in advanced printing technologies. | (G) Heterocylic dione polymer with alkenylbenzene and alkoxpoly(oxy-alkanediyl)alkylacrylate. |
| P–14–0443 | 3/24/2014 | 6/22/2014 | CBI | (S) Crosslinker for automotive coating; crosslinker for wood and plastic coatings. | (G) Alkane-alpha,omega-diyl bis{[(trimethoxysilyl)propyl]carbamate}. |
| P–14–0444 | 3/24/2014 | 6/22/2014 | CBI | (S) Crosslinker for automotive; crosslinker for wood and plastic. | (G) Polyurethane, trimethoxysilyl terminated. |
| P–14–0445 | 3/24/2014 | 6/22/2014 | CBI | (G) Water-soluble packaging. | (G) Modified polyvinyl alcohol. |
| P–14–0446 | 3/25/2014 | 6/23/2014 | CBI | (G) Destructive | (G) Styrene-maleinate-acrylate terpolymer. |
| P–14–0447 | 3/25/2014 | 6/23/2014 | Sasol North America Inc | (S) Formulation of defoamers used in the production of paper. | (S) Alcohols, $C_{18-22}$, distinguishing (distn.) residues. |
| P–14–0448 | 3/25/2014 | 6/23/2014 | Sasol North America Inc | (S) Formulation of defoamers used in the production of paper. | (S) Alcohols, $C_{12-22}$, distn. residues. |
| P–14–0449 | 3/25/2014 | 6/23/2014 | CBI | (G) Crosslinker for coatings | (G) Polyurethane dispersion. |
| P–14–0450 | 3/25/2014 | 6/23/2014 | Evonik Degussa Corporation. | (G) Building protection applications and mineral treatment applications. | (G) Potassium siliconate. |
| P–14–0452 | 3/27/2014 | 6/25/2014 | DIC International (USA) LLC. | (G) Matrix resin for composite materials binder resin for electronic materials. | (G) Naphthalene type multi-functional epoxy resin. |
| P–14–0454 | 3/28/2014 | 6/26/2014 | CBI | (G) Adhesive | (G) Urethane-polyol polymer. |
| P–14–0455 | 3/31/2014 | 6/29/2014 | CBI | (G) Electro coat resin | (G) Formic acid, compounds (compds.) with bisphenol A-cyclohexanamine-*N*1,*N*1-dimethyl-1,3-propanediamine-epichlorohydrin-polyethylene glycol ether with bisphenol A (2:1) polymer-cyclic guanidine-2-(methylamino) ethanol reaction products. |
| P–14–0456 | 3/31/2014 | 6/29/2014 | CBI | (G) Electro coat resin | (G) Phenol, 4,4′-(1-methylethylidene)bis-, polymer with 2-(chloromethyl)oxirane, cyclohexanamine, *N*1,*N*1-dimethyl-1,3-propanediamine and ,'-[(1-methylethylidene)di-4,1-phenylene]bis[-hydroxypoly(oxy-1,2-ethanediyl)], reaction products with cyclic guanidine and 2-(methylamino) ethanol, acetates (salts). |
| P–14–0457 | 3/31/2014 | 6/29/2014 | CBI | (G) Electro coat resin | (G) Propanoic acid, 2-hydroxy-, compounds with bisphenol A-cyclohexanamine-*N*1,*N*1-dimethyl-1,3-propanediamine-epichlorohydrin-polyethylene glycol ether with Bisphenol A (2:1) polymer-cyclic guanidine-2-(methylamino)ethanol reaction products. |
| P–14–0458 | 3/31/2014 | 6/29/2014 | CBI | (G) Electro coat resin | (G) Formic acid, compounds with Bisphenol A-cyclohexanamine-alkyldiamine-epichlorohydrin-polyethylene glycol ether with bisphenol A (2:1) polymer-2-(methylamino) ethanol reaction products. |
| P–14–0459 | 3/31/2014 | 6/29/2014 | CBI | (G) Electro Coat Resin | (G) Phenol, 4,4′-(1-methylethylidene)bis-, polymer with 2-(chloromethyl)oxirane, cyclohexanamine, alkyldiamine and ,'-[(1-methylethylidene)di-4,1-phenylene]bis[-hydroxypoly(oxy-1,2-ethanediyl)], reaction products with 2-(methylamino) ethanol, acetates (salts). |
| P–14–0460 | 3/31/2014 | 6/29/2014 | CBI | (G) Electro coat resin | (G) Propanoic acid, 2-hydroxy-, compounds with Bisphenol A-cyclohexanamine-alkyldiamine-epichlorohydrin-polyethylene glycol ether with Bisphenol A (2:1) polymer-2-(methylamino)ethanol reaction products. |

TABLE 1—155 PMNS RECEIVED FROM 2/1/14 TO 3/31/14—Continued

| Case No. | Received date | Projected notice end date | Manufacturer/ importer | Use | Chemical |
|---|---|---|---|---|---|
| P–14–0461 | 3/31/2014 | 6/29/2014 | CBI | (G) Open, non-dispersive | (G) Blocked polyisocyanate polymer. |
| P–14–0462 | 3/31/2014 | 6/29/2014 | CBI | (G) Open, non-dispersive | (G) Blocked polyisocyanate polymer. |
| P–14–0463 | 3/31/2014 | 6/29/2014 | CBI | (G) Industrial emulsifier | (G) Butanedioic acid, monopolyisobutylene derivs., bis[2-[(2-hydroxyethyl)alkylamino)alkylamino]ethyl] esters. |
| P–14–0464 | 3/31/2014 | 6/29/2014 | CBI | (S) Flame retardant for plastics. | (G) Polysulfone. |

In Table II. of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the NOCs received by EPA during this period: The EPA case number assigned to the NOC, the date the NOC was received by EPA, the projected end date for EPA's review of the NOC, and chemical identity.

TABLE II—156 NOCS RECEIVED FROM 2/1/14 TO 3/31/14

| Case No. | Received date | Commencement notice end date | Chemical |
|---|---|---|---|
| J–13–0030 | 3/5/2014 | 2/14/2014 | (G) Microorganism modified. |
| J–14–0004 | 5/19/2014 | 5/17/2014 | (S) As labeled in the MCAN, genetically modified yeast YD01345 commercial identifier YD11413. |
| P–00–1086 | 11/13/13 | 10/10/2013 | (G) Potassium amide salt. |
| P–03–0101 | 7/31/2013 | 7/19/2013 | (G) Aliphatic ester. |
| P–03–0102 | 7/31/2013 | 7/19/2013 | (G) Aliphatic esters. |
| P–03–0769 | 3/21/2014 | 4/7/2014 | (G) Acrylate copolymer. |
| P–03–0852 | 7/31/2013 | 7/19/2013 | (S) Fatty acids, $C_{18}$-unsaturated, dimers, polymers with isostearic acid and neopentyl glycol. |
| P–03–0853 | 7/31/2013 | 7/19/2013 | (S) Fatty acids, $C_{18}$-unsaturated, dimers, polymers with neopentyl glycol and oleic acid. |
| P–04–0318 | 2/4/2014 | 2/3/2014 | (S) 1,2 ethanediol reaction products with nonylphenol glycidyl ether. |
| P–04–0718 | 6/4/2013 | 5/28/2013 | (S) Benzene, methyl-, reaction products with sulfur chloride (s2cl2), hexafluorophosphates(1-). |
| P–05–0324 | 12/9/2013 | 11/14/2013 | (S) 1,2,3-propanetricarboxylic acid, 2-hydroxy-, cerium(3+) salt (1:1). |
| P–05–0633 | 3/6/2014 | 2/19/2014 | (G) Alklsubstituted polyalkene glycol monoalklether. |
| P–06–0391 | 5/20/2014 | 4/30/2014 | (G) Alkyl methacrylate polymer with vinyl aromatic, branched alkyl acrylate, and alkyl methacrylate. |
| P–06–0409 | 2/18/2014 | 1/22/2014 | (S) Ferrate(1-), bis[4-[[5-chloro-2-(hydroxy-.kappa.o)phenyl]azo-.kappa.n1]-2,4-dihydro-5-methyl-2-phenyl-3*h*-pyrazol-3-onato(2-)-.kappa.o3]-, hydrogen. |
| P–06–0410 | 2/4/2014 | 1/15/2014 | (S) Ferrate(1-), bis[4-[[5-chloro-2-(hydroxy-.kappa.o)phenyl]azo-.kappa.n1]-2(3,4-dichlorophenyl)-2,4-dihydro-5-methyl-3*h*-pyrazol-3-onato(2-)-.kappa.o3]-, hydrogen. |
| P–06–0458 | 6/5/2013 | 5/22/2013 | (S) 13-docosenoic acid, magnesium salt, (13*Z*)-. |
| P–07–0011 | 8/22/2013 | 8/15/2013 | (G) Alkylated phenol. |
| P–07–0618 | 6/20/2013 | 6/5/2013 | (G) Alkyl acid fluoride. |
| P–09–0002 | 2/11/2014 | 1/30/2014 | (S) Hexanedioic acid, polymer with 2,′2-oxybis[ethanol], 2-ethylhexyl ester. |
| P–10–0510 | 4/8/2014 | 3/6/2014 | (G) Fatty acid ester. |
| P–10–0533 | 7/3/2013 | 6/3/2013 | (G) Styrene/acrylate copolymer. |
| P–11–0053 | 1/23/2014 | 1/20/2014 | (G) Substituted alkanoic acid polymer with alkanediol and cyclic ether alkanoate. |
| P–11–0483 | 3/10/2014 | 5/16/2013 | (S) 1-octanethiol, 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluoro-. |
| P–11–0526 | 7/1/2014 | 6/26/2014 | (G) Amphoteric fluorinated surfactant. |
| P–11–0534 | 5/12/2014 | 5/5/2014 | (G) Polyfluorinated alkyl thio polyacrylic acid-acrylamide. |
| P–11–0555 | 4/17/2014 | 3/9/2014 | (G) 2-Propenoic acid, 2-methyl-1,1-dimethylethyl ester, polymer with 2,2-dimethyl-1,3-propanediol, ethenylbenzene, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, cycloaliphatic dicarboxylic anhydride and 1,2-propanediol mono(2-methyl-2-propenoate), bis(1,1-dimethylpropyl)peroxide-initiated. |
| P–11–0556 | 4/17/2014 | 3/9/2014 | (G) 2-Propenoic acid, 2-methyl-, polymer with 2,2-dimethyl-1,3-propanediol, ethenylbenzene, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, cycloaliphatic dicarboxylic anhydride, 2-hydroxyethyl 2-methyl-2-propenoate, methyl 2-methyl-2-propenoate and 2-methylpropyl 2-methyl-2-propenoate, 2-hydroxy-3-[(1-oxoneodecy]-oxy]propyl ester. |
| P–11–0607 | 6/27/2014 | 6/25/2014 | (G) Polyaromatic organophosphorus compound. |
| P–11–0660 | 4/10/2014 | 4/2/2014 | (G) Co-polymer containing phosphonic sulfonic carboxylic acid groups. |
| P–12–0061 | 5/29/2014 | 5/15/2014 | (G) Modified acrylic polymer. |
| P–12–0244 | 5/28/2013 | 5/24/2013 | (S) 1,3-isobenzofurandione, hexahydro-, polymer with 2,2-bis(hydroxymethyl)-1,3-propanediol, 2-butyl-2-ethyl-1,3-propanediol and 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 3,5,5-trimethylhexanoate. |
| P–12–0383 | 6/27/2014 | 6/10/2014 | (G) Alkanes. |
| P–12–0386 | 4/4/2014 | 3/17/2014 | (G) Lightly branched polyester resin. |
| P–12–0404 | 3/25/2014 | 3/16/2014 | (G) Fluoroalkyl sulfonamide derivate. |
| P–12–0405 | 4/1/2014 | 3/20/2014 | (S) 1-butanesulfonamide, 1,1,2,2,3,3,4,4,4-nonafluoro-*N*-(2-hydroxyethyl)-, monoammonium salt. |
| P–12–0406 | 4/1/2014 | 3/20/2014 | (G) Fluoroalkyl sulfonamide derivate. |
| P–12–0543 | 3/11/2014 | 2/6/2014 | (S) Alkenes, $C_{23-33}$, branched and linear. |
| P–12–0550 | 5/2/2014 | 4/16/2014 | (S) butanal, 4-(heptyloxy)-3-methyl-. |

TABLE II—156 NOCS RECEIVED FROM 2/1/14 TO 3/31/14—Continued

| Case No. | Received date | Commencement notice end date | Chemical |
|---|---|---|---|
| P–13–0088 ..... | 3/28/2014 | 3/12/2014 | (G) 1,4-Benzenedicarboxylic acid, polymer with 2,2-dimethyl-1,3-propanediol alkane diacid, 1,2-ethanediol, hexanedioic acid, alkanediol, alpha, hydro-omega- hydroxpoly[oxy(methyl-1,2-ethanediyl)], 1,3 isobenzfurandione, 1,′-methylbis[4-isocyanatobenzene], 2-oxepanone and 2-2′-oxybis[ethanol]. |
| P–13–0131 ..... | 8/6/2013 | 7/20/2013 | (G) Tertiary ammonium compound. |
| P–13–0187 ..... | 1/29/2014 | 1/22/2014 | (G) Algal biomass from fermentation. |
| P–13–0188 ..... | 6/28/2013 | 6/24/2013 | (S) Siloxanes and silicones, dime, e-hydroxypropyl me, ethoxylated, ethers with oligomeric $C_{10-16}$-alkyl d-glycopyranosides and d-oligomeric decyl octyl d-oligomeric decyl octyl d-glycopry anosides. |
| P–13–0189 ..... | 8/6/2013 | 7/10/2013 | (G) Depolymerized waste plastics. |
| P–13–0193 ..... | 5/16/2014 | 4/16/2014 | (G) Amine adduct. |
| P–13–0214 ..... | 8/30/2013 | 8/21/2013 | (G) Ultra conductive film. |
| P–13–0223 ..... | 4/9/2014 | 4/3/2014 | (G) Acetopopolene derivative. |
| P–13–0227 ..... | 4/2/2014 | 3/27/2014 | (S) 2-Butenoic acid, 1-ethyl-2-methylpropyl ester, (2*e*)-. |
| P–13–0265 ..... | 6/11/2013 | 5/13/2013 | (S) 2-Propenoic acid, 2-methyl-, butyl ester, polymer with butyl 2-propenoate, ethenylbenzene, 4-hdyroxybutyl 2-propenoate, 2-hydroxyethyl 2-methyl-2-propenoate, methyl 2-methyl-2-propenoate, 2-propenoic acid and rel-(1r,2r,4r)-1,7,7-trimethylbicyclo[2.2.1]hept-2-yl 2-methyl-2-propenoate, tert-bu peroxide-initiated, compounds with triethanolamine. |
| P–13–0304 ..... | 5/9/2014 | 5/8/2014 | (S) Ethanol, 2,2′-oxybis-,1,1′-diformate. |
| P–13–0318 ..... | 3/5/2014 | 2/20/2014 | (G) Glycerides, $C_{14-18}$, $C_{16}$-$C_{18}$ unsaturated, from a fermentation. |
| P–13–0339 ..... | 4/16/2014 | 3/16/2014 | (G) Organometallics, reaction products with silica, halogenated. |
| P–13–0350 ..... | 4/16/2014 | 3/18/2014 | (G) Organometallic polymerization catalyst. |
| P–13–0359 ..... | 5/22/2014 | 5/7/2014 | (G) 1,3-isobenzofurandione, polymer with alkanediol, 1,6-hexanediol, .alpha.-hydro-.omega.-hydroxypoly[oxy(methyl-1,2-ethanediyl)], 1,1′-methylenebis[4-isocyanatobenzene] and poly(oxy-alkanediyl) glyceryl ether. |
| P–13–0360 ..... | 6/6/2014 | 5/31/2014 | (G) Alkane acid, polymer with alkanediol, 1,6-hexanediol, .alpha.-hydro-.omega.-hydroxypoly(oxy-1,4-butanediyl), 1,3-isobenzofurandione, 1,1′-methylenebis[4-isocyanatobenzene] and poly(oxy-alkanediyl) glyceryl ether. |
| P–13–0361 ..... | 3/28/2014 | 3/5/2014 | (G) Hexandioic acid, polymer with alkanediol, 1,2-ethanediol, 1,6-hexanediol, alpha,- hydro-omega- hydroxpoly [oxy(methyl-1,2-ethanediyl)] and 1′1′-methylenebix [4-isocyanatobenzene]. |
| P–13–0362 ..... | 5/9/2014 | 4/22/2014 | (G) 1,3-benzenedicarboxylic acid, polymer with 1,4-dimethyl 1,4-benzenedicarboxylate, alkanediol, alkane acid, 1,2-ethanediol, hexanedioic acid, 1,6-hexanediol, alkyldiol ester, 1,3-isobenzofurandione, 1,1′-methylenebis[4-isocyanatobenzene], 2-methyloxirane, 2-oxepanone and 2,2′-oxybis[ethanol]. |
| P–13–0369 ..... | 3/7/2014 | 3/3/2014 | (S) Polyphosphoric acids, esters with triethanolamine, compounds. with alkylpyridines. |
| P–13–0371 ..... | 10/4/2013 | 10/2/2013 | (G) Substituted phenyl sulfonamide compound. |
| P–13–0372 ..... | 11/7/2013 | 10/26/2013 | (G) Polyether polyurethane. |
| P–13–0374 ..... | 9/5/2013 | 9/3/2013 | (G) Substituted picolinic acid. |
| P–13–0394 ..... | 7/3/2014 | 6/23/2014 | (S) Phenol, polymer with 2,2,6-trimethylbicyclo[3.1.1]hept-2-ene, hydrogenated. |
| P–13–0398 ..... | 3/19/2014 | 3/13/2014 | (S) 9-decenamide, *N,N*-dimethyl-. |
| P–13–0412 ..... | 3/12/2014 | 3/11/2014 | (G) Poly(oxy-1–2 ethanediyl alpha poly(xy-1,2,3-propanethiytris [omega, hydroxy,-hydroxyalkyl ether. |
| P–13–0416 ..... | 4/4/2014 | 3/17/2014 | (G) Linearic aliphatic polycarbonate polyester. |
| P–13–0421 ..... | 8/27/2013 | 8/13/2013 | (S) 4–7Methano-1*H*-indene-5-acetaldehyde, octahydro- and 4,7methano- 1*H*-indene-5-carboxaldehyde, octahydro-6-methyl. |
| P–13–0422 ..... | 3/5/2014 | 2/20/2014 | (S) Algal biomass from a fermentation process using genetically modified prototheca moriformis. |
| P–13–0439 ..... | 10/8/2013 | 9/30/2013 | (S) Hexadecanoic acid, 2,2,6,6-tetramethyl-4-piperidinyl ester. |
| P–13–0442 ..... | 3/28/2014 | 3/3/2014 | (G) 1,3-Benzenedicarboxylic acid polymer with butyl 2-methyl-2 propenoate, hexanediol acid, 1,6 substituted poly[oxy(methyl-1,2-ethanediyl)], 2 hydroxyethyl 2-methyl-2propenoate, 1,1′methylenebix[4-isocyanatobenzene], 2-methyl-2-propenoic acid and 2-oxepanone. |
| P–13–0444 ..... | 6/5/2014 | 5/22/2014 | (G) 1,3-benzenedicarboxylic acid, polymer with butyl 2-methyl-2-propenoate, alkane acid, hexanedioic acid, 1,6-hexanediol, subsituted poly[oxy(methyl-1,2-ethanediyl)], 2-hydroxyethyl 2-methyl-2-propenoate, 1,1′-methylenebis[4-isocyanatobenzene], methyl 2-methyl-2-propenoate, 2-methyl-2-propenoic acid and 2-oxepanone. |
| P–13–0446 ..... | 5/13/2014 | 5/7/2014 | (S) Poly(oxy-1,2-ethanediyl), .alpha.,.alpha.′-[[(2-propylheptyl)imino]di-2,1-ethanediyl]bis [.omega.-hydroxy-. |
| P–13–0451 ..... | 4/24/2014 | 4/23/2014 | (G) Carboxylic methacrylate polymer with akyl acrylate, alkyl methacrylate and alkyl methacrylate. |
| P–13–0470 ..... | 4/17/2014 | 3/26/2014 | (G) Substituted phenoxy hexyl polymethacrylate. |
| P–13–0519 ..... | 4/14/2014 | 4/9/2014 | (G) Unsaturated fatty acids, dimers, di-me esters, hydrogenated, polymers with alkyl dioic acid, diisocyanatocycloalkane, hydroxy (hydroxymethyl) alkylcarboxylic acid, methylenebis[isocyanatocycloalkane], alkyl glycol and lactone compound with trialkylamine. |
| P–13–0556 ..... | 5/16/2014 | 4/30/2014 | (S) 2-cyclopentene-1-acetic acid, ethyl ester. |
| P–13–0559 ..... | 6/12/2014 | 5/30/2014 | (G) Amine salt of vegetable oil, polymer with cycloaliphatic glycol, hydroxy substituted carboxylic acid, aliphatic diisocyanate and tetra hydroxy alkane. |
| P–13–0563 ..... | 4/3/2014 | 3/28/2014 | (G) Polyalkylene glycol, alpha isocyanate, omega silane. |

TABLE II—156 NOCS RECEIVED FROM 2/1/14 TO 3/31/14—Continued

| Case No. | Received date | Commencement notice end date | Chemical |
|---|---|---|---|
| P–13–0567 ..... | 11/1/2013 | 9/25/2013 | (G) Ester wax. |
| P–13–0615 ..... | 11/4/2013 | 10/17/2013 | (G) Alkyl alkanoate. |
| P–13–0677 ..... | 6/26/2014 | 6/5/2014 | (G) 1,3-dioxolan-2-one, polymer with 1,4-alkanediol, 1,2-alkanediol, 1,1′-alkylenebis[4-substituted monocarbocycle] and 2-alkyl-1,3-alkanediol. |
| P–13–0724 ..... | 4/24/2014 | 4/16/2014 | (G) Polyurethane prepolymer. |
| P–13–0771 ..... | 3/10/2014 | 2/24/2014 | (G) Anthraquinone polyamide. |
| P–13–0835 ..... | 5/13/2014 | 5/7/2014 | (G) Aliphatic polyester polyol. |
| P–13–0837 ..... | 6/13/2014 | 6/10/2014 | (S) Fatty acids, $C_{18}$-unsaturated, dimers, polymers with 2,2′-dithiobis[ethanol] and 1-piperazineethanamine. |
| P–13–0839 ..... | 3/25/2014 | 3/14/2014 | (G) Methanamine, *N,N*-dimethyl-, reaction products with alkylamine-epichlorohydrin polymer, chlorides. |
| P–13–0851 ..... | 3/31/2014 | 3/11/2014 | (G) Sulfurized ester. |
| P–13–0852 ..... | 2/27/2014 | 2/18/2014 | (G) Alkyl dioic acid polymer with poly-(oxyalkyl)-hydro-hydroxy-, and aromatic diisocyanate. |
| P–13–0854 ..... | 2/28/2014 | 2/11/2014 | (G) Zinc carboxylate salt. |
| P–13–0858 ..... | 3/25/2014 | 2/24/2014 | (G) Diester. |
| P–13–0859 ..... | 3/25/2014 | 2/24/2014 | (G) Amide Resin. |
| P–13–0861 ..... | 3/27/2014 | 3/20/2014 | (G) Alkanedicarboxylic acid, polymer with alkanediol, hydroxy-(hydroxyalkyl)-alkane carboxylic acid and methylenebis[4-isocyanatocycloalkane], compound With dialkylamine. |
| P–13–0927 ..... | 7/3/2014 | 6/25/2014 | (G) *N*-(dialkylamino)alkyl-dialkylphenyl-tetrahydrodioxopyrrolopyrrolyl-benzamide. |
| P–13–0932 ..... | 6/17/2014 | 6/3/2014 | (G) Polyester adduct. |
| P–13–0935 ..... | 3/17/2014 | 3/13/2014 | (G) Polyisocyanate adduct. |
| P–13–0947 ..... | 4/18/2014 | 4/1/2014 | (G) Hydroxy functional polyester. |
| P–13–0953 ..... | 2/27/2014 | 2/5/2014 | (G) Modified refinery stream. |
| P–14–0006 ..... | 3/7/2014 | 2/17/2014 | (G) Fatty acids, $C_{-18}$ unsaturated, dimers, polymers with cashew nutshell liq., epichlorohydrin. |
| P–14–0010 ..... | 3/11/2014 | 3/1/2014 | (G) Alkylchlorosilane. |
| P–14–0012 ..... | 3/14/2014 | 2/20/2014 | (G) Fatty acid amide. |
| P–14–0016 ..... | 3/14/2014 | 2/20/2014 | (G) Fatty acid amide. |
| P–14–0025 ..... | 6/20/2014 | 5/16/2014 | (G) Polyethylene glycol-acrylic polymer salt. |
| P–14–0028 ..... | 4/15/2014 | 4/14/2014 | (G) Substituted alkene, reaction products with substituted carbomonocycle. |
| P–14–0033 ..... | 4/22/2014 | 3/24/2014 | (S) Siloxanes and Silicones, di-Me, ethoxy PH, polymers with PH silsesquioxanes, ethoxy-terminated. |
| P–14–0036 ..... | 4/15/2014 | 4/14/2014 | (G) Substituted alkanoic acid ester, polymer with alkyl substituted alkanoate, substituted carbomonocycle, substituted alkanoates and heteromonocycle, substituted peroxoate-initiated. |
| P–14–0037 ..... | 4/15/2014 | 4/14/2014 | (G) Substituted alkanoic acid ester, polymer with alkyl substituted alkanoate, substituted carbomonocycle, substituted alkanoates, heteromonocycle and alkanoic acid, substituted peroxoate-initiated, compds with substituted alkanol. |
| P–14–0040 ..... | 5/22/2014 | 4/24/2014 | (S) Poly(oxy-1,2-ethanediyl),.alpha.-[(4-methylphenyl)sulfonyl]-.omega.-methoxy-. |
| P–14–0041 ..... | 5/22/2014 | 5/6/2014 | (S) Poly(oxy-1,2-ethanediyl),.alpha.-(2-aminoethyl)-.omega.-methoxy-. |
| P–14–0044 ..... | 4/24/2014 | 4/19/2014 | (G) Modified ketone resin, sodium salt. |
| P–14–0045 ..... | 5/19/2014 | 5/17/2014 | (G) Substituted alkanediol, polymer with substituted heteromonocycle and heteromonocycle, alkenoate, reaction products with dialkylamine. |
| P–14–0051 ..... | 5/16/2014 | 5/10/2014 | (G) Fatty acids, $C_{18}$-unsatd., dimers, polymers with alkane acid, 1,6-hexanediol, 1,1′-methylenebis[4-isocyanatobenzene] and neopentyl glycol. |
| P–14–0054 ..... | 6/6/2014 | 6/5/2014 | (G) Amine-functional oligomer. |
| P–14–0056 ..... | 6/19/2014 | 5/19/2014 | (G) Amine-terminated epoxy resin. |
| P–14–0060 ..... | 4/8/2014 | 4/2/2014 | (G) 1,1′-methylenebis[isocyanatobenzene], polymer with polycarboxylic acids in alkane polyols. |
| P–14–0063 ..... | 3/11/2014 | 2/6/2014 | (S) Alkenes, $C_{30-60}$, branched and linear. |
| P–14–0071 ..... | 5/22/2014 | 4/30/2014 | (S) Poly(oxy-1,2-ethanediyl), alpha-[2-(1,3-dihydro-1,3-dioxo-2*H*-isoindol-2-yl)ethyl]-omega-methoxy-. |
| P–14–0072 ..... | 4/15/2014 | 3/26/2014 | (S) Propaneperoxoic acid, 2,2-dimethyl-, 1,1,3,3-tetramethylbutyl ester. |
| P–14–0074 ..... | 7/3/2014 | 6/17/2014 | (G) Amino acrylate oligomer. |
| P–14–0088 ..... | 3/20/2014 | 3/17/2014 | (G) Mixed alkyl dicarboxylic acid esters. |
| P–14–0089 ..... | 6/23/2014 | 6/17/2014 | (G) Fatty acid amide hydrochloride. |
| P–14–0090 ..... | 6/23/2014 | 6/17/2014 | (G) Fatty acid amide hydrochloride. |
| P–14–0109 ..... | 3/24/2014 | 3/25/2014 | (G) 2-propenoic acid, 2-methyl-, ester, polymer with butyl 2-propenoate, ethenyl alkanoate, ethenylbenzene, 2-ethylhexyl 2-propenoate and alkanediol. |
| P–14–0114 ..... | 5/6/2014 | 5/5/2014 | (G) Waterborne acrylate-functional polyurethane. |
| P–14–0123 ..... | 7/5/2014 | 6/24/2014 | (G) Reaction product of acrylate and isocyanate. |
| P–14–0124 ..... | 3/21/2014 | 3/5/2014 | (G) Graft copolymer of polyolefin and polyamide. |
| P–14–0129 ..... | 6/2/2014 | 5/26/2014 | (S) Propanamide, 2-hydroxy-*N,N*-dimethyl-. |
| P–14–0138 ..... | 4/4/2014 | 4/1/2014 | (G) Polycarbonate-based polyurethane resin. |
| P–14–0141 ..... | 3/28/2014 | 3/14/2014 | (G) Polysilane. |
| P–14–0144 ..... | 3/21/2014 | 3/18/2014 | (G) 2-alkenoic acid, 2-alkyl-, polymer with 2-substitutedalkyl 2-alkyl-2-alkenoate and alkyl substituted carbomonocycle 2-alkyl-2-alkenoate. |
| P–14–0146 ..... | 4/15/2014 | 3/19/2014 | (G) Mixed metal fluoride silicide. |
| P–14–0196 ..... | 6/5/2014 | 6/3/2014 | (G) Poly(oxy-1,2-ethanediyl), .alpha.-sulfo-.omega.-substituted carbomonocycle, ammonium salts. |

TABLE II—156 NOCS RECEIVED FROM 2/1/14 TO 3/31/14—Continued

| Case No. | Received date | Commencement notice end date | Chemical |
|---|---|---|---|
| P–14–0200 ..... | 5/1/2014 | 4/29/2014 | (G) Isocyanate terminated polyurethane resin. |
| P–14–0216 ..... | 6/11/2014 | 6/5/2014 | (G) Mixed alkyltin mercaptoester sulfides. |
| P–14–0217 ..... | 6/12/2014 | 6/9/2014 | (G) Mixed alkyltin mercaptoester sulfides. |
| P–14–0218 ..... | 6/11/2014 | 6/10/2014 | (G) Mixed alkyltin mercaptoester sulfides. |
| P–14–0219 ..... | 4/22/2014 | 4/8/2014 | (G) Polyurethane dispersion. |
| P–14–0234 ..... | 6/13/2014 | 6/2/2014 | (G) Trisubstituted ethoxylated carbomonocycle. |
| P–14–0235 ..... | 6/15/2014 | 6/6/2014 | (G) Styrene-maleic anhydride copolymer, reaction product with amino compounds. |
| P–14–0236 ..... | 5/20/2014 | 4/25/2014 | (G) Formaldehyde, polymer with substituted carbopolycycle and substituted carbopolycycle. |
| P–14–0240 ..... | 6/2/2014 | 5/25/2014 | (S) Amines, bis(hydrogenated palm-oil alkyl)hydroxyl. |
| P–14–0241 ..... | 5/12/2014 | 4/21/2014 | (G) Urethane acrylate. |
| P–14–0245 ..... | 5/20/2014 | 4/25/2014 | (G) Substituted pyrene, polymer with bis(alkoxyalkyl)carbomonocycle and substituted carbopolycycle. |
| P–14–0247 ..... | 6/3/2014 | 6/1/2014 | (G) Amine salted polyurethane. |
| P–14–0248 ..... | 4/17/2014 | 4/17/2014 | (G) Modified essential oil. |
| P–14–0264 ..... | 5/19/2014 | 5/17/2014 | (S) D-glucopyranose oligomeric, decyl octyl glycosides, 3-(dimethyloctadecylammonio)-2-hydroxypropyl ethers, chlorides, polymers with 1,3-dichloro-2-propanol. |
| P–14–0265 ..... | 5/29/2014 | 5/18/2014 | (S) D-glucopyranose, oligomeric, $C_{10-16}$-alkyl glycosides, (3-dimethyloctadecylammonio)-2-hydroxylpropyl ethers, chlorides, polymers with 1,3-dichloro-2-propanol. |
| P–14–0269 ..... | 6/13/2014 | 6/9/2014 | (G) Peek-pedek copolymer. |
| P–14–0288 ..... | 7/7/2014 | 6/11/2014 | (G) Polymer of aliphatic hydrocarbon acrylic acid esters, isocyanic acid derivative and alkyl perester with alkyl amine. |
| P–14–0313 ..... | 6/18/2014 | 6/3/2014 | (S) Ethanesulfonic acid, 2-[(2-aminoethyl)amino]-, sodium salt (1:1), polymer with 1,6-diisocyanatohexane, alphahydroomega-hydroxypoly(oxy-1,4-butanediyl) and 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane. |
| P–14–0370 ..... | 6/25/2014 | 6/16/2014 | (G) Acrylic esters and methacrylic esters epoxy resin. |
| P–14–0381 ..... | 6/4/2014 | 6/2/2014 | (G) 2,5-furandione, polymer with alkyl modified alkene, reaction products with ammonium hydroxide. |
| P–14–0400 ..... | 6/12/2014 | 6/6/2014 | (G) Substituted acid, electrophilic aromatic substitution products. |
| P–14–0401 ..... | 6/18/2014 | 6/9/2014 | (S) Fats and glyceridic oils, avocado, esters with polyethylene glycol ether with glycerol (3:1). |
| P–14–0402 ..... | 6/18/2014 | 6/11/2014 | (S) Coconut oil, ester with polyethylene glycol ether with glycerol (3:1). |
| P–14–0403 ..... | 6/18/2014 | 6/6/2014 | (S) Olive oil, ester with polyethylene glycol ether with glycerol (3:1). |
| P–14–0404 ..... | 6/18/2014 | 6/5/2014 | (S) Soybean oil, ester with polyethylene glycol ether with glycerol (3:1). |
| P–14–0405 ..... | 6/18/2014 | 6/6/2014 | (S) Oils, palm kernel, esters with polyethylene glycol ether with glycerol (3:1). |
| P–14–0406 ..... | 6/18/2014 | 6/10/2014 | (S) Oils, palm, esters with polyethylene glycol ether with glycerol (3:1). |
| P–14–0411 ..... | 6/6/2014 | 5/18/2014 | (S) Fats and glyceridic oils, limnanthes alba seed. |
| P–14–0435 ..... | 7/3/2014 | 7/2/2014 | (G) Substituted fatty acids, polymers with alkanedioic acid, substituted carbomonocycles, alkanediol, substituted alkanoate, compounds with alkylamine. |
| P–14–0466 ..... | 7/7/2014 | 7/2/2014 | (S) Benzene, 1,4-bis(1-chloro-1-methylethyl)-, reaction products with polyisobutylene, bis[4-[4-[(1-oxo-2-propen-1-yl)oxy]butoxy]phenyl]-terminated. |
| P–90–1530 ..... | 4/25/2014 | 3/25/2014 | (G) Phosphinicocarboxylates, potassium salts. |
| P–98–1069 ..... | 6/5/2014 | 5/14/2014 | (G) Polycaprolactone polyols. |
| P–98–1214 ..... | 6/5/2014 | 6/5/2014 | (G) Epoxidized polyol. |
| P–99–0009 ..... | 2/14/2014 | 2/13/2014 | (G) Cationic epoxy resin. |

If you are interested in information that is not included in these tables, you may contact EPA as described in Unit III. to access additional non-CBI information that may be available.

### List of Subjects

Environmental protection, Chemicals, Hazardous substances, Imports, Notice of commencement, Premanufacturer, Reporting and recordkeeping requirements, Test marketing exemptions.

Dated: August 28, 2014.

**Chandler Sirmons,**

*Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.*

[FR Doc. 2014–22039 Filed 9–15–14; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPPT–2014–0542; FRL–9915–80]**

## Certain New Chemicals; Receipt and Status Information

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA is required under the Toxic Substances Control Act (TSCA) to publish in the **Federal Register** a notice of receipt of a premanufacture notice (PMN); an application for a test marketing exemption (TME), both pending and/or expired; and a periodic status report on any new chemicals under EPA review and the receipt of notices of commencement (NOC) to manufacture those chemicals. This document covers the period from April 1, 2014 to June 30, 2014.

**DATES:** Comments identified by the specific PMN number or TME number, must be received on or before October 16, 2014.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2014–0542, and the specific PMN number or TME number for the chemical related to your comment, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

• *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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

**FOR FURTHER INFORMATION CONTACT:** *For technical information contact:* Bernice Mudd, Information Division (7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8951; email address: *mudd.bernice@epa.gov.*

*For general information contact:* The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. General Information

### *A. Does this action apply to me?*

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the PMNs addressed in this action.

### *B. What should I consider as I prepare my comments for EPA?*

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

## II. What action is the Agency taking?

This document provides receipt and status reports, which cover the period from April 1, 2014 to June 30, 2014, and consists of the PMNs pending and/or expired, and the NOCs to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

## III. What is the Agency's authority for taking this action?

Section 5 of TSCA requires that EPA periodical publish in the **Federal Register** receipt and status reports, which cover the following EPA activities required by provisions of TSCA section 5.

EPA classifies a chemical substance as either an ''existing'' chemical or a ''new'' chemical. Any chemical substance that is not on EPA's TSCA Inventory is classified as a ''new chemical,'' while those that are on the TSCA Inventory are classified as an ''existing chemical.'' For more information about the TSCA Inventory go to: *http://www.epa.gov/opptintr/newchems/pubs/inventory.htm.* Anyone who plans to manufacture or import a new chemical substance for a non-exempt commercial purpose is required by TSCA section 5 to provide EPA with a PMN, before initiating the activity. Section 5(h)(1) of TSCA authorizes EPA to allow persons, upon application, to manufacture (includes import) or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a), for ''test marketing'' purposes, which is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: *http://www.epa.gov/oppt/newchems.*

Under TSCA sections 5(d)(2) and 5(d)(3), EPA is required to publish in the **Federal Register** a notice of receipt of a PMN or an application for a TME and to publish in the **Federal Register** periodic status reports on the new chemicals under review and the receipt of NOCs to manufacture those chemicals.

## IV. Receipt and Status Reports

In Table I. of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: The EPA case number assigned to the PMN, the date the PMN was received by EPA, the projected end date for EPA's review of the PMN, the submitting manufacturer/importer, the potential uses identified by the manufacturer/importer in the PMN, and the chemical identity.

TABLE I—169 PMNS RECEIVED FROM 4/1/14 TO 6/30/14

| Case No. | Received date | Projected notice end date | Manufacturer /Importer | Use | Chemical |
|---|---|---|---|---|---|
| P–14–0465 | 4/1/2014 | 6/30/2014 | CBI ..... | (G) Adhesive for open non-descriptive use. | (G) Ultra-violet (UV)-curable urethane acrylate. |
| P–14–0466 | 4/1/2014 | 6/30/2014 | Henkel Corporation. | (S) Polymerizable component in sealant formulations. | (S) Benzene, 1,4-bis(1-chloro-1-methylethyl)-, reaction products with polyisobutylene, bis[4-[4-[(1-oxo-2-propen-1-yl)oxy]butoxy]phenyl]-terminated. |

TABLE I—169 PMNS RECEIVED FROM 4/1/14 TO 6/30/14—Continued

| Case No. | Received date | Projected notice end date | Manufacturer /Importer | Use | Chemical |
|---|---|---|---|---|---|
| P–14–0468 | 4/2/2014 | 7/1/2014 | Bayer Materials Science. | (G) Textile coating | (G) Aliphatic polyurethane resin. |
| P–14–0470 | 4/3/2014 | 7/2/2014 | CBI | (G) Polyester intermediate | (G) Dihydroxy dialkyl ether, polymer with cyclic carboxylic acid, hydroxy substituted alkane and carboxylic acid anhydride. |
| P–14–0471 | 4/3/2014 | 7/2/2014 | CBI | (S) Acrylic resin used in ultra violet curable inks and coatings. | (G) Acrylate isocyanate polymer. |
| P–14–0472 | 4/3/2014 | 7/2/2014 | CBI | (G) Site controlled intermediate | (G) Polyphosphoric acids, 2-[alkyl-1-oxo-2-propen-1-yl)oxy]ethyl esters, compounds (compds.) with *N*-(aminoiminomethyl)urea. |
| P–14–0473 | 4/3/2014 | 7/2/2014 | CBI | (G) Coatings and printing application | (G) Fluorinated alkyl derivative. |
| P–14–0474 | 4/3/2014 | 7/2/2014 | Cray Valley USA, LLC. | (S) Additive for improving caustic removability for rubber based adhesives. Additive for filler dispersion and/or property enhancement in thermoplastic and rubber compounds. | (G) Maleated Resin, half-ester. |
| P–14–0475 | 4/3/2014 | 7/2/2014 | Cray Valley USA, LLC. | (S) Additive for improving caustic removability for rubber based adhesives. Additive for filler dispersion and/or property enhancement in thermoplastic and rubber compounds. | (G) Maleated Resin, half-ester. |
| P–14–0476 | 4/3/2014 | 7/2/2014 | CBI | (G) Isolated intermediate | (S) Tricyclo[3.3.1.13,7]decan-1-amine, *N,N*-dimethyl-. |
| P–14–0478 | 4/4/2014 | 7/3/2014 | CBI | (S) Thermoplastic polyurethanes | (S) Carbonic acid, dimethyl ester, polymer with 1,4-diisocyanatobenzene, 1,6-hexanediol and 1,5-pentanediol. |
| P–14–0479 | 4/4/2014 | 7/3/2014 | CBI | (S) Thermoplastic polyurethane for coatings mouldings. | (S) C arbonic acid, dimethyl ester, polymer with 1,4-diisocyanatobenzene, 1,6-hexanediol, 1,5-pentanediol and 2,2′-[1,4-phenylenebis(oxy)]bis-[ethanol]. |
| P–14–0480 | 4/7/2014 | 7/6/2014 | BASF Corporation | (G) Dispersant | (G) Carboxlic acid polymer with isocyanate, diols and acid, alc and amine blocked. |
| P–14–0481 | 4/7/2014 | 7/6/2014 | CBI | (G) Base material in industrial rubber synthesis. | (G) Alkene, hexasubstituted, telomer with disubstituted alkene and polysubstituted alkane. |
| P–14–0482 | 4/7/2014 | 7/6/2014 | CBI | (G) Industrial Chemical | (G) Organic salt. |
| P–14–0483 | 4/9/2014 | 7/8/2014 | CBI | (G) Coating component | (G) Carbomonocyclic dicarboxylic acid, polymer with diisocyanatoalkane, alkyldiol, alkyldiol, alkanedioic acid, alkanediol, alkenoic acid and 1,3-isobenzofurandione, compound, with aminoalcohol. |
| P–14–0484 | 4/9/2014 | 7/8/2014 | CBI | (G) Tire-derived activated powdered carbon injected into coal-fired flues to act as a mercury sorbent. | (S) Tires, wastes, pyrolyzed, carbon black fraction. |
| P–14–0485 | 4/10/2014 | 7/9/2014 | CBI | (G) Fuel cell component | (G) Rare earth oxide. |
| P–14–0487 | 4/11/2014 | 7/10/2014 | CBI | (G) Lubricating oil additive | (G) Polyalkylaminoalkaryloxy, carboxylic acid, metal salt. |
| P–14–0488 | 4/11/2014 | 7/10/2014 | HOBO INC | (S) A fertilizer micro nutrient additive for soil application, fertigation. | (S) Ferrate (1-), [[[N(R),N′(R)]-n,n′-1,2-ethanediylbis[*N*-[[2-(hydroxy-ko)phenyl]methyl]glycinato-kn,ko]](4-)]-, sodium (1:1), (OC-6-13)-. |
| P–14–0490 | 4/14/2014 | 7/13/2014 | Cardolite Corporation. | (S) Resin modifier for coating for epoxy A and B sides. | (G) Cashew modified hydrocarbon. |
| P–14–0491 | 4/14/2014 | 7/13/2014 | Zeon Chemicals LP. | (S) Silicon chip manufacture | (S) Single-walled carbon nanotube. |
| P–14–0492 | 4/16/2014 | 7/15/2014 | SOCMA | (G) Dye for washable ink systems | (G) Polyethoxylated monoazo. |
| P–14–0493 | 4/16/2014 | 7/15/2014 | SOCMA | (G) Dye for washable ink systems | (G) Polyethoxylated monoazo. |
| P–14–0495 | 4/16/2014 | 7/15/2014 | CBI | (S) Reactive hot melt adhesive | (G) Fluorinated polyester polyurethane prepolymer. |

TABLE I—169 PMNS RECEIVED FROM 4/1/14 TO 6/30/14—Continued

| Case No. | Received date | Projected notice end date | Manufacturer /Importer | Use | Chemical |
|---|---|---|---|---|---|
| P–14–0496 | 4/17/2014 | 7/16/2014 | CBI | (G) Paper additive | (G) Polyphosphoric acids, 2-[(alkyl-1-oxo-2-propen-1-yl)oxy]ethyl esters, compounds. with *N*-(aminoiminomethyl)urea, polymers with BU acrylate, *N*-(hydroxymethyl)-2-propenamide and styrene. |
| P–14–0498 | 4/17/2014 | 7/16/2014 | Lambent Technologies. | (G) Lubricant additive, friction reducer. | (G) Molybdenum Ester/Amide. |
| P–14–0499 | 4/18/2014 | 7/17/2014 | CBI | (S) Polymer for architectural coatings. | (G) Acrylic copolymer. |
| P–14–0500 | 4/18/2014 | 7/17/2014 | CBI | (S) Polyurethane catalyst | (G) Butanedioic acid, compound. with polyalkylpolyaminoamidine. |
| P–14–0501 | 4/21/2014 | 7/20/2014 | Ethox Chemicals, LLC. | (S) Gellant for use in oil fracturing | (S) Phosphoric acid, mixed bu and decyl and octyl and 2-(2-phenoxyethoxy)ethyl and 2-phenoxyethyl esters. |
| P–14–0502 | 4/21/2014 | 7/20/2014 | Ethox Chemicals, LLC. | (S) Gellant for use in oil fracturing | (S) phosphoric acid, mixed bu and decyl and octyl and 2-(2-phenoxyethoxy)ethyl and 2-phenoxyethyl esters, potassium salts. |
| P–14–0503 | 4/21/2014 | 7/20/2014 | Ethox Chemicals, LLC. | (S) Gellant for use in oil fracturing | (S) phosphoric acid, mixed decyl and et and octyl and 2-(2-phenoxyethoxy)ethyl and 2-phenoxyethyl esters. |
| P–14–0504 | 4/21/2014 | 7/20/2014 | CBI | (G) Additive for textile finishing | (G) Alkylated urethane copolymer. |
| P–14–0505 | 4/22/2014 | 7/21/2014 | CBI | (S) For use in ultra violet/electron beams adhesives and coatings. | (G) 2-propenoic acid,1,1â¿¿-[2-ethyl-2-[[(1-oxo-2-propen-1-yl)oxy]methyl]-1,3-propanediyl] ester, polymer with 1,1â¿¿-(1,2-ethanediyl) ester. |
| P–14–0507 | 4/23/2014 | 7/22/2014 | Colonial Chemical, Inc. | (S) Fire Fighting foams | (S) Siloxanes and Silicones, di-Me, 3-hydroxypropyl Me, Me 2-(7-oxabicyclo [4.1.0] hept-3-yl)ethyl, ethers with polyethylene-polypropylene glycol mono-Me ether, reaction products with oligomeric D-glucopyranose $C_{10-16}$-alkyl glycosides and oligomeric D-glucopyranose decyl octyl glycosides. |
| P–14–0508 | 4/23/2014 | 7/22/2014 | CBI | (G) Process aid for composite manufacturing. | (G) Phosphoric acid, mixed alkyl alcohol esters, trialkanol ammonium salts. |
| P–14–0509 | 4/23/2014 | 7/22/2014 | CBI | (G) Coating | (G) Aromatic isocyanate, polymer with aromatic diamine, alkyloxirane, alkyloxirane polymer with oxirane ether with alkyltriol (3:1), and oxirane. |
| P–14–0510 | 4/23/2014 | 7/22/2014 | TFL USA Canada, Inc. | (G) Industrial leather softener | (G) Sulfosuccinic acid ester, alkylamin derivs., sodium salt. |
| P–14–0511 | 4/25/2014 | 7/24/2014 | CBI | (G) 1. Blown-film grade, thermoplastic; 2. Injection molding thermoplastic. | (G) Lignin, alkali, 2-hydroxypropylated. |
| P–14–0512 | 4/25/2014 | 7/24/2014 | CBI | (G) Chemical intermediate | (G) Aryl-substituted amide. |
| P–14–0513 | 4/25/2014 | 7/24/2014 | CBI | (G) Chemical intermediate | (G) Aromatic diglycidyl ether. |
| P–14–0514 | 4/28/2014 | 7/27/2014 | CBI | (S) Polymer for architectural coatings. | (G) Acrylic copolymer. |
| P–14–0515 | 4/28/2014 | 7/27/2014 | CBI | (S) Polymer for architectural coatings. | (G) Acrylic copolymer. |
| P–14–0516 | 4/28/2014 | 7/27/2014 | CBI | (S) Polymer for architectural coatings. | (G) Acrylic copolymer. |
| P–14–0517 | 4/28/2014 | 7/27/2014 | CBI | (S) Aliphatic multifunctional urethane acyrlates for use in overprint varnishes. | (G) Aliphatic multifunctional urethane acrylate. |
| P–14–0517 | 4/28/2014 | 7/27/2014 | CBI | (S) Aliphatic multifunctional urethane acrylate for use in wood stains, primers, and coatings. | (G) Aliphatic multifunctional urethane acrylate. |

TABLE I—169 PMNS RECEIVED FROM 4/1/14 TO 6/30/14—Continued

| Case No. | Received date | Projected notice end date | Manufacturer /Importer | Use | Chemical |
|---|---|---|---|---|---|
| P–14–0518 | 4/28/2014 | 7/27/2014 | Gelest | (S) Used in the preparation of a triethyleneoxy-terminated polymer (see submission GLS201). | (S) Cyclotetrasiloxane, 2,4,6,8-tetrakis[3-[2-(2-methoxyethoxy)ethoxy]propyl]-2,4,6,8-tetramethyl. |
| P–14–0519 | 4/28/2014 | 7/27/2014 | Gelest | (S) Used in the preparation of specialty silicone elastomers for various applications; research and development. | (S) Siloxanes and silicones, di-me, hydrolysis products with dichloroethenylmethylsilane, 3-[2-(2-methoxyethoxy)ethoxy]propyl group-terminated. |
| P–14–0520 | 4/28/2014 | 7/27/2014 | CBI | (G) The material will be used as polymer modifier in various polymers. | (G) Mixed ester. |
| P–14–0521 | 4/29/2014 | 7/28/2014 | CBI | (S) Reactant for spray coatings Reactant for cast elastomers. | (G) Methylene diisocyanate prepolymer. |
| P–14–0522 | 4/29/2014 | 7/28/2014 | CBI | (S) Reactant for spray coatings Reactant for cast elastomers. | (G) Polymeric methylene diisocyanate prepolymer. |
| P–14–0523 | 4/29/2014 | 7/28/2014 | CBI | (G) Additive for Textile Finishing | (G) Fluorinated Acrylic Copolymer. |
| P–14–0524 | 4/29/2014 | 7/28/2014 | CBI | (G) Additive for Textile Finishing | (G) Fluorinated Acrylic Copolymer. |
| P–14–0525 | 4/29/2014 | 7/28/2014 | CBI | (G) Additive for Textile Finishing | (G) Fluorinated Acrylic Copolymer. |
| P–14–0526 | 4/29/2014 | 7/28/2014 | CBI | (G) Additive for Textile Finishing | (G) Fluorinated Acrylic Copolymer. |
| P–14–0527 | 4/29/2014 | 7/28/2014 | CBI | (G) Additive for Textile Finishing | (G) Fluroinated Acrylic Copolymer. |
| P–14–0528 | 4/29/2014 | 7/28/2014 | CBI | (G) Component in electrocoat pigment paste. | (G) Formic acid, compounds. with epoxy polymer branched alkylphenol ethers-bicycloguanidine reaction products. |
| P–14–0529 | 4/29/2014 | 7/28/2014 | CBI | (G) Component in electrocoat pigment paste. | (G) Epoxy polymer, branched alkylphenol ethers, reaction products with bicyclic guanidine, acetates (salts). |
| P–14–0530 | 4/29/2014 | 7/28/2014 | CBI | (G) Component in electrocoat pigment paste. | (G) Propanoic acid, compounds. with epoxy polymer branched alkylphenol ethers-bicycloguanidine reaction products. |
| P–14–0531 | 4/29/2014 | 7/28/2014 | CBI | (G) Component in electrocoat pigment paste. | (G) Formic acid, compounds. with epoxy polymer-bicycloguanidine reaction products. |
| P–14–0532 | 4/29/2014 | 7/28/2014 | CBI | (G) Component in electrocoat pigment paste. | (G) Epoxy polymer, reaction products with bicyclic guanidine, acetates (salts). |
| P–14–0533 | 4/29/2014 | 7/28/2014 | CBI | (G) Component in electrocoat pigment paste. | (G) Propanoic acid, compds. with epoxy polymer-bicycloguanidine reaction products. |
| P–14–0534 | 4/29/2014 | 7/28/2014 | CBI | (S) Corrosion inhibitor for use in drilling applications. | (G) Polyethylene glycol, tallow salt. |
| P–14–0536 | 4/30/2014 | 7/29/2014 | CBI | (S) Demulsification of crude oil | (G) Organomodified Siloxane. |
| P–14–0537 | 4/30/2014 | 7/29/2014 | CBI | (G) Open, non-dispersive use | (G) Polymeric aspartate. |
| P–14–0538 | 4/30/2014 | 7/29/2014 | CBI | (G) Additives for lubricating oil | (G) Methacrylic acid esters copolymer. |
| P–14–0539 | 5/1/2014 | 7/30/2014 | CBI | (G) Polyurethane resin coating agent | (G) Siloxanes and Silicones, di-Me, 3-(2-hydroxyethoxy)alkyl group-terminated, polymers with 1,4-alkanediol, di-Et carbonate, alkene glycol, 1,6-alkanediol and 1,1-alkylenebis[4-isocyanatocycloalkane]. |
| P–14–0540 | 5/1/2014 | 7/30/2014 | CBI | (G) Polyurethane resin coating agent | (G) Siloxanes and Silicones, di-Me, 3-(2-hydroxyethoxy)alkyl group-terminated, polymers with 1,4-alkanediol, 1,4-cyclohexanedialcohol, 1,3-dioxolan-2-one, alkene glycol, 1,1â¿¿-methylenebis[4-isocyanatocyclohexane] and 2-alkyl-1,3-alkanediol. |
| P–14–0541 | 5/1/2014 | 7/30/2014 | CBI | (G) Chemical intermediate | (G) Aryl-substituted amide. |

TABLE I—169 PMNS RECEIVED FROM 4/1/14 TO 6/30/14—Continued

| Case No. | Received date | Projected notice end date | Manufacturer /Importer | Use | Chemical |
|---|---|---|---|---|---|
| P–14–0542 | 5/5/2014 | 8/3/2014 | CBI | (G) Intermediate for coating resin manufacture. | (G) Substituted alkanediol, polymer with heteromonocycles, substituted carbomonocycle alkenoate. |
| P–14–0543 | 5/5/2014 | 8/3/2014 | Allnex USA Inc | (G) Site limited intermediate for coating resin manufacture. | (S) Benzoic acid, 2-([1,1′-biphenyl]-4-ylcarbonyl)-. |
| P–14–0544 | 5/1/2014 | 7/30/2014 | FUJIFILM Electronic Materials USA Inc. | (G) Dishing reducer | (G) Potassium Amine complex. |
| P–14–0547 | 5/8/2014 | 8/6/2014 | CBI | (G) Destructive use | (G) Organometallic polymerization catalyst. |
| P–14–0549 | 5/9/2014 | 8/7/2014 | CBI | (G) Lubricant additive | (G) Sulfurized olefin, ester and oil. |
| P–14–0550 | 5/12/2014 | 8/10/2014 | CBI | (S) Plastic coating compounds | (S) Carbonic acid, dimethyl ester, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 1,6-hexanediol, hydrazine 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane and 2-oxepanone, polyethylene glycol mono-me ether-blocked. |
| P–14–0551 | 5/12/2014 | 8/10/2014 | CBI | (S) Plastic coating compounds | (S) Hexanedioic acid, polymer with 1,4-cyclohexanedimethanol, dimethyl carbonate, 1,6-hexanediol, hydrazine, 3-hydroxy-2-(hydroxymethyl)-2-methylpropanoic acid, 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, and 1,1′-methylenebis[4-isocyanatocyclohexane], compound with *N,N*-diethylethanamine. |
| P–14–0552 | 5/12/2014 | 8/10/2014 | CBI | (S) Textile coating compounds | (S) -Hydro—hydroxypoly(oxy-1,4-butanediyl) polymer with -hydro—hydroxypoly(oxy-1,2-ethanediyl) and 1,1′-methylenebis[4-isocyanatocyclohexane]. |
| P–14–0553 | 5/12/2014 | 8/10/2014 | Gelest | (S) Preparation of mono functional-terminated polydimethylsiloxanes—at Gelest. | (S) Siloxanes and Silicones, di-Me, BU group- and hydrogen-terminated. |
| P–14–0553 | 5/12/2014 | 8/10/2014 | Gelest | (S) Used in the preparation of a diethyleneoxy-terminated polymer (submission GLS204) at Gelest. | (S) Siloxanes and Silicones, di-Me, BU group- and hydrogen-terminated. |
| P–14–0556 | 5/15/2014 | 8/13/2014 | Robertet, Inc | (S) As an odoriferous component of fragrance compounds. | (S) Oils, peach pulp. |
| P–14–0557 | 5/16/2014 | 8/14/2014 | Allnex USA Inc | (S) Coating Resin for concrete or roofing sheets. | (G) Polyalkylene glycol, polymer with substituted carbmonocycle, substituted alkylacrylate-blocked. |
| P–14–0558 | 5/14/2014 | 8/12/2014 | CBI | (G) Monomer | (G) Alkenyl alkyl carbamate. |
| P–14–0558 | 5/14/2014 | 8/12/2014 | CBI | (G) Monomer | (G) Alkenyl alkyl carbamate. |
| P–14–0559 | 5/16/2014 | 8/14/2014 | CBI | (G) Degreaser | (S) 1,6,10-Dodecatriene, 7,11-dimethyl-3-methylene-, (6E)-, hydrogenated. |
| P–14–0560 | 5/16/2014 | 8/14/2014 | Colonial Chemical, Inc. | (S) Intermediate for production of polymers. | (S) D-Glucopyranose, oligomeric, $C_{10-16}$-alkyl glycosides, polymers with epichlorohydrin. |
| P–14–0561 | 5/16/2014 | 8/14/2014 | Colonial Chemical, Inc. | (S) Intermediate to make polymers | (S) D-glucopyranose, oligomeric, decyl octyl glycosides, polymers with epichlorohydrin. |
| P–14–0562 | 5/19/2014 | 8/17/2014 | CBI | (G) Polyol | (G) Hydroxylated vegetable oil. |
| P–14–0563 | 5/19/2014 | 8/17/2014 | CBI | (G) Cleaner/degreaser | (G) Quaternary alkyl methyl amine ethoxylate methyl chloride. |
| P–14–0564 | 5/19/2014 | 8/17/2014 | Emerald Performance Materials Inc. | (G) Alkylated cinnamic aldehyde is a chemical intermediate for the synthesis of fragrance compounds. | (G) Alkylated cinnamic aldehyde. |
| P–14–0565 | 5/20/2014 | 8/18/2014 | CBI | (G) Contain use in energy production. | (G) Tertiary amine salt. |
| P–14–0566 | 5/20/2014 | 8/18/2014 | CBI | (G) Material for highly dispersive use in consumer products. | (G) Disubstituted alkenal. |

TABLE I—169 PMNS RECEIVED FROM 4/1/14 TO 6/30/14—Continued

| Case No. | Received date | Projected notice end date | Manufacturer /Importer | Use | Chemical |
|---|---|---|---|---|---|
| P–14–0570 | 5/21/2014 | 8/19/2014 | Victrex USA, Inc .. | (S) Melt processing, e.g. Injection molding, compounding, and extrusion to produce finished articles. | (S) Methanone, bis(4-fluorophenyl)-, polymer with bis(4-hydroxyphenyl)methanone. |
| P–14–0571 | 5/22/2014 | 8/20/2014 | CBI ..... | (G) Light stabilizer ..... | (G) Hydroxy tetra alkyl esters of trialkyl alkanoic acid with cycloaminoethanol. |
| P–14–0572 | 5/22/2014 | 8/20/2014 | CBI ..... | (G) The new substance is intended for use as a binder for industrial UV coating applications. | (G) Acrylic acid, hydroxyalkyl esters polymer with diisocyanatoalkane. |
| P–14–0573 | 5/23/2014 | 8/21/2014 | CBI ..... | (G) Polymer component for automotive coatings. | (G) Polymer of aliphatic diisocyanates, aromatic and aliphatic dicarboxylic acids, hydroxyalkyl acid, cycloaliphatic anhydride, aliphatic polyols, amino alcohol compd. with dialkyl alcohol amine salt. |
| P–14–0574 | 5/23/2014 | 8/21/2014 | CBI ..... | (G) Open non-dispersive use; dispersive use. | (G) Fatty acid esters with polyol. |
| P–14–0576 | 5/28/2014 | 8/26/2014 | Henkel Corporation. | (S) Polymerizable component in silicone sealant formulations. | (S) Siloxanes and silicones, di-me, hydroxy-terminated, polymers with dimethoxydimethylsilane, monohydroxyterminated di-me siloxanes and 3-(trimethhoxysilyl)propyl acrylate. |
| P–14–0577 | 5/28/2014 | 8/26/2014 | CBI ..... | (G) Use in ultra violet electron beams adhesives and coatings. | (G) Carbonic acid, polymer with, 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, 2-hydroxyethyl acrylate-blocked. |
| P–14–0578 | 5/28/2014 | 8/26/2014 | CBI ..... | (S) Composite resin crosslinker ..... | (S) Soybean oil, epoxidized, maleate methacrylates. |
| P–14–0579 | 5/29/2014 | 8/27/2014 | CBI ..... | (G) Free Radical Initiator ..... | (G) O-Iminoxy-Isourea. |
| P–14–0580 | 5/30/2014 | 8/28/2014 | CBI ..... | (G) Coating additive ..... | (G) Alkenoic acid, polymer with alkyl alkenoate, alkylalkylalkenoate, alkenoic acid and tridecenhalogenic alkylalkenoate, compds. with alkylamino alcanol. |
| P–14–0581 | 5/30/2014 | 8/28/2014 | CBI ..... | (G) Chemical intermediate ..... | (G) Alkyl alkyphosphinate. |
| P–14–0582 | 5/21/2014 | 8/19/2014 | Gelest ..... | (S) Performance additive for silicone-based polymers. | (S) Siloxanes and Silicones, di-Me, Bu group- and 3-(2-hydroxyethoxy)propyl group-terminated. |
| P–14–0583 | 5/30/2014 | 8/28/2014 | CBI ..... | (G) Alternative environmentally-friendly base for industrial and commercial applications. | (G) Hydrogen Trihydroxy Sulfate. |
| P–14–0584 | 6/2/2014 | 8/31/2014 | CBI ..... | (G) Fragrance ingredient for consumer products. dispersive use. | (S) Benzoic acid, 2-[[3-(1,3-benzodioxol-5-yl)-2-methyl-1-propen-1-yl]amino]-, methyl ester. |
| P–14–0585 | 6/2/2014 | 8/31/2014 | CBI ..... | (G) Detection reagent ..... | (G) Anthracene derivative. |
| P–14–0586 | 6/3/2014 | 9/1/2014 | CBI ..... | (S) Alternative acidic solution for industrial and institutional applications. | (G) Oxonium hydro sulfate. |
| P–14–0587 | 6/3/2014 | 9/1/2014 | CBI ..... | (G) Acrylic resin ..... | (G) Aminated acrylic polymer. |
| P–14–0589 | 6/4/2014 | 9/2/2014 | Kool Metal Recycling, LLC. | (S) Reinforcement agent for rubber | (G) Carbon black. |
| P–14–0592 | 6/4/2014 | 9/2/2014 | CBI ..... | (G) The new substance is intended for use as a binder for industrial coating applications. | (G) Aromatic carboxylic acid polymer with aminoalkyl-alkyldiamine, cycloalkyldiamine, alkyldiol, alkyldioic acid, alkyl diol, dihydoxylalkylcarboxylic acid, cycloalkyl diisocyanate, cmpd. with dialkylamino alcohol. |
| P–14–0593 | 6/4/2014 | 9/2/2014 | CBI ..... | (S) Fuel additive ..... | (S) Tires, wastes, pyrolyzed, condensate oil fraction. |
| P–14–0594 | 6/5/2014 | 9/3/2014 | CBI ..... | (S) Feed for a bromine recovery unit | (G) Brominated filtration residue. |
| P–14–0595 | 6/5/2014 | 9/3/2014 | CBI ..... | (S) Dispersing agent for paints, coatings, and pigments. | (G) Substituted isocyanate polymer. |
| P–14–0596 | 6/5/2014 | 9/3/2014 | CBI ..... | (S) Dispersing agent for paints, coatings, and pigments. | (G) Substituted isocyanate polymer. |
| P–14–0597 | 6/6/2014 | 9/4/2014 | CBI ..... | (G) Catalyst in modified silicone and urethane polymer applications. | (G) Diamine carboxylate salt. |

TABLE I—169 PMNS RECEIVED FROM 4/1/14 TO 6/30/14—Continued

| Case No. | Received date | Projected notice end date | Manufacturer /Importer | Use | Chemical |
|---|---|---|---|---|---|
| P–14–0598 | 6/6/2014 | 9/4/2014 | LSR-Associates Ltd. | (G) Contained use | (G) CHP. |
| P–14–0600 | 6/6/2014 | 9/4/2014 | CBI | (G) Corrosion inhibitor | (G) Tall oil polymd., polymer with aliphatic and alicyclic amines. |
| P–14–0601 | 6/6/2014 | 9/4/2014 | CBI | (G) Drilling fluid additive | (G) Amides, from diethylenetriamine, alkenoic acid and tall-oil fatty acids. |
| P–14–0602 | 6/6/2014 | 9/4/2014 | CBI | (G) Clay stabilizer | (G) Quaternary ammonium compounds, benzyl, methyl, bis-substituted, chloride. |
| P–14–0603 | 6/6/2014 | 9/4/2014 | Shepherd Chemical. | (G) Proprietary degradation inhibitor additive in polymer-based insulation sheets. | (S) Bismuth nitrate oxide |
| P–14–0604 | 6/6/2014 | 9/4/2014 | CBI | (G) Substituted siloxane coating component. | (G) Substituted polysiloxane. |
| P–14–0605 | 6/6/2014 | 9/4/2014 | CBI | (G) Substituted siloxane coating component. | (G) Substituted siloxane. |
| P–14–0606 | 6/9/2014 | 9/7/2014 | CBI | (S) Composite resin crosslinker | (S) Linseed oil, epoxidized, acrylates hydrogen maleates. |
| P–14–0607 | 6/9/2014 | 9/7/2014 | CBI | (S) Composite resin crosslinker | (S) Linseed oil, epoxidized, maleate methacrylate. |
| P–14–0608 | 6/6/2014 | 9/4/2014 | CBI | (G) Destructive use | (G) Alkoxy halide metal complexes. |
| P–14–0609 | 6/6/2014 | 9/4/2014 | CBI | (G) Polysiloxane coating | (G) Polysiloxane copolymer. |
| P–14–0611 | 6/9/2014 | 9/7/2014 | CBI | (G) Raw material for oil-field application. | (G) Cyclic methacrylate alkyl styrene copolymer. |
| P–14–0612 | 6/11/2014 | 9/9/2014 | Allnex USA Inc. | (S) Industrial Coating Resin | (G) Substituted carbomonocyles-, polymer with substituted heteromonocycle, carboxyalkyl ethers, compounds, with substituted alkylamine. |
| P–14–0616 | 6/12/2014 | 9/10/2014 | CBI | (G) Open, non-dispersive use in hydrocarbon processing applications. | (G) Fatty acid amine reaction product. |
| P–14–0617 | 6/12/2014 | 9/10/2014 | CBI | (G) Open, non-dispersive use in hydrocarbon processing applications. | (G) Fatty acid amine reaction product. |
| P–14–0618 | 6/13/2014 | 9/11/2014 | Eastman Kodak company. | (S) Export | (G) Substituted acrylamide. |
| P–14–0618 | 6/13/2014 | 9/11/2014 | Eastman Kodak Company. | (S) Monomer used in manufacture of polymer. | (G) Substituted acrylamide. |
| P–14–0621 | 6/16/2014 | 9/14/2014 | Reichhold INC. | (G) Binder resin for coatings | (G) Alkenedioic anhydride, polymer with alkanediol and branched alcoho.l |
| P–14–0623 | 6/16/2014 | 9/14/2014 | CBI | (G) Intermediate | (G) Aliphatic polyester. |
| P–14–0624 | 6/17/2014 | 9/15/2014 | CBI | (G) Cement additive | (G) Cyclic amine, polymer with haloalkyloxirane and .alpha.-hydro-.omega. -hydroxypoly(oxy-1,2-alkyldiyl), salt. |
| P–14–0625 | 6/17/2014 | 9/15/2014 | CBI | (S) Chemical intermediate | (G) Substituted alkylnitrile. |
| P–14–0627 | 6/19/2014 | 9/17/2014 | CBI | (S) Solvent in a variety of applications; laboratory chemical/solvent; cleaning agent. | (G) Cyclic amide. |
| P–14–0628 | 6/20/2014 | 9/18/2014 | CBI | (G) Thickener | (G) Poly(oxy-1,2-ethanediyl), alfa-hydro-omega-hydroxy-, polymer with alkyl diisocyanate, fatty alcohol. |
| P–14–0629 | 6/20/2014 | 9/18/2014 | Blaser Swisslube Inc. | (S) Lubricant for use in metalworking fluids. | (S) Fatty acids, $C_{18}$-unsaturated, dimers mixed esters with 2-octyldodecanol and polyethylene polypropylene glycol mono butyl ether. |
| P–14–0630 | 6/20/2014 | 9/18/2014 | CBI | (S) Pigment for polymer materials | (S) Bismuth bromide iodide oxide. |
| P–14–0630 | 6/20/2014 | 9/18/2014 | CBI | (S) Pigment for liquid coatings solvent based system. | (S) Bismuth bromide iodide oxide. |
| P–14–0630 | 6/20/2014 | 9/18/2014 | CBI | (S) Pigment for powder coatings | (S) Bismuth bromide iodide oxide. |
| P–14–0631 | 6/20/2014 | 9/18/2014 | CBI | (S) P0191T will be used as an H2S scavenger. It will be used to "sweeten" natural gas during the refining process. | (S) Formaldehyde, reaction products with ethylene glycol. |
| P–14–0632 | 6/23/2014 | 9/21/2014 | CBI | (G) Electrolyte for capacitors | (G) Alkyl amine borohalide salt. |
| P–14–0633 | 6/23/2014 | 9/21/2014 | CBI | (S) Wetting and anti-settling agent for use in paints and pigments. | (G) Fatty acids, tall-oil, reaction products. |

TABLE I—169 PMNS RECEIVED FROM 4/1/14 TO 6/30/14—Continued

| Case No. | Received date | Projected notice end date | Manufacturer /Importer | Use | Chemical |
|---|---|---|---|---|---|
| P–14–0634 | 6/23/2014 | 9/21/2014 | CBI | (G) Polyurethane coating | (G) Polyurethane coating. |
| P–14–0635 | 6/23/2014 | 9/21/2014 | CBI | (G) Polyurethane coating | (G) Polyurethane coating. |
| P–14–0636 | 6/24/2014 | 9/22/2014 | CBI | (S) Functional resin coating/protective coating; functional resin coating/protective coating; functional resin insulating glass sealant; functional resin aerospace sealant. | (G) Chloroalkane, polymer with chloroalkoxyalkane and sodium sulfide (NA2SX). |
| P–14–0637 | 6/24/2014 | 9/22/2014 | CBI | (G) Textile treatment | (G) Perfluoroalkylethyl methacrylate copolymer. |
| P–14–0638 | 6/24/2014 | 9/22/2014 | CBI | (S) Solvent in a variety of applications; laboratory chemical/solvent; cleaning agent. | (G) Cyclic amide. |
| P–14–0640 | 6/25/2014 | 9/23/2014 | CBI | (G) Destructive and contained use | (G) Cyclooctadiene metal derivatives. |
| P–14–0642 | 6/25/2014 | 9/23/2014 | CBI | (S) Low foam surfactant for the auto-dishwasher market; low foam surfactant for the household cleaning market. | (S) Oxirane, 2-ethyl-, polymer with oxirane, mono-$C_{12-16}$-alkyl ethers. |
| P–14–0643 | 6/24/2014 | 9/22/2014 | CBI | (G) Physical characteristic modifier for composite articles. | (G) Titanium oxide compound. |
| P–14–0644 | 6/25/2014 | 9/23/2014 | CBI | (G) Ingredient in resin manufacturing | (G) Alkylacrylonitrile-acrylonitrile copolymer. |
| P–14–0645 | 6/25/2014 | 9/23/2014 | 3M Company | (G) Intermediate | (G) Polyoxyalkylene polyol polyurethane. |
| P–14–0646 | 6/25/2014 | 9/23/2014 | CBI | (G) Colorant | (S) Cuprate(4-), [[3,3′,3″,3‴-[(29h,31h-phthalocyanine-1,8,15,22-tetrayl—kappan29, kappan30, kappan31, kappan32) tetrakis(sulfonyl)]tetrakis[1-propanesulfonato]](6-)]-, sodium (1:4), (SP–4–1)-. |
| P–14–0647 | 6/25/2014 | 9/23/2014 | CBI | (G) Polymer used in electronics, adhesives and coatings manufacture. | (G) Polymer of substituted aromatic olefins. |
| P–14–0648 | 6/26/2014 | 9/24/2014 | LSR-Associates Ltd. | (G) Pigment dispersant | (G) Methacrylic acid-benzyl methacrylate-butyl methacrylate copolymer. |
| P–14–0649 | 6/26/2014 | 9/24/2014 | CBI | (S) Polyurethane catalyst for production of polyurethane foam. | (G) Tetralkylammonium alkonate. |
| P–14–0650 | 6/26/2014 | 9/24/2014 | CBI | (G) Curing agent | (G) Alkylphenol polymer with bisphenol-A, epichlorohydrin, carboxylic acid, branched alkylamine and polyethylene glycol. |
| P–14–0651 | 6/26/2014 | 9/24/2014 | CBI | (G) Binder and reactant to manufacture foam. | (G) Methylenediphenyl diisocyanate prepolymer. |
| P–14–0652 | 6/26/2014 | 9/24/2014 | CBI | (G) Intermediate | (G) Perfluoropolyether allyl ether. |
| P–14–0653 | 6/27/2014 | 9/25/2014 | Colonial Chemical, Inc. | (S) Hard surface cleaner | (S) D-Glucopyranose, oligomeric, $C_{10-16}$-alkyl glycosides, polymers with epichlorohydrin and oligomeric Dglucpyranose decyl octyl glycosides, 3-[bis(2-hydroxyethyl amino]-2-hydroxypropyl ethers, sodium 2-chloroacetate (1:1)-quaternized, inner salts. |
| P–14–0654 | 6/27/2014 | 9/25/2014 | Colonial Chemical, Inc. | (S) Hard surface cleaner | (S) D-Glycopyranose, oligomeric, $C_{10-16}$-alkyl glycosides, polymers with epichlorohydrin, 3-[bis(2-hydroxyethyl)amino] -2-hydroxypropyl ethers, sodium 2-chloroacetate (1:1)-quaternized, inner salts. |

TABLE I—169 PMNS RECEIVED FROM 4/1/14 TO 6/30/14—Continued

| Case No. | Received date | Projected notice end date | Manufacturer /Importer | Use | Chemical |
|---|---|---|---|---|---|
| P–14–0655 | 6/30/2014 | 9/28/2014 | Nano-C, Inc ..... | (S) Use in materials for mechanical or electrical properties; catalyst support in fuel cells, use as a nonoporous network, use in chemical separation, use in additive to improve material strength, coating additive for corrosion resistance, additive in lubricants and grease, additive for transparency and conductivity, additive for fibers in structural and electrical uses, additive for fibers in fabrics. | (G) Single-walled carbon nanotubes. |
| P–14–0656 | 6/30/2014 | 9/28/2014 | Nano-C, Inc ..... | (S) Use in materials for mechanical or electrical properties; catalyst support in fuel cells, use as a nonoporous network, use in chemical separation, use in additive to improve material strength, coating additive for corrosion resistance, additive in lubricants and grease, additive for transparency and conductivity, additive for fibers in structural and electrical uses, additive for fibers in fabrics. | (G) Single-walled carbon nanotubes. |
| P–14–0657 | 6/30/2014 | 9/28/2014 | Nano-C, Inc ..... | (S) Use as a(S) Use in materials for mechanical or electrical properties; catalyst support in fuel cells, use as a nonoporous network, use in chemical separation, use in additive to improve material strength, coating additive for corrosion resistance, additive in lubricants and grease, additive for transparency and conductivity, additive for fibers in structural and electrical uses, additive for fibers in fabrics semi-conductor, conductive, or resistive element in electronic circuitry and devices. Use as an electromechanical switch in electronic circuitry and devices. Additive for fibers in fabrics. | (G) Single-walled carbon nanotubes. |
| P–14–0658 | 6/30/2014 | 9/28/2014 | Nano-C, Inc ..... | (S) Use in materials for mechanical or electrical properties; catalyst support in fuel cells, use as a nonoporous network, use in chemical separation, use in additive to improve material strength, coating additive for corrosion resistance, additive in lubricants and grease, additive for transparency and conductivity, additive for fibers in structural and electrical uses, additive for fibers in fabrics. | (G) Single-walled carbon nanotubes. |
| P–14–0659 | 6/30/2014 | 9/28/2014 | CBI ..... | (G) Lubricant additive ..... | (G) Ethanediamide, *N1,N2*-bis[3-(dialkylamino)propyl]-. |

In Table II. of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the NOCs received by EPA during this period: The EPA case number assigned to the NOC, the date the NOC was received by EPA, the projected end date for EPA's review of the NOC, and chemical identity.

TABLE II—89 NOCS RECEIVED FROM 4/1/14 TO 6/30/14

| Case No. | Received date | Commencement notice end date | Chemical |
|---|---|---|---|
| P–12–0406 | 4/1/2014 | 3/20/2014 | (S) 1-butanesulfonamide, 1,1,2,2,3,3,4,4,4-nonafluoro-, monoammonium salt |
| P–13–0227 | 4/2/2014 | 3/27/2014 | (S) 2-butenoic acid, 1-ethyl-2-methylpropyl ester, (2E)- |
| P–13–0563 | 4/3/2014 | 3/28/2014 | (G) Polyalkylene glycol, alpha isocyanate, omega silane |
| P–12–0386 | 4/4/2014 | 3/17/2014 | (S) Hexanedioic acid, polymer with 1,6-hexanediol, 2-methyl-1,3-propanediol, 1,5-pentanediol and 1,2,3-propanetriol, dihydrogen 1,2,4-benzenetricarboxylate, compd. with 2-(dimethylamino)ethanol |
| P–13–0416 | 4/4/2014 | 3/17/2014 | (S) Polymer of: polycarbonate-polyester-polyol; 2,2-bis(hydroxymethyl)propionic acid; hexanedioic acid; 2-dimethylaminoethanol |
| P–14–0138 | 4/4/2014 | 4/1/2014 | (G) Polycarbonate-based polyurethane resin. |
| P–10–0510 | 4/8/2014 | 3/6/2014 | (S) Carboxylic acids, $C_{5-9}$, polymers with glycerol and oxidized ozonized oleic acid and sorbitol. |
| P–14–0060 | 4/8/2014 | 4/2/2014 | (G) 1,1′-methylenebis[isocyanatobenzene], polymer with polycarboxylic acids in alkane polyols. |
| P–13–0223 | 4/9/2014 | 4/3/2014 | (S) 1-propanone, 1,1′-(methylenedi-4,1-phenylene)bis[2-hydroxy-2-methyl- |
| P–11–0660 | 4/10/2014 | 4/2/2014 | (S) 2-propenoic acid, polymer with 2-ethenypyridine and sodium ethenesulfonate (1:1), peroxydisulfuric acid ([(ho)s(o)2]2o2) sodium salt (1:2)-initiated, reaction products with sodium P,P′-ethenylidenebis[phosphonate] (4:1). |
| P–13–0519 | 4/14/2014 | 4/9/2014 | (G) Unsaturated fatty acids, dimers, di-me esters, hydrogenated, polymers with alkyl dioic acid, diisocyanatocycloalkane, hydroxy (hydroxymethyl) alkylcarboxylic acid, methylenebis[isocyanatocycloalkane], alkyl glycol and lactone compd. with trialkylamine. |
| P–14–0146 | 4/15/2014 | 3/19/2014 | (G) Mixed metal fluoride silicide. |
| P–14–0072 | 4/15/2014 | 3/26/2014 | (S) Propaneperoxoic acid, 2,2-dimethyl, 1,1,3,3-tetramethylbutyl ester. |
| P–14–0028 | 4/15/2014 | 4/14/2014 | (G) Substituted alkene, reaction products with substituted carbomonocycle. |
| P–14–0036 | 4/15/2014 | 4/14/2014 | (G) Substituted alkanoic acid ester, polymer with alkyl substituted alkanoate, substituted carbomonocycle, substituted alkanoates and heteromonocycle, substituted peroxoate-initiated. |
| P–14–0037 | 4/15/2014 | 4/14/2014 | (G) Substituted alkanoic acid ester, polymer with alkyl substituted alkanoate, substituted carbomonocycle, substituted alkanoates, heteromonocycle and alkanoic acid, substituted peroxoate-initiated, compounds with substituted alkanol. |
| P–13–0339 | 4/16/2014 | 3/16/2014 | (G) Organometallics, reaction products with silica, halogenated. |
| P–13–0350 | 4/16/2014 | 3/18/2014 | (G) Organometallic polymerization catalyst. |
| P–11–0555 | 4/17/2014 | 3/9/2014 | (G) 2-propenoic acid, 2-methyl-1,1-dimethylethyl ester, polymer with 2,2-dimethyl-1,3-propanediol, ethenylbenzene, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, cycloaliphatic dicarboxylic anhydride and 1,2-propanediol mono(2-methyl-2-propenoate), bis(1,1-dimethylpropyl)peroxide-initiated. |
| P–11–0556 | 4/17/2014 | 3/9/2014 | (G) 2-propenoic acid, 2-methyl-, polymer with 2,2-dimethyl-1,3-propanediol, ethenylbenzene, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, cycloaliphatic dicarboxylic anhydride, 2-hydroxyethyl 2-methyl-2-propenoate, methyl 2-methyl-2-propenoate and 2-methylpropyl 2-methyl-2-propenoate, 2-hydroxy-3-[(1-oxoneodecy]-oxy]propyl ester. |
| P–13–0470 | 4/17/2014 | 3/26/2014 | (G) Substituted phenoxy hexyl polymethacrylate. |
| P–14–0248 | 4/17/2014 | 4/17/2014 | (G) Modified essential oil. |
| P–13–0947 | 4/18/2014 | 4/1/2014 | (G) Hydroxy functional polyester. |
| P–14–0033 | 4/22/2014 | 3/24/2014 | (S) Siloxanes and Silicones, di-Me, ethoxy PH, polymers with PH silsesquioxanes, ethoxy- terminated. |
| P–14–0219 | 4/22/2014 | 4/8/2014 | (G) Polyurethane dispersion. |
| P–13–0724 | 4/24/2014 | 4/16/2014 | (G) Polyurethane prepolymer. |
| P–14–0044 | 4/24/2014 | 4/19/2014 | (G) Modified ketone resin, sodium salt. |
| P–13–0451 | 4/24/2014 | 4/23/2014 | (G) Carboxylic methacrylate polymer with akyl acrylate, alkyl methacrylate and alkyl methacrylate. |
| P–90–1530 | 4/25/2014 | 3/25/2014 | (G) Phosphinicocarboxylates, potassium salts. |
| P–14–0200 | 5/1/2014 | 4/29/2014 | (G) Isocyanate terminated polyurethane resin. |
| P–12–0550 | 5/2/2014 | 4/16/2014 | (S) Butanal, 4-(heptyloxy)-3-methyl- |
| P–14–0114 | 5/6/2014 | 5/5/2014 | (G) Waterborne acrylate-functional polyurethane. |
| P–13–0362 | 5/9/2014 | 4/22/2014 | (G) 1,3-benzenedicarboxylic acid, polymer with 1,4-dimethyl 1,4-benzenedicarboxylate, alkanediol, alkane acid, 1,2-ethanediol, hexanedioic acid, 1,6-hexanediol, alkyldiol ester, 1,3-isobenzofurandione, 1,1′-methylenebis[4-isocyanatobenzene], 2-methyloxirane, 2-oxepanone and 2,2′-oxybis[ethanol] |
| P–13–0304 | 5/9/2014 | 5/8/2014 | (S) Ethanol, 2,2′-oxybis-,1,1′-diformate |

TABLE II—89 NOCS RECEIVED FROM 4/1/14 TO 6/30/14—Continued

| Case No. | Received date | Commencement notice end date | Chemical |
|---|---|---|---|
| P–14–0241 | 5/12/2014 | 4/21/2014 | (G) Urethane acrylate |
| P–11–0534 | 5/12/2014 | 5/5/2014 | (G) Polyfluorinated alkyl thio polyacrylic acid-acrylamide |
| P–13–0446 | 5/13/2014 | 5/7/2014 | (S) Poly(oxy-1,2-ethanediyl), .alpha.,.alpha.′-[[(2-propylheptyl)imino]di-2,1-ethanediyl]bis[.omega.-hydroxy- |
| P–13–0835 | 5/13/2014 | 5/7/2014 | (G) Aliphatic polyester polyol. |
| P–13–0193 | 5/16/2014 | 4/16/2014 | (G) Amine adduct. |
| P–13–0556 | 5/16/2014 | 4/30/2014 | (S) 2-cyclopentene-1-acetic acid, ethyl ester. |
| P–14–0051 | 5/16/2014 | 5/10/2014 | (G) Fatty acids, $C_{18}$-unsaturated, dimers, polymers with alkane acid, 1,6-hexanediol, 1,1'-methylenebis[4-isocyanatobenzene] and neopentyl glycol. |
| J–14–0004 | 5/19/2014 | 5/17/2014 | (S) As labeled in the MCAN, genetically modified yeast YD01345 commercial identifier YD11413. |
| P–14–0045 | 5/19/2014 | 5/17/2014 | (G) Substituted alkanediol, polymer with substituted heteromonocycle and heteromonocycle, alkenoate, reaction products with dialkylamine. |
| P–14–0264 | 5/19/2014 | 5/17/2014 | (S) D-glucopyranose oligomeric, decyl octyl glycosides, 3-(dimethyloctadecylammonio)-2-hydroxypropyl ethers, chlorides, polymers with 1,3-dichloro-2-propanol. |
| P–14–0236 | 5/20/2014 | 4/25/2014 | (G) Formaldehyde, polymer with substituted carbopolycycle and substituted carbopolycycle. |
| P–14–0245 | 5/20/2014 | 4/25/2014 | (G) Substituted pyrene, polymer with bis(alkoxyalkyl)carbomonocycle and substituted carbopolycycle. |
| P–06–0391 | 5/20/2014 | 4/30/2014 | (G) Alkyl methacrylate polymer with vinyl aromatic, branched alkyl acrylate, and alkyl methacrylate. |
| P–14–0040 | 5/22/2014 | 4/24/2014 | (S) Poly(oxy-1,2-ethanediyl),.alpha.-[(4-methylphenyl)sulfonyl]-.omega.-methoxy- |
| P–14–0071 | 5/22/2014 | 4/30/2014 | (S) Poly(oxy-1,2-ethanediyl), alpha-[2-(1,3-dihydro-1,3-dioxo-2h-isoindol-2-yl)ethyl]-omega-methoxy- |
| P–14–0041 | 5/22/2014 | 5/6/2014 | (S) Poly(oxy-1,2-ethanediyl),.alpha.-(2-aminoethyl)-.omega.-methoxy- |
| P–13–0359 | 5/22/2014 | 5/7/2014 | (G) 1,3-isobenzofurandione, polymer with alkanediol, 1,6-hexanediol, .alpha.-hydro-.omega.-hydroxypoly[oxy(methyL-1,2-ethanediyl)], 1,1′-methylenebis[4-isocyanatobenzene] and poly(oxy-alkanediyl) glyceryl ether. |
| P–12–0061 | 5/29/2014 | 5/15/2014 | (G) Modified acrylic polymer. |
| P–14–0265 | 5/29/2014 | 5/18/2014 | (S) D-glucopyranose, oligomeric, C-$_{10-16}$-alkyl glycosides, (3-dimethyloctadecylammonio)-2-hydroxylpropyl ethers, chlorides, polymers with 1,3-dichloro-2-propanol. |
| P–14–0240 | 6/2/2014 | 5/25/2014 | (S) Amines, bis(hydrogenated palm-oil alkyl)hydroxyl. |
| P–14–0129 | 6/2/2014 | 5/26/2014 | (S) Propanamide, 2-hydroxy-*N,N*-dimethyl- |
| P–14–0247 | 6/3/2014 | 6/1/2014 | (G) Amine salted polyurethane. |
| P–14–0381 | 6/4/2014 | 6/2/2014 | (G) 2,5-furandione, polymer with alkyl modified alkene, reaction products with ammonium hydroxide. |
| P–98–1069 | 6/5/2014 | 5/14/2014 | (G) Polycaprolactone polyols. |
| P–13–0444 | 6/5/2014 | 5/22/2014 | (G) 1,3-benzenedicarboxylic acid, polymer with butyl 2-methyl-2-propenoate, alkane acid, hexanedioic acid, 1,6-hexanediol, substituted poly[oxy(methyl-1,2-ethanediyl)], 2-hydroxyethyl 2-methyl-2-propenoate, 1,1′-methylenebis[4-isocyanatobenzene], methyl 2-methyl-2-propenoate, 2-methyl-2-propenoic acid and 2-oxepanone. |
| P–14–0196 | 6/5/2014 | 6/3/2014 | (G) Poly(oxy-1,2-ethanediyl), .alpha.-sulfo-.omega.-substituted carbomonocycle, ammonium salts. |
| P–98–1214 | 6/5/2014 | 6/5/2014 | (G) Epoxidized polyol. |
| P–14–0411 | 6/6/2014 | 5/18/2014 | (S) Fats and glyceridic oils, limnanthes alba seed. |
| P–13–0360 | 6/6/2014 | 5/31/2014 | (G) Alkane acid, polymer with alkanediol, 1,6-hexanediol, .alpha.-hydro-.omega.-hydroxypoly(oxy-1,4-butanediyl), 1,3-isobenzofurandione, 1,1′-methylenebis[4-isocyanatobenzene] and poly(oxy-alkanediyl) glyceryl ether. |
| P–14–0054 | 6/6/2014 | 6/5/2014 | (G) Amine-functional oligomer. |
| P–14–0216 | 6/11/2014 | 6/5/2014 | (G) Mixed alkyltin mercaptoester sulfides. |
| P–14–0218 | 6/11/2014 | 6/10/2014 | (G) Mixed alkyltin mercaptoester sulfides. |
| P–13–0559 | 6/12/2014 | 5/30/2014 | (G) Amine salt of vegetable oil, polymer with cycloaliphatic glycol, hydroxy substituted carboxylic acid, aliphatic diisocyanate and tetra hydroxy alkane. |
| P–14–0400 | 6/12/2014 | 6/6/2014 | (G) Substituted acid, electrophilic aromatic substitution products. |
| P–14–0217 | 6/12/2014 | 6/9/2014 | (G) Mixed alkyltin mercaptoester sulfides. |
| P–14–0234 | 6/13/2014 | 6/2/2014 | (G) Trisubstituted ethoxylated carbomonocycle. |
| P–14–0269 | 6/13/2014 | 6/9/2014 | (G) Peek-pedek copolymer. |
| P–13–0837 | 6/13/2014 | 6/10/2014 | (S) Fatty acids, $C_{18}$-unsaturated, dimers, polymers with 2,2′-dithiobis[ethanol] and 1-piperazineethanamine. |
| P–14–0235 | 6/15/2014 | 6/6/2014 | (G) Styrene-maleic anhydride copolymer, reaction product with amino compounds. |

TABLE II—89 NOCS RECEIVED FROM 4/1/14 TO 6/30/14—Continued

| Case No. | Received date | Commencement notice end date | Chemical |
|---|---|---|---|
| P–13–0932 | 6/17/2014 | 6/3/2014 | (G) Polyester adduct. |
| P–14–0313 | 6/18/2014 | 6/3/2014 | (S) Ethanesulfonic acid, 2-[(2-aminoethyl)amino]-, sodium salt (1:1), polymer with 1,6-diisocyanatohexane, alphahydroomega-hydroxypoly(oxy-1,4-butanediyl) and 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane. |
| P–14–0404 | 6/18/2014 | 6/5/2014 | (S) Soybean oil, ester with polyethylene glycol ether with glycerol (3:1). |
| P–14–0403 | 6/18/2014 | 6/6/2014 | (S) Olive oil, ester with polyethylene glycol ether with glycerol (3:1). |
| P–14–0405 | 6/18/2014 | 6/6/2014 | (S) Oils, palm kernel, esters with polyethylene glycol ether with glycerol (3:1). |
| P–14–0401 | 6/18/2014 | 6/9/2014 | (S) Fats and glyceridic oils, avocado, esters with polyethylene glycol ether with glycerol (3:1). |
| P–14–0406 | 6/18/2014 | 6/10/2014 | (S) Oils, palm, esters with polyethylene glycol ether with glycerol (3:1). |
| P–14–0402 | 6/18/2014 | 6/11/2014 | (S) Coconut oil, ester with polyethylene glycol ether with glycerol (3:1). |
| P–14–0056 | 6/19/2014 | 5/19/2014 | (G) Amine-terminated epoxy resin. |
| P–14–0025 | 6/20/2014 | 5/16/2014 | (G) Polyethylene glycol-acrylic polymer salt. |
| P–14–0089 | 6/23/2014 | 6/17/2014 | (G) Fatty acid amide hydrochloride. |
| P–14–0090 | 6/23/2014 | 6/17/2014 | (G) Fatty acid amide hydrochloride. |
| P–14–0370 | 6/25/2014 | 6/16/2014 | (G) Acrylic esters and methacrylic esters epoxy resin. |
| P–13–0677 | 6/26/2014 | 6/5/2014 | (G) 1,3-dioxolan-2-one, polymer with 1,4-alkanediol, 1,2-alkanediol, 1,1′-alkylenebis[4-substitutedmonocarbocycle] and 2-alkyl-1,3-alkanediol. |
| P–12–0383 | 6/27/2014 | 6/10/2014 | (G) Alkanes. |
| P–11–0607 | 6/27/2014 | 6/25/2014 | (G) Polyaromatic organophosphorus compound. |

If you are interested in information that is not included in these tables, you may contact EPA as described in Unit III. to access additional non-CBI information that may be available.

**List of Subjects**

Environmental protection, Chemicals, Hazardous substances, Imports, Notice of commencement, Premanufacturer, Reporting and recordkeeping requirements, Test marketing exemptions.

Dated: August 28, 2014.

**Chandler Sirmons,**

*Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.*

[FR Doc. 2014–22037 Filed 9–15–14; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OW–2014–0170; FRL–9916–71–OW]**

**RIN 2040–ZA18**

## Final 2012 and Preliminary 2014 Effluent Guidelines Program Plans and 2012 and 2013 Annual Effluent Guidelines Review Reports

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces the availability of the combined Final 2012 and Preliminary 2014 Effluent Guidelines Program Plans and EPA's 2012 and 2013 Annual Effluent Guidelines Review Reports. This notice solicits public comment and input on the Preliminary 2014 Plan and the 2012 and 2013 Annual Review Reports.

The Clean Water Act (''CWA'' or ''Act'') requires EPA to biennially publish a plan for new and revised effluent guidelines, after public notice and comment, which identifies any new or existing industrial categories selected for effluent guidelines rulemaking and provides a schedule for such rulemaking. EPA typically publishes a preliminary plan upon which the public is invited to comment, and then publishes a final plan about a year later.

**DATES:** Submit comments on or before November 17, 2014.

**ADDRESSES:** Submit your comments on the 2012 and 2013 Annual Reviews and the Preliminary 2014 Plan identified by Docket ID No. EPA–HQ–OW–2014–0170, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: ow-docket@epa.gov,* Attention Docket ID No. EPA–HQ–OW–2014–0170 .
- *Fax:* (202) 566—9744.
- *Mail:* Water Docket, Environmental Protection Agency, Mailcode: 2822T, Attention Docket ID No. EPA–HQ–OW–2014–0170, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- *Hand Delivery:* EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC, Attention Docket ID No. EPA–HQ–OW–2014–0170. Such deliveries are accepted only during the Docket Center's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments on the 2012 and 2013 Annual Reviews and Preliminary 2014 Plan to Docket ID No. EPA–HQ–OW–2014–0170. EPA's policy is that all comments received will be included in the public docket without change and could 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 that EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *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 because of technical difficulties and cannot contact you for clarification, EPA might not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.* For additional instructions on submitting comments, go to the **SUPPLEMENTARY INFORMATION** section of this document.

**Submitting Confidential Business Information**

Do not submit confidential business information (CBI) to EPA through *www.regulations.gov* or email. Any CBI you wish to submit should be sent via a trackable physical method, such as Federal Express or United Parcel Service, to Mr. M. Ahmar Siddiqui, Document Control Officer, Engineering and Analysis Division (4303T), Room 6231S EPA West, U.S. EPA, 1200 Pennsylvania Ave. NW., Washington, DC 20460. A CBI package should be double-wrapped, so that the CBI is in one package, which is itself inside another package. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete copy of the material that includes information claimed as CBI, a copy of the material that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2.

Docket: All documents in the docket are listed in the index at *www.regulations.gov.* 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 at *www.regulations.gov* or in hard copy at the Water Docket in the EPA Docket Center, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Water Docket is (202) 566–2426.

**FOR FURTHER INFORMATION CONTACT:** Mr. William F. Swietlik, Engineering and Analysis Division, Office of Water, 4303T, U. S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 566–1129; fax number: (202) 566–1053; email address: *swietlik.william@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. General Information

### *A. Supporting Documents*

Key documents providing additional information about EPA's 2012 and 2013 Annual Reviews and the Final 2012 and Preliminary 2014 Plans include the 2012 and 2013 Annual Effluent Guidelines Review Reports and the combined Final 2012 and Preliminary 2014 Effluent Guidelines Program Plans.

### *B. How can I get copies of these documents and other related information?*

1. Docket. EPA has established official public dockets for these actions under Docket ID No. EPA–HQ–OW–2014–0170. The official public docket is the collection of materials that is available for public viewing at the Water Docket in the EPA Docket Center, (EPA/DC) EPA West, Room 3334, 1301Constitution Ave. NW., Washington, DC 20460.

2. Electronic Access. You may access this **Federal Register** document electronically through the United States government online source for Federal regulations at *http://www.regulations.gov.*

3. Internet access. Copies of the supporting documents are available at *http://water.epa.gov/lawsregs/lawsguidance/cwa/304m/index.cfm.*

### *C. What should I consider as I prepare my comments for EPA?*

Tips for Preparing Your Comments. When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The agency might ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree, suggest alternatives, and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible.
- Make sure to submit your comments by the comment period deadline identified.

## II. How is this document organized?

The outline of this notice follows:

*A. Legal Authority*
*B. Summary of the Final 2012 and Preliminary 2014 Effluent Guidelines Program Plans*
*C. Public Comments*
*D. Requests for Public Comment and Information*

### *A. Legal Authority*

This notice is published under the authority of the CWA, 33 U.S.C. 1251, et seq., and in particular sections 301(d), 304(b), 304(g), 304(m), 306, 307(b)and 308 of the Act, 33 U.S.C. 1311(d), 1314(b), 1314(g), 1314(m), 1316, 1317(b), and 1318.

### *B. Summary of the Final 2012 and Preliminary 2014 Effluent Guidelines Program Plans*

The *Final 2012 Effluent Guidelines Program Plan* (''Final 2012 Plan'') and the *Preliminary 2014 Effluent Guidelines Program Plan* (''Preliminary 2014 Plan'') were prepared pursuant to Clean Water Act section 304(m). The Plans provide a summary of EPA's review of effluent guidelines and pretreatment standards, consistent with CWA sections 301(d), 304(b), 304(g), 304(m), and 307(b) and EPA's evaluation of indirect discharges without categorical pretreatment standards to identify potential new categories for pretreatment standards under CWA section 307(b). From these reviews, the Plans identify any new or existing industrial categories selected for effluent guidelines rulemakings, and provide a schedule for such rulemakings. In addition, the Plans present any new or existing categories of industry selected for further review and analysis.

Both Plans are supported by EPA's 2012 and 2013 Annual Reviews (U.S. EPA, 2014a and 2014b), which also build on prior reviews, including EPA's 2011 Annual Review (U.S. EPA, 2012a). The 2012 Annual Review includes additional hazard data sources and

supporting analyses aimed at identifying new pollutants of concern and identifying wastewater discharges in industrial categories that may not be currently regulated by effluent limitations guidelines and standards. EPA's 2011, 2012 and 2013 Annual Review Reports are a part of the Annual Review record and can be found at *http://water.epa.gov/lawsregs/lawsguidance/cwa/304m/index.cfm.*

*C. Public Comments*

EPA also considers public comments and information submitted by stakeholders in response to the Effluent Limitations Guidelines Program Plan, and submitted in response to specific solicitations made in this Notice (see *Request for Comment and Information* below). A summary of the public comments and stakeholder input on the Preliminary 2012 Plan is provided in the Final 2012 Plan and a detailed listing of all commenters, and the subjects upon which they commented, is provided in the 2012 Annual Review Report. All submitted comment letters, attachments and information are made a part of the record for the Effluent Guidelines Plan and are publicly accessible at *www.regulations.gov.*

*D. Requests for Public Comment and Information*

For the Preliminary 2014 Effluent Limitations Guidelines Plan, EPA requests comments and information on the following topics:

1. Data Sources and Methodologies—In General

EPA solicits comments on whether it used the correct evaluation factors, criteria, and data sources in conducting its 2012 and 2013 Annual Reviews and in developing the Plans. EPA also solicits comment on other data sources EPA might use in its annual reviews and biennial planning process.

2. The Preliminary 2014 Effluent Guidelines Program Plan

EPA solicits comments on its Preliminary 2014 Plan, including the data and information used to support the findings, actions and conclusions as stated in the Preliminary 2014 Plan. Specifically, EPA solicits public comment and stakeholder input, data and information on:

(a) Study of Centralized Waste Treatment (''CWT'') facilities. EPA has decided to conduct a study of CWT facilities accepting oil and gas extraction wastewater. EPA solicits data and information related to the extent to which CWT facilities accept such wastewater, available treatment technologies (and their associated costs), discharge characteristics, financial characteristics of CWT facilities, the environmental impacts of discharges from CWT facilities, as well as any other information believed to be relevant to EPA's study of this issue.

(b) Study of Petroleum Refineries. EPA plans to initiate a study of Petroleum Refineries (40 CFR Part 419). EPA specifically solicits data and information on the discharge of metals and dioxin from petroleum refineries, including for example, the source(s) of these contaminants, either in crude oil sources or in the refining process, the effects of new air pollution controls on wastewater discharges at refineries, and information on current and future trends in oil refining processes. EPA also solicits data and information on current wastewater treatment technology performance at petroleum refineries, as well as any other information believed to be relevant to EPA's study of this issue.

(c) Preliminary Category Review of Metal Finishing. EPA plans to continue a preliminary category review of the Metal Finishing point source category (40 CFR Part 433). EPA solicits data and information regarding the discharge and treatment of metals, particularly chromium, nickel, and zinc, in addition to cadmium, copper, lead, silver and any others, to publicly owned treatment works (''POTWs'') by metal finishers, as well as any other information believed to be relevant to EPA's review.

(d) Nanomaterials manufacturing and formulating. EPA is collecting data and information on the potential industrial wastewater discharge hazards associated with nanomaterials manufacturing and formulating. EPA requests public comment and stakeholder input relating to any information or data available on the wastewater hazards and discharges associated with the manufacture of nanomaterials and their use in manufacturing or formulating products, as well as any other information believed to be relevant.

3. Innovation and Technology in the Effluent Guidelines Program

As it did in the Preliminary 2012 Effluent Guidelines Plan, EPA is again requesting public comment and ideas on the subject of technology innovation. EPA seeks public input and comment on the following questions and related themes:

(a) Are there new, innovative pollution control or pollution prevention technologies that can be used by any of the existing 57 categories of industry with effluent limitations guidelines?

(b) Are there innovative manufacturing approaches that can be used by industries to reduce or prevent their wastewater discharges?

(c) How can EPA's effluent limitations guidelines program enhance technology transfer to catalyze and harness innovation to solve industrial wastewater problems, both now and in the future?

(d) How can EPA better foster consideration of innovative technologies through the effluent guidelines planning process?

Dated: September 9, 2014.

**Kenneth J. Kopocis,**

*Deputy Assistant Administrator, Office of Water.*

[FR Doc. 2014–22062 Filed 9–15–14; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–9916–64–OW]**

## Meeting of the National Drinking Water Advisory Council

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of a public meeting.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) is announcing a meeting of the National Drinking Water Advisory Council (Council), as authorized under the Safe Drinking Water Act (SDWA). The meeting is scheduled for November 6 and 7, 2014. The Council typically considers various issues associated with drinking water protection and public water systems. During this meeting, the Council will focus discussions on the approaches to regulating groups of carcinogenic volatile organic chemicals, harmful algal blooms, climate and drinking water issues and other program topics. In addition, the Council will also discuss options for compliance schedules relative to the Long Term 2 Enhanced Surface Water Treatment Rule.

**DATES:** The meeting on November 6, 2014, will be held from 8:30 a.m. to 5:00 p.m., eastern time, and on November 7, 2014, from 8:30 a.m. to 2:00 p.m., eastern time.

**ADDRESSES:** The public meeting will be held in Room 1117–A at the EPA William Jefferson Clinton East Building, 1201 Constitution Avenue NW., Washington, DC 20004. All attendees must go through a metal detector, sign in with the security desk and show government-issued photo identification to enter government buildings.

**FOR FURTHER INFORMATION CONTACT:** Members of the public who would like to register and receive pertinent information, present an oral statement or submit a written statement for the November 6 and 7 meeting should contact Roy Simon by October 17, 2014, by email at *Simon.Roy@epa.gov;* by phone at 202–564–3868; or by regular mail at the United States Environmental Protection Agency, Office of Ground Water and Drinking Water, William Jefferson Clinton East, (Mail Code 4601–M), 1200 Pennsylvania Avenue NW., Washington, DC 20460. Further details about participating in the meeting can be found in the **SUPPLEMENTARY INFORMATION** section.

**SUPPLEMENTARY INFORMATION:**

*Details about Participating in the Meeting:* If you wish to attend the meeting, you should provide your email address when you register. The EPA will provide updated information on the November 6 and 7 meeting to registered individuals and organizations by October 29, 2014. The Council will allocate one hour for the public's input (1:00 p.m.–2:00 p.m., eastern time) at the meeting on November 7, 2014. Oral statements will be limited to five minutes at the meeting. It is preferred that only one person present a statement on behalf of a group or organization. To ensure adequate time for public involvement, individuals or organizations interested in presenting an oral statement should notify Roy Simon no later than October 17, 2014. Any person who wishes to file a written statement can do so before or after the Council meeting. Written statements intended for the meeting must be received by October 29, 2014, to be distributed to all members of the Council before any final discussion or vote is completed. Any statements received on or after the date specified will become part of the permanent file for the meeting and will be forwarded to the Council members for their information.

*National Drinking Water Advisory Council:* The Council was created by Congress on December 16, 1974, as part of the SDWA of 1974, Public Law 93–523, 42 U.S.C. 300j–5, and is operated in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App.2. The Council was established under the SDWA to provide practical and independent advice, consultation and recommendations to the EPA Administrator on the activities, functions, policies and regulations required by the SDWA.

*Special Accommodations:* For information on access or services for individuals with disabilities, please contact Roy Simon at 202–564–3868 or by email at *Simon.Roy@epa.gov.* To request an accommodation for a disability, please contact Roy Simon at least 10 days prior to the meeting to give the EPA as much time as possible to process your request.

Dated: September 8, 2014.

**Peter Grevatt,**

*Director, Office of Ground Water and Drinking Water.*

[FR Doc. 2014–22060 Filed 9–15–14; 8:45 am]

**BILLING CODE 6560–50–P**

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## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2014–0614; FRL–9915–55]**

## FIFRA Scientific Advisory Panel; Notice of Public Meeting

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** There will be a 4-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel (FIFRA SAP) to consider and review Integrated Endocrine Activity and Exposure-based Prioritization and Screening.

**DATES:** The meeting will be held on December 2–5, 2014, from approximately 9 a.m. to 5 p.m.

*Comments.* The Agency encourages that written comments be submitted by November 18, 2014, and requests for oral comments be submitted by November 25, 2014. However, written comments and requests to make oral comments may be submitted until the date of the meeting, but anyone submitting written comments after November 18, 2014, should contact the Designated Federal Official (DFO) listed under **FOR FURTHER INFORMATION CONTACT**. For additional instructions, see Unit I.C. of the **SUPPLEMENTARY INFORMATION**.

*Nominations.* Nominations of candidates to serve as ad hoc members of FIFRA SAP for this meeting should be provided on or before September 30, 2014.

*Webcast.* This meeting may be webcast. Please refer to the FIFRA SAP Web site at *http://www.epa.gov/scipoly/sap* for information on how to access the webcast. Please note that the webcast is a supplementary public process provided only for convenience. If difficulties arise resulting in Webcasting outages, the meeting will continue as planned.

*Special accommodations.* For information on access or services for individuals with disabilities, and to request accommodation of a disability, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

**ADDRESSES:** The meeting will be held at the Environmental Protection Agency, Conference Center, Lobby Level, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA 22202.

*Comments.* Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2014–0614, by one of the following methods:

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

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

If your comments contain any information that you consider to be CBI or otherwise protected, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** to obtain special instructions before submitting your comments.

*Nominations, requests to present oral comments, and requests for special accommodations.* Submit nominations to serve as ad hoc members of FIFRA SAP, requests for special seating accommodations, or requests to present oral comments to the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

**FOR FURTHER INFORMATION CONTACT:** Alva Daniels, DFO, Office of Science Coordination and Policy (7201M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–2661; email address: *daniels.alva@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. General Information

*A. Does this action apply to me?*

This action is directed to the public in general. This action may, however, be of interest to persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA) and FIFRA. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

*B. What should I consider as I prepare my comments for EPA?*

When submitting comments, remember to:

1. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
2. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
3. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
4. Describe any assumptions and provide any technical information and/or data that you used.
5. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
6. Provide specific examples to illustrate your concerns and suggest alternatives.
7. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
8. Make sure to submit your comments by the comment period deadline identified.

*C. How may I participate in this meeting?*

You may participate in this meeting by following the instructions in this unit. To ensure proper receipt by EPA, it is imperative that you identify docket ID number EPA–HQ–OPP–2014–0614 in the subject line on the first page of your request.

1. *Written comments.* The Agency encourages that written comments be submitted, using the instructions in **ADDRESSES**, no later than November 18, 2014, to provide FIFRA SAP the time necessary to consider and review the written comments. Written comments are accepted until the date of the meeting, but anyone submitting written comments after November 18, 2014, should contact the DFO listed under **FOR FURTHER INFORMATION CONTACT**. Anyone submitting written comments at the meeting should bring 20 copies for distribution to FIFRA SAP.

2. *Oral comments.* The Agency encourages that each individual or group wishing to make oral comments to FIFRA SAP submit their request to the DFO listed under **FOR FURTHER INFORMATION CONTACT** no later than November 25, 2014, in order to be included on the meeting agenda. Requests to present oral comments will be accepted until the date of the meeting and, to the extent that time permits, the Chair of FIFRA SAP may permit the presentation of oral comments at the meeting by interested persons who have not previously requested time. The request should identify the name of the individual making the presentation, the organization (if any) the individual will represent, and any requirements for audiovisual equipment (e.g., overhead projector, 35 mm projector, chalkboard). Oral comments before FIFRA SAP are limited to approximately 5 minutes unless prior arrangements have been made. In addition, each speaker should bring 20 copies of his or her comments and presentation slides for distribution to FIFRA SAP at the meeting.

3. *Seating at the meeting.* Seating at the meeting will be open and on a first-come basis.

4. *Request for nominations to serve as ad hoc members of FIFRA SAP for this meeting.* As part of a broader process for developing a pool of candidates for each meeting, FIFRA SAP staff routinely solicits the stakeholder community for nominations of prospective candidates for service as ad hoc members of FIFRA SAP. Any interested person or organization may nominate qualified individuals to be considered as prospective candidates for a specific meeting. Individuals nominated for this meeting should have expertise in one or more of the following areas: High Throughput Screening (HTS) *in vitro* assay technology and applications, QSAR methodology, Tier 1 assays (Uterotrophic and Hershberger), *In vitro* assays (Estrogen, Androgen, Thyroid or Steriodogenesis), reproductive biology and toxicology, endocrinology. Mathematical modeling of biological Systems, Bioinformatics, Biomathematics, Statistics, Quantitative modeling and analysis of complex data including Curve-fitting and Outlier detection, Computational exposure modeling, Near-field and far-field exposure modeling, Toxicokinetics and Pharmacokinetics, Environmental fate and transport, Human exposure assessment (including vulnerable or susceptible populations), Ecological exposure assessment. Note: In support of the U.S. Environmental Protection Agency's (EPA) priority of ''Making a Visible Difference in Communities'' across the country, the Agency is committed to helping minority, low income, tribal and other vulnerable populations improve their health and environment. In an effort to ensure that actions being proposed by the Agency are taking into consideration input from potential communities with environmental justice concerns, the EPA is offering an opportunity to provide input on the FIFRA SAP meeting to address scientific issues associated with ''Integrated Endocrine Activity and Exposure-based Prioritization and Screening''. The EPA encourages all grass-root organizations and residents to submit public comments on this issue which is being addressed during the FIFRA Scientific Advisory Panel meeting. The Agency also encourages community environmental justice advocates to give a voice to their communities by nominating candidates for consideration to serve on this panel. Nominees should be scientists who have sufficient professional qualifications, including training and experience, to be capable of providing expert comments on the scientific issues for this meeting. Nominees should be identified by name, occupation, position, address, and telephone number. Nominations should be provided to the DFO listed under **FOR FURTHER INFORMATION CONTACT** on or before September 30, 2014. The Agency will consider all nominations of prospective candidates for this meeting that are received on or before that date. However, final selection of ad hoc members for this meeting is a discretionary function of the Agency.

The selection of scientists to serve on FIFRA SAP is based on the function of the Panel and the expertise needed to address the Agency's charge to the Panel. No interested scientists shall be ineligible to serve by reason of their membership on any other advisory committee to a Federal department or agency or their employment by a Federal department or agency, except the EPA. Other factors considered during the selection process include availability of the potential Panel member to fully participate in the Panel's reviews, absence of any conflicts of interest or appearance of lack of impartiality, independence with respect to the matters under review, and lack of bias. Although financial conflicts of interest, the appearance of lack of impartiality, lack of independence, and bias may result in disqualification, the absence of such concerns does not assure that a candidate will be selected

to serve on FIFRA SAP. Numerous qualified candidates are identified for each Panel. Therefore, selection decisions involve carefully weighing a number of factors including the candidates' areas of expertise and professional qualifications and achieving an overall balance of different scientific perspectives on the Panel. In order to have the collective breadth of experience needed to address the Agency's charge for this meeting, the Agency anticipates selecting approximately 8 ad hoc scientists.

FIFRA SAP members are subject to the provisions of 5 CFR Part 2634—Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture, as supplemented by EPA in 5 CFR part 6401. In anticipation of this requirement, prospective candidates for service on FIFRA SAP will be asked to submit confidential financial information which shall fully disclose, among other financial interests, the candidate's employment, stocks, and bonds, and where applicable, sources of research support. The EPA will evaluate the candidate's financial disclosure form to assess whether there are financial conflicts of interest, appearance of a lack of impartiality, or any prior involvement with the development of the documents under consideration (including previous scientific peer review) before the candidate is considered further for service on FIFRA SAP. Those who are selected from the pool of prospective candidates will be asked to attend the public meetings and to participate in the discussion of key issues and assumptions at these meetings. In addition, they will be asked to review and to help finalize the meeting minutes. The list of FIFRA SAP members participating at this meeting will be posted on the FIFRA SAP Web site at *http://www.epa.gov/scipoly/sap* or may be obtained from the OPP Docket at *http://www.regulations.gov.*

## II. Background

### *A. Purpose of FIFRA SAP*

FIFRA SAP serves as the primary scientific peer review mechanism of EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) and is structured to provide scientific advice, information and recommendations to the EPA Administrator on pesticides and pesticide-related issues as to the impact of regulatory actions on health and the environment. FIFRA SAP is a Federal advisory committee established in 1975 under FIFRA that operates in accordance with requirements of the Federal Advisory Committee Act. FIFRA SAP is composed of a permanent panel consisting of seven members who are appointed by the EPA Administrator from nominees provided by the National Institutes of Health and the National Science Foundation. FIFRA established a Science Review Board (SRB) consisting of at least 60 scientists who are available to FIFRA SAP on an ad hoc basis to assist in reviews conducted by FIFRA SAP. As a peer review mechanism, FIFRA SAP provides comments, evaluations, and recommendations to improve the effectiveness and quality of analyses made by Agency scientists. Members of FIFRA SAP are scientists who have sufficient professional qualifications, including training and experience, to provide expert advice and recommendation to the Agency.

### *B. Public Meeting*

This FIFRA SAP meeting will review methods using computational toxicology and exposure tools (i.e., high throughput screening (HTS) assays, and computational models), and other data streams for integrated bioactivity and exposure based prioritization and screening of the universe of EDSP chemicals. Endocrine bioactivity of chemicals will be quantified using HTS *in vitro* estrogen, androgen, and thyroid receptor assays, along with other potential molecular targets, and compared with Tier 1 screening and other *in vivo* assay results obtained from published and publically available peer-reviewed studies. While technical advances in high-throughput toxicity testing of chemicals were presented at a FIFRA SAP meeting in 2013, this SAP will review further advances in computational toxicology exposure science for prioritization and screening of the EDSP universe of chemicals. The ability of the agency to screen the thousands of environmental chemicals in the EDSP universe is substantially limited by the capacity of the current Tier 1 screening methods. Rapid screening of 1000s of chemicals using EPA's ToxCast high throughput assays allows the agency to focus attention on chemicals with the greatest potential endocrine bioactivity. In addition, high throughput models of human and ecological exposure (e.g. ExpoCast) allows the agency to identify chemicals with the greatest potential for exposures that could result in bioactive concentrations. This shift in the EDSP framework allows focus to be placed on chemicals that pose the greatest likelihood of exposures leading to endocrine bioactivity in humans or wildlife. The FIFRA SAP will be requested to respond to charge questions regarding EPA's proposed integrated bioactivity exposure based approach for ranking chemicals in the EDSP universe for further screening and testing.

### *C. FIFRA SAP Documents and Meeting Minutes*

EPA's background paper, related supporting materials, charge/questions to FIFRA SAP, FIFRA SAP composition (i.e., members and ad hoc members for this meeting), and the meeting agenda will be available by approximately October 27, 2014. In addition, the Agency may provide additional background documents as the materials become available. You may obtain electronic copies of these documents, and certain other related documents that might be available at *http://www.regulations.gov* and the FIFRA SAP Web site at *http://www.epa.gov/scipoly/sap.*

FIFRA SAP will prepare meeting minutes summarizing its recommendations to the Agency approximately 90 days after the meeting. The meeting minutes will be posted on the FIFRA SAP Web site or may be obtained from the OPP Docket at *http://www.regulations.gov.*

## List of Subjects

Environmental protection, Pesticides and pests, Environmental Justice.

Dated: September 2, 2014.

**David J. Dix,**

*Director, Office of Science Coordination and Policy.*

[FR Doc. 2014–22044 Filed 9–15–14; 8:45 am]

BILLING CODE 6560–50–P

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## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–9916–68–OGC]**

## Proposed Consent Decree, Clean Air Act Citizen Suit

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed consent decree; request for public comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended (''Act''), notice is hereby given of a proposed consent decree, to address a lawsuit filed by WildEarth Guardians: *WildEarth Guardians* v. *McCarthy,* Civil Action No. 1:13–dv–02748–RBJ (D. Co.). On October 28, 2013, WildEarth Guardians filed a complaint alleging that the Environmental Protection Agency (EPA) had failed to perform its nondiscretionary duties to make findings that certain states had failed to

submit required State Implementation Plans (SIPs) regarding the National Ambient Air Quality Standard (NAAQS) adopted by EPA for nitrogen dioxide (NO2) in January 2010. On January 24, 2014, WildEarth Guardians filed an amended complaint adding two additional states to the list for which it claimed EPA had failed to perform this nondiscretionary duty. The complaint requested that the court order EPA to make such findings. Under the terms of the proposed consent decree, EPA would agree to make those findings by November 15, 2014.

**DATES:** Written comments on the proposed consent decree must be received by October 16, 2014.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA–HQ–OGC–2014–0644, online at *www.regulations.gov* (EPA's preferred method); by email to *oei.docket@epa.gov;* mailed to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD–ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

**FOR FURTHER INFORMATION CONTACT:** Susmita Dubey, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone: (202) 564–5577; fax number (202) 564–5603; email address: *dubey.susmita@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Additional Information About the Proposed Consent Decree

The amended complaint alleges that EPA has failed to perform its nondiscretionary duty to make findings that the following states have failed to submit SIPs to meet the requirement in certain subsections of section 110(a)(2): Alaska, Colorado, Hawaii, Idaho, New Mexico, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. Under the terms of the proposed consent decree, EPA would agree to make findings by November 15, 2014, for those states in this group which have not made submissions at that time.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed consent decree from persons who are not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines that consent to this consent decree should be withdrawn or withheld, the terms of the consent decree will be affirmed.

## II. Additional Information About Commenting on the Proposed Consent Decree

### *A. How can I get a copy of the consent decree?*

The official public docket for this action (identified by EPA–HQ–OGC–2014–0644) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

An electronic version of the public docket is available on the Internet (online) through the Web site *www.regulations.gov.* You may use *www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select ''search''.

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at *www.regulations.gov* without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

### *B. How and to whom do I submit comments?*

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. 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.

Use of the *www.regulations.gov* Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an ''anonymous access'' system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (email) system is not an ''anonymous access'' system. If you send an email comment directly to the Docket without going through *www.regulations.gov,* your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: September 8, 2014.

**Lorie J. Schmidt,**

*Associate General Counsel.*

[FR Doc. 2014–22061 Filed 9–15–14; 8:45 am]

**BILLING CODE 6560–50–P**

## EXPORT-IMPORT BANK

### Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of $100 Million: AP088514XX; Withdrawal.

**AGENCY:** Export-Import Bank of the United States.

**ACTION:** Notice; Withdrawal.

**SUMMARY:** This Notice is to inform the public of the withdrawal of two duplicate notices published on September 11, 2014 at 79 FR 54275 and 54276. The referenced notice originally published on September 8, 2014 at 79 FR 53195 remains in effect.

**DATES:** As of September 16, 2014 the duplicate notices published September 11, 2014 at 79 FR 54275 and 54276 are withdrawn.

*Reference:* AP088514XX.

**Lloyd Ellis,**

*Program Specialist, Office of the General Counsel.*

[FR Doc. 2014–22107 Filed 9–12–14; 11:15 am]

**BILLING CODE 6690–01–P**

## EXPORT-IMPORT BANK

### Sunshine Act Meetings

**ACTION:** Notice of a Partially Open Meeting of the Board of Directors of the Export-Import Bank of the United States.

**TIME AND PLACE:** Monday, September 29, 2014 at 10:30 a.m. The meeting will be held at Ex-Im Bank in Room 1125, 811 Vermont Avenue NW., Washington, DC 20571.

**OPEN AGENDA ITEMS:** Item No. 1: PEFCO Secured Notes Resolutions for FY 2015.

**PUBLIC PARTICIPATION:** The meeting will be open to public observation for Item No. 1 only.

**FURTHER INFORMATION:** Members of the public who wish to attend the meeting should call Joyce Stone, Office of the Secretariat, 811 Vermont Avenue NW., Washington, DC 20571, (202) 565–3336 by close of business Tuesday, September 23, 2013.

**Lloyd Ellis,**

*Program Specialist, Office of the General Counsel.*

[FR Doc. 2014–22108 Filed 9–12–14; 11:15 am]

**BILLING CODE 6690–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### Information Collection Being Submitted for Review and Approval to the Office of Management and Budget (OMB)

**AGENCY:** Federal Communications Commission (FCC).

**ACTION:** Notice; request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3502—3520), the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimates; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB Control Number.

**DATES:** Written PRA comments should be submitted on or before October 16, 2014. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

**ADDRESSES:** Submit your PRA comments to Nicholas A. Fraser, Office of Management and Budget (OMB), via fax at 202–395–5167, or via the Internet at *Nicholas_A._Fraser@omb.eop.gov* and to Leslie F. Smith, Office of Managing Director (OMD), Federal Communications Commission (FCC), via the Internet at *Leslie.Smith@fcc.gov.* To submit your PRA comments by email, please send them to: *PRA@fcc.gov.*

**FOR FURTHER INFORMATION CONTACT:** Leslie F. Smith, Office of Managing Director (OMD), Federal Communications Commission (FCC), at 202–418–0217, or via the Internet at: *Leslie.Smith@fcc.gov.*

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060–0760.

*Title:* 272 Sunset Order, WC Docket No. 06–120; Access Charge Reform, CC Docket No. 96–262, *First Report and Order; Second Order on Reconsideration and Memorandum Opinion and Order;* and *Fifth Report and Order.*

*Form Number:* N/A.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Business or other for-profit.

*Number of Respondents and Responses:* 13 respondents; 367 responses.

*Estimated Time per Response:* Approximately 3–300 hours.

*Frequency of Response:* One-time reporting requirement; on-occasion reporting requirement; third-party disclosure requirement.

*Obligation To Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 151, 154(i), 155, 201–205, and 303(r) of the Communications Act of 1934, as amended.

*Total Annual Burden:* 6,170 hours.

*Total Annual Cost:* $310,115.

*Privacy Act Impact Assessment:* No impact(s).

*Nature and Extent of Confidentiality:* The information requested is not of a confidential nature. However, respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.

*Needs and Uses:* In an August 1999 *Fifth Report and Order and Further Notice of Proposed Rulemaking* (*Pricing Flexibility Order*), CC Docket 96–262 *et al.,* the Commission adopted detailed rules so that incumbent local exchange carriers subject to price cap regulation could receive pricing flexibility in the provision of interstate access services as competition for those services developed, 47 C.F.R. §§ 69.701 *et seq.* Pursuant to these rules, a carrier is required to file a petition with the Commission demonstrating that the competitive showings contained in the rules are satisfied to receive various levels of pricing flexibility. These showings, which focus on unaffiliated collocations in wire centers, are intended to measure the presence of competition in a given Metropolitan Statistical Area (MSA) or non-MSA so that regulatory relief is granted where warranted. The Commission's rules

provide that petitions for pricing flexibility for special access services that are not denied within 90 days after the close of the pleading cycle are deemed granted.

In an August 2012 *Report and Order,* FCC 12–92, 57 FR 57504 (Sept. 12, 2012), the Commission suspended, on an interim basis, the 90-day deadline for the granting of pricing flexibility pending adoption of a new regulatory framework. Notwithstanding the temporary suspension, the Commission is seeking Office of Management and Budget (OMB) approval for an extension to obtain the full three-year clearance for this expiring collection in the event the suspension is lifted. The Commission will separately seek OMB's approval for any subsequent modification of this collection, as a result of changes to the pricing flexibility rules, in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary, Office of the Managing Director.*

[FR Doc. 2014–22023 Filed 9–15–14; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### Information Collection Being Submitted to the Office of Management and Budget for Review and Approval

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information burden for small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

**DATES:** Written Paperwork Reduction Act (PRA) comments should be submitted on or before October 16, 2014. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

**ADDRESSES:** Submit your PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via Internet at *Nicholas_A._Fraser@omb.eop.gov* and to Benish Shah, Federal Communications Commission, via the Internet at *Benish.Shah@fcc.gov.* To submit your PRA comments by email send them to: *PRA@fcc.gov.*

**FOR FURTHER INFORMATION CONTACT:** Benish Shah, Office of Managing Director, (202) 418–7866.

**SUPPLEMENTARY INFORMATION:** The Commission is requesting emergency OMB processing of this information collection and has requested OMB approval by October 30, 2014.

*OMB Control Number:* 3060–XXXX.

*Title:* Deployment of Text-to-911.

*Form No.:* N/A.

*Type of Review:* New collection.

*Respondents:* Businesses or other for-profit; not-for-profit institutions; and state, local or tribal governments.

*Total Number of Respondents:* 3,370 Respondents; 58,012 Responses.

*Estimated Time per Response:* 1.31 hours.

*Frequency of Response:* One-time reporting.

*Obligation to Respond:* Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 151, 152, 154(i), 154(j), 154(o), 251(e), 303(b), 303(g), 303(r), 316, and 403.

*Total Annual Burden Hours:* 76,237 hours.

*Total Annual Cost:* None.

*Nature and Extent of Confidentiality:* The Commission will work with respondents to ensure that their concerns regarding the confidentiality of any proprietary or business-sensitive information are resolved in a manner consistent with the Commission's rules.

*Privacy Act Impact Assessment:* This information collection does not affect individuals or households, and therefore a privacy impact assessment is not required.

*Needs and Uses:* The information collection sought will enable the Commission to implement text-to-911 service pursuant to the *Second Report and Order,* FCC 14–118, released August 13, 2014. The *Second Report and Order* adopts new rules to commence the implementation of text-to-911 service with an initial deadline of December 31, 2014 for all covered text providers to be capable of supporting text-to-911 service. The *Second Report and Order* also provides that covered text providers then have a six-month implementation period—they must begin routing all 911 text messages to a Public Safety Answering Point (PSAP) by June 30, 2015 or within six months of a valid PSAP request for text-to-911 service, whichever is later. To implement these requirements, the Commission seeks to collect information primarily for a database in which PSAPs will voluntarily register that they are technically ready to receive text messages to 911. As PSAPs become text-ready, they may either register in the PSAP database (or, if the database is not yet available, submit a notification to PS Docket Nos. 10–255 and 11–153), or provide other written notification reasonably acceptable to a covered text messaging provider. Either measure taken by the PSAP shall constitute sufficient notification pursuant to the adopted rules in the *Second Report and Order.* PSAPs and covered text providers may mutually agree to an alternative implementation timeframe (other than six months). Covered text providers must notify the FCC of the dates and terms of the alternate timeframe that they have mutually agreed on with PSAPs within 30 days of the parties' agreement.

Additionally, the rules adopted by the *Second Report and Order* also include other information collections for third party notifications that need to be effective in order to implement text-to-911, including necessary notifications to consumers, covered text providers, and the Commission. These notifications are essential to ensure that all of the affected parties are aware of the limitations, capabilities, and status of text-to-911 services. Emergency approval of these information collections will enable the Commission to meet objectives to commence the implementation of text-to-911 service as of December 31, 2014 in furtherance of its core mission to ensure the public's safety.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 2014–22020 Filed 9–15–14; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### Information Collection Being Reviewed by the Federal Communications Commission

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

**DATES:** Written PRA comments should be submitted on or before November 17, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

**SUPPLEMENTARY INFORMATION:**

*OMB Control No.:* 3060–1095.

*Title:* Surrenders of Authorizations for International Carrier, Space Station and Earth Station Licensees.

*Form No.:* N/A.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Business or other for-profit entities.

*Number of Respondents:* 8 respondents; 8 responses.

*Estimated Time per Response:* 1 hour.

*Frequency of Response:* On occasion reporting requirement.

*Obligation to Respond:* Voluntary. The statutory authority for this information collection is contained in Sections 4(i), 7(a), 11, 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended; 47 U.S.C. 154(i), 157(a), 161, 303(c), 303(f), 303(g), and 303(r).

*Total Annual Burden:* 8 hours.

*Annual Cost Burden:* None.

*Privacy Act Impact Assessment:* No impact(s).

*Nature and Extent of Confidentiality:* In general, there is no need for confidentiality with is collection of information.

*Needs and Uses:* This collection will be submitted to the Office of Management and Budget (OMB) as a revision after this 60 day comment period has ended in order to obtain the full three-year clearance from OMB.

The purpose of the revision is to remove the information collection requirements that are contained in 47 CFR 25.110 from OMB Control No. 3060–1095. The information collection requirements that that are contained in 47 CFR 25.110 were consolidated into OMB Control No. 3060–0678.

Licensees file surrenders of authorizations with the Commission on a voluntary basis. This information is used by Commission staff to issue Public Notices to announce the surrenders of authorization to the general public. The Commission's release of Public Notices is critical to keeping the general public abreast of the licensees' discontinuance of telecommunications services.

Without this collection of information, licensees would be required to submit surrenders of authorizations to the Commission by letter which is more time consuming than submitting such requests to the Commission electronically. In addition, Commission staff would spend an extensive amount of time processing surrenders of authorizations received by letter.

The collection of information saves time for both licensees and Commission staff since they are received in MyIBFS electronically and include only the information that is essential to process the requests in a timely manner. Furthermore, the E-filing module expedites the Commission staff's announcement of surrenders of authorizations via Public Notice.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary, Office of the Managing Director.*

[FR Doc. 2014–22022 Filed 9–15–14; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### Information Collection Being Reviewed by the Federal Communications Commission

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

**DATES:** Written PRA comments should be submitted on or before November 17,

2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060–0888.

*Title:* Section 1.221, Notice of hearing; appearances; Section 1.229 Motions to enlarge, change, or delete issues; Section 1.248 Prehearing conferences; hearing conferences; Section 76.7, Petition Procedures; Section 76.9, Confidentiality of Proprietary Information; Section 76.61, Dispute Concerning Carriage; Section 76.914, Revocation of Certification; Section 76.1001, Unfair Practices; Section 76.1003, Program Access Proceedings; Section 76.1302, Carriage Agreement Proceedings; Section 76.1513, Open Video Dispute Resolution.

*Form Number:* Not applicable.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Businesses or other for-profit.

*Number of Respondents and Responses:* 684 respondents; 684 responses.

*Estimated Time per Response:* 6.1 to 90.5 hours.

*Frequency of Response:* On occasion reporting requirement; Third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 4(i), 303(r), and 628 of the Communications Act of 1934, as amended.

*Total Annual Burden:* 34,816 hours.

*Total Annual Cost:* $3,160,080.

*Privacy Act Impact Assessment:* No impact(s).

*Nature and Extent of Confidentiality:* A party that wishes to have confidentiality for proprietary information with respect to a submission it is making to the Commission must file a petition pursuant to the pleading requirements in Section 76.7 and use the method described in Sections 0.459 and 76.9 to demonstrate that confidentiality is warranted.

*Needs and Uses:* On October 5, 2012, we released a Report and Order, Revision of the Commission's Program Access Rules et al., MB Docket No. 12–68 et al., FCC 12–123 (Oct. 5, 2012) (''R&O''). In the R&O, we declined to extend the preemptive prohibition on exclusive contracts for satellite-delivered programming between any cable operator and any cable-affiliated programming vendor in served areas beyond its October 5, 2012 expiration date (the ''exclusive contract prohibition''). The expiration of the exclusive contract prohibition in served areas eliminates the filing of complaints alleging the existence of an impermissible exclusive contract in a served area. Although exclusive contracts in served areas are no longer preemptively prohibited as a result of the R&O, a multichannel video programming distributor (''MVPD'') may file a program access complaint with the Commission alleging that a particular exclusive contract violates Section 628(b) of the Communications Act of 1934, as amended (the ''Act''), and Section 76.1001(a) of the Commission's Rules. 47 U.S.C. 548(b) (prohibiting ''unfair acts'' that have the ''purpose or effect'' of ''significantly hindering or preventing'' the complainant from providing satellite cable programming or satellite broadcast programming); 47 CFR 76.1001(a).

47 CFR 1.221(h) requires that, in a program carriage complaint proceeding filed pursuant to § 76.1302 that the Chief, Media Bureau refers to an administrative law judge for an initial decision, each party, in person or by attorney, shall file a written appearance within five calendar days after the party informs the Chief Administrative Law Judge that it elects not to pursue alternative dispute resolution pursuant to § 76.7(g)(2) or, if the parties have mutually elected to pursue alternative dispute resolution pursuant to § 76.7(g)(2), within five calendar days after the parties inform the Chief Administrative Law Judge that they have failed to resolve their dispute through alternative dispute resolution. The written appearance shall state that the party will appear on the date fixed for hearing and present evidence on the issues specified in the hearing designation order.

47 CFR 1.229(b)(3) requires that, in a program carriage complaint proceeding filed pursuant to § 76.1302 that the Chief, Media Bureau refers to an administrative law judge for an initial decision, a motion to enlarge, change, or delete issues shall be filed within 15 calendar days after the deadline for submitting written appearances pursuant to § 1.221(h), except that persons not named as parties to the proceeding in the designation order may file such motions with their petitions to intervene up to 30 days after publication of the full text or a summary of the designation order in the **Federal Register**.

47 CFR 1.229(b)(4) provides that any person desiring to file a motion to modify the issues after the expiration of periods specified in paragraphs (a), (b)(1), (b)(2), and (b)(3) of 47 CFR 1.229, shall set forth the reason why it was not possible to file the motion within the prescribed period.

47 CFR 1.248(a) provides that the initial prehearing conference as directed by the Commission shall be scheduled 30 days after the effective date of the order designating a case for hearing, unless good cause is shown for scheduling such conference at a later date, except that for program carriage complaints filed pursuant to § 76.1302 that the Chief, Media Bureau refers to an administrative law judge for an initial decision, the initial prehearing conference shall be held no later than 10 calendar days after the deadline for submitting written appearances pursuant to § 1.221(h) or within such shorter or longer period as the Commission may allow on motion or notice consistent with the public interest.

47 CFR 1.248(b) provides that the initial prehearing conference as directed by the presiding officer shall be scheduled 30 days after the effective date of the order designating a case for hearing, unless good cause is shown for scheduling such conference at a later date, except that for program carriage complaints filed pursuant to § 76.1302 that the Chief, Media Bureau refers to an administrative law judge for an initial decision, the initial prehearing conference shall be held no later than 10 calendar days after the deadline for submitting written appearances pursuant to § 1.221(h) or within such shorter or longer period as the presiding officer may allow on motion or notice consistent with the public interest.

47 CFR 76.7. Pleadings seeking to initiate FCC action must adhere to the requirements of Section 76.6 (general pleading requirements) and Section 76.7 (initiating pleading requirements). Section 76.7 is used for numerous types of petitions and special relief petitions, including general petitions seeking special relief, waivers, enforcement, show cause, forfeiture and declaratory ruling procedures.

47 CFR 76.7(g)(2) provides that, in a proceeding initiated pursuant to § 76.7 that is referred to an administrative law judge, the parties may elect to resolve the dispute through alternative dispute resolution procedures, or may proceed

with an adjudicatory hearing, provided that the election shall be submitted in writing to the Commission and the Chief Administrative Law Judge.

47 CFR 76.9. A party that wishes to have confidentiality for proprietary information with respect to a submission it is making to the FCC must file a petition pursuant to the pleading requirements in Section 76.7 and use the method described in Sections 0.459 and 76.9 to demonstrate that confidentiality is warranted. The petitions filed pursuant to this provision are contained in the existing information collection requirement and are not changed by the rule changes.

47 CFR 76.61(a) permits a local commercial television station or qualified low power television station that is denied carriage or channel positioning or repositioning in accordance with the must-carry rules by a cable operator to file a complaint with the FCC in accordance with the procedures set forth in Section 76.7. Section 76.61(b) permits a qualified local noncommercial educational television station that believes a cable operator has failed to comply with the FCC's signal carriage or channel positioning requirements (Sections 76.56 through 76.57) to file a complaint with the FCC in accordance with the procedures set forth in Section 76.7.

47 CFR 76.61(a)(1) states that whenever a local commercial television station or a qualified low power television station believes that a cable operator has failed to meet its carriage or channel positioning obligations, pursuant to Sections 76.56 and 76.57, such station shall notify the operator, in writing, of the alleged failure and identify its reasons for believing that the cable operator is obligated to carry the signal of such station or position such signal on a particular channel.

47 CFR 76.61(a)(2) states that the cable operator shall, within 30 days of receipt of such written notification, respond in writing to such notification and either commence to carry the signal of such station in accordance with the terms requested or state its reasons for believing that it is not obligated to carry such signal or is in compliance with the channel positioning and repositioning and other requirements of the must-carry rules. If a refusal for carriage is based on the station's distance from the cable system's principal headend, the operator's response shall include the location of such headend. If a cable operator denies carriage on the basis of the failure of the station to deliver a good quality signal at the cable system's principal headend, the cable operator must provide a list of equipment used to make the measurements, the point of measurement and a list and detailed description of the reception and over-the-air signal processing equipment used, including sketches such as block diagrams and a description of the methodology used for processing the signal at issue, in its response.

47 CFR 76.914(c) permits a cable operator seeking revocation of a franchising authority's certification to file a petition with the FCC in accordance with the procedures set forth in Section 76.7.

47 CFR 76.1003(a) permits any multichannel video programming distributor (MVPD) aggrieved by conduct that it believes constitute a violation of the FCC's competitive access to cable programming rules to commence an adjudicatory proceeding at the FCC to obtain enforcement of the rules through the filing of a complaint, which must be filed and responded to in accordance with the procedures specified in Section 76.7, except to the extent such procedures are modified by Section 76.1003.

47 CFR 76.1001(b)(2) permits any multichannel video programming distributor to commence an adjudicatory proceeding by filing a complaint with the Commission alleging that a cable operator, a satellite cable programming vendor in which a cable operator has an attributable interest, or a satellite broadcast programming vendor, has engaged in an unfair act involving terrestrially delivered, cable-affiliated programming, which must be filed and responded to in accordance with the procedures specified in § 76.7, except to the extent such procedures are modified by §§ 76.1001(b)(2) and 76.1003. In program access cases involving terrestrially delivered, cable-affiliated programming, the defendant has 45 days from the date of service of the complaint to file an answer, unless otherwise directed by the Commission. A complainant shall have the burden of proof that the defendant's alleged conduct has the purpose or effect of hindering significantly or preventing the complainant from providing satellite cable programming or satellite broadcast programming to subscribers or consumers; an answer to such a complaint shall set forth the defendant's reasons to support a finding that the complainant has not carried this burden. In addition, a complainant alleging that a terrestrial cable programming vendor has engaged in discrimination shall have the burden of proof that the terrestrial cable programming vendor is wholly owned by, controlled by, or under common control with a cable operator or cable operators, satellite cable programming vendor or vendors in which a cable operator has an attributable interest, or satellite broadcast programming vendor or vendors; an answer to such a complaint shall set forth the defendant's reasons to support a finding that the complainant has not carried this burden. In addition, a complainant that wants a currently pending complaint involving terrestrially delivered, cable-affiliated programming considered under the rules must submit a supplemental filing alleging that the defendant has engaged in an unfair act after the effective date of the rules. In such case, the complaint and supplement will be considered pursuant to the rules and the defendant will have an opportunity to answer the supplemental filing, as set forth in the rules.

47 CFR 76.1003(b) requires any aggrieved MVPD intending to file a complaint under this section to first notify the potential defendant cable operator, and/or the potential defendant satellite cable programming vendor or satellite broadcast programming vendor, that it intends to file a complaint with the Commission based on actions alleged to violate one or more of the provisions contained in Sections 76.1001 or 76.1002 of this part. The notice must be sufficiently detailed so that its recipient(s) can determine the nature of the potential complaint. The potential complainant must allow a minimum of ten (10) days for the potential defendant(s) to respond before filing a complaint with the Commission.

47 CFR 76.1003(c) describes the required contents of a program access complaint, in addition to the requirements of Section 76.7 of this part.

47 CFR 76.1003(c)(3) requires a program access complaint to contain evidence that the complainant competes with the defendant cable operator, or with a multichannel video programming distributor that is a customer of the defendant satellite cable programming or satellite broadcast programming vendor or a terrestrial cable programming vendor alleged to have engaged in conduct described in § 76.1001(b)(1).

47 CFR 76.1003(d) states that, in a case where recovery of damages is sought, the complaint shall contain a clear and unequivocal request for damages and appropriate allegations in support of such claim.

47 CFR 76.1003(e)(1) requires cable operators, satellite cable programming vendors, or satellite broadcast programming vendors whom expressly reference and rely upon a document in

asserting a defense to a program access complaint filed or in responding to a material allegation in a program access complaint filed pursuant to Section 76.1003, to include such document or documents, such as contracts for carriage of programming referenced and relied on, as part of the answer. Except as otherwise provided or directed by the Commission, any cable operator, satellite cable programming vendor or satellite broadcast programming vendor upon which a program access complaint is served under this section shall answer within forty-five (45) days of service of the complaint.

47 CFR 76.1003(e)(2) requires an answer to an exclusivity complaint to provide the defendant's reasons for refusing to sell the subject programming to the complainant. In addition, the defendant may submit its programming contracts covering the area specified in the complaint with its answer to refute allegations concerning the existence of an impermissible exclusive contract. If there are no contracts governing the specified area, the defendant shall so certify in its answer. Any contracts submitted pursuant to this provision may be protected as proprietary pursuant to Section 76.9 of this part.

47 CFR 76.1003(e)(3) requires an answer to a discrimination complaint to state the reasons for any differential in prices, terms or conditions between the complainant and its competitor, and to specify the particular justification set forth in Section 76.1002(b) of this part relied upon in support of the differential.

47 CFR 76.1003(e)(4) requires an answer to a complaint alleging an unreasonable refusal to sell programming to state the defendant's reasons for refusing to sell to the complainant, or for refusing to sell to the complainant on the same terms and conditions as complainant's competitor, and to specify why the defendant's actions are not discriminatory.

47 CFR 76.1003(f) provides that, within fifteen (15) days after service of an answer, unless otherwise directed by the Commission, the complainant may file and serve a reply which shall be responsive to matters contained in the answer and shall not contain new matters.

47 CFR 76.1003(g) states that any complaint filed pursuant to this subsection must be filed within one year of the date on which one of three specified events occurs.

47 CFR 76.1003(h) sets forth the remedies that are available for violations of the program access rules, which include the imposition of damages, and/or the establishment of prices, terms, and conditions for the sale of programming to the aggrieved multichannel video programming distributor, as well as sanctions available under title V or any other provision of the Communications Act.

47 CFR 76.1003(j) states in addition to the general pleading and discovery rules contained in § 76.7 of this part, parties to a program access complaint may serve requests for discovery directly on opposing parties, and file a copy of the request with the Commission. The respondent shall have the opportunity to object to any request for documents that are not in its control or relevant to the dispute. Such request shall be heard, and determination made, by the Commission. Until the objection is ruled upon, the obligation to produce the disputed material is suspended. Any party who fails to timely provide discovery requested by the opposing party to which it has not raised an objection as described above, or who fails to respond to a Commission order for discovery material, may be deemed in default and an order may be entered in accordance with the allegations contained in the complaint, or the complaint may be dismissed with prejudice.

47 CFR 76.1003(l) permits a program access complainant seeking renewal of an existing programming contract to file a petition along with its complaint requesting a temporary standstill of the price, terms, and other conditions of the existing programming contract pending resolution of the complaint, to which the defendant will have the opportunity to respond within 10 days of service of the petition, unless otherwise directed by the Commission.

47 CFR 76.1302(a) states that any video programming vendor or multichannel video programming distributor aggrieved by conduct that it believes constitute a violation of the regulations set forth in this subpart may commence an adjudicatory proceeding at the Commission to obtain enforcement of the rules through the filing of a complaint.

47 CFR 76.1302(b) states that any aggrieved video programming vendor or multichannel video programming distributor intending to file a complaint under this section must first notify the potential defendant multichannel video programming distributor that it intends to file a complaint with the Commission based on actions alleged to violate one or more of the provisions contained in Section 76.1301 of this part. The notice must be sufficiently detailed so that its recipient(s) can determine the specific nature of the potential complaint. The potential complainant must allow a minimum of ten (10) days for the potential defendant(s) to respond before filing a complaint with the Commission.

47 CFR 76.1302(c) specifies the content of carriage agreement complaints.

47 CFR 76.1302(c)(1) provides that a program carriage complaint filed pursuant to § 76.1302 must contain the following: Whether the complainant is a multichannel video programming distributor or video programming vendor, and, in the case of a multichannel video programming distributor, identify the type of multichannel video programming distributor, the address and telephone number of the complainant, what type of multichannel video programming distributor the defendant is, and the address and telephone number of each defendant.

47 CFR 76.1302(d) sets forth the evidence that a program carriage complaint filed pursuant to § 76.1302 must contain in order to establish a prima facie case of a violation of § 76.1301.

47 CFR 76.1302(e)(1) provides that a multichannel video programming distributor upon whom a program carriage complaint filed pursuant to § 76.1302 is served shall answer within sixty (60) days of service of the complaint, unless otherwise directed by the Commission.

47 CFR 76.1302(e)(2) states that an answer to a program carriage complaint shall address the relief requested in the complaint, including legal and documentary support, for such response, and may include an alternative relief proposal without any prejudice to any denials or defenses raised.

47 CFR 76.1302(f) states that within twenty (20) days after service of an answer, unless otherwise directed by the Commission, the complainant may file and serve a reply which shall be responsive to matters contained in the answer and shall not contain new matters.

47 CFR 76.1302(h) states that any complaint filed pursuant to this subsection must be filed within one year of the date on which one of three events occurs.

47 CFR 76.1302(j)(1) states that upon completion of such adjudicatory proceeding, the Commission shall order appropriate remedies, including, if necessary, mandatory carriage of a video programming vendor's programming on defendant's video distribution system, or the establishment of prices, terms, and conditions for the carriage of a video programming vendor's programming.

47 CFR 76.1302(k) permits a program carriage complainant seeking renewal of an existing programming contract to file a petition along with its complaint requesting a temporary standstill of the price, terms, and other conditions of the existing programming contract pending resolution of the complaint, to which the defendant will have the opportunity to respond within 10 days of service of the petition, unless otherwise directed by the Commission. To allow for sufficient time to consider the petition for temporary standstill prior to the expiration of the existing programming contract, the petition for temporary standstill and complaint shall be filed no later than thirty (30) days prior to the expiration of the existing programming contract.

47 CFR 76.1513(a) permits any party aggrieved by conduct that it believes constitute a violation of the FCC's regulations or in section 653 of the Communications Act (47 U.S.C. 573) to commence an adjudicatory proceeding at the Commission to obtain enforcement of the rules through the filing of a complaint, which must be filed and responded to in accordance with the procedures specified in Section 76.7, except to the extent such procedures are modified by Section 76.1513.

47 CFR 76.1513(b) provides that an open video system operator may not provide in its carriage contracts with programming providers that any dispute must be submitted to arbitration, mediation, or any other alternative method for dispute resolution prior to submission of a complaint to the Commission.

47 CFR 76.1513(c) requires that any aggrieved party intending to file a complaint under this section must first notify the potential defendant open video system operator that it intends to file a complaint with the Commission based on actions alleged to violate one or more of the provisions contained in this part or in Section 653 of the Communications Act. The notice must be in writing and must be sufficiently detailed so that its recipient(s) can determine the specific nature of the potential complaint. The potential complainant must allow a minimum of ten (10) days for the potential defendant(s) to respond before filing a complaint with the Commission.

47 CFR 76.1513(d) describes the contents of an open video system complaint.

47 CFR 76.1513(e) addresses answers to open video system complaints.

47 CFR 76.1513(f) states within twenty (20) days after service of an answer, the complainant may file and serve a reply which shall be responsive to matters contained in the answer and shall not contain new matters.

47 CFR 76.1513(g) requires that any complaint filed pursuant to this subsection must be filed within one year of the date on which one of three events occurs.

47 CFR 76.1513(h) states that upon completion of the adjudicatory proceeding, the Commission shall order appropriate remedies, including, if necessary, the requiring carriage, awarding damages to any person denied carriage, or any combination of such sanctions. Such order shall set forth a timetable for compliance, and shall become effective upon release.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary, Office of the Managing Director.*

[FR Doc. 2014–22021 Filed 9–15–14; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL COMMUNICATIONS COMMISSION

**[WC Docket No. 14–28; DA 14–1310]**

## Panelist Information for Open Internet Roundtables

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document, the Commission released a public notice announcing panelist names and other information for a series of roundtables. The intended effect of this document is to make the public aware of the event and the agenda for the roundtables.

**DATES:** Tuesday, September 16, 2014, 8:30 a.m.–4:30 p.m.

**ADDRESSES:** Federal Communications Commission, Commission Meeting Room (TW–C305), 445 12th Street SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Kristine Fargotstein, Competition Policy Division, Wireline Competition Bureau, at (202) 418–2774 or by email at *Kristine.Fargotstein@fcc.gov.*

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's document in WC Docket No. 14–28, DA 14–1310 released September 9, 2014. The complete text in this document is available for public inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone (800) 378–3160 or (202) 863–2893, facsimile (202) 863–2898, or via the Internet at *http://www.bcpiweb.com.* It is available on the Commission's Web site at *http://www.fcc.gov.*

The roundtables will be free and open to the public, and the FCC also will stream them live at *http://www.fcc.gov/live.* The location of the roundtables will be the Commission Meeting Room (TW–C305), 445 12th Street SW., Washington, DC 20554. The FCC will make available an overflow room for those in-person attendees who cannot be accommodated in the Commission Meeting Room. We advise persons planning to attend the roundtables in person to leave sufficient time to enter through building security.

The FCC encourages members of the public to submit suggested questions in advance and during the roundtables by email to *roundtables@fcc.gov* or on Twitter using the hashtag #FCCRoundtables. Please note that by submitting a question, you will be making a filing in an official FCC proceeding. All information submitted, including names, addresses, and other personal information contained in the message, may be publicly available online.

Reasonable accommodations for people with disabilities are available upon request. The request should include a detailed description of the accommodation needed and contact information. We ask that requests for accommodations be made as soon as possible in order to allow the agency to satisfy such requests whenever possible. Send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

### Proposed Agenda

The Wireline Competition Bureau, Consumer & Governmental Affairs Bureau, and the Wireless Telecommunications Bureau of the Federal Communications Commission (FCC) provide panelist names and other information about the first two events in the Open Internet roundtable series: ''Policy Approaches to Ensure an Open Internet'' and ''Mobile Broadband and the Open Internet,'' which will both take place on September 16, 2014. These workshops were previously announced in a Public Notice. At that time, it was unclear whether the workshop would be a ''meeting'' of the Commission. As such, that Public Notice was not published in the **Federal Register**. This Public Notice shall serve as notice that a quorum of Commissioners may be

present at one or more roundtables, in compliance with Part 0, Subpart F of the Commission's rules. This Notice does not, however, change the ''permit-but-disclose'' status of the *Open Internet* proceeding under the Commission's *ex parte* rules.

**Policy Approaches To Ensure an Open Internet**

8:30–8:45 a.m. Welcome and Opening Remarks

8:45–10:15 a.m. Roundtable 1: Tailoring Policy to Harms

*Two fundamental questions will guide this roundtable: What are the harms to Internet openness in the absence of open Internet regulations, and what are the right policies to address those harms?*

*Panelists:*

Althea Erickson, Policy Director, Etsy
Julie Kearney, Vice President, Consumer Electronics Association
Randolph May, President, Free State Foundation
Barbara van Schewick, Professor of Law, Stanford University
Michael Weinberg, Vice President, Public Knowledge
David Young, Vice President, Federal Regulatory Affairs, Verizon

*Moderators:*

Julie Veach, Chief, Wireline Competition Bureau, FCC
Matthew DelNero, Deputy Chief, Wireline Competition Bureau, FCC

10:30 a.m.–Noon Roundtable 2: Scope of Open Internet Rules

*This roundtable will consider the proper scope of new open Internet rules, with a focus on the definition of reasonable network management, treatment of specialized services, and whether new rules should extend to the point of interconnection between last-mile Internet service providers (ISPs) and other networks and services (i.e., Internet traffic exchange).*

*Panelists:*

Jeff Campbell, Vice President, The Americas, Cisco Systems, Inc.
Daniel Pataki, Executive Director, European Telecommunications Network Operators (ETNO)
Jon M. Peha, Professor, Engineering & Public Policy, Carnegie Mellon Univ.
Matt Wood, Policy Director, Free Press
Corie Wright, Director of Global Public Policy, Netflix, Inc.
Christopher Yoo, John H. Chestnut Professor of Law, Communication, and Computer & Information Science, Univ. of Pennsylvania Law School

*Moderators:*

Julie Veach, Chief, Wireline Competition Bureau, FCC
Matthew DelNero, Deputy Chief, Wireline Competition Bureau, FCC

Noon–1:00 p.m. Lunch Break

1:00–2:30 p.m. Roundtable 3: Enhancing Transparency

*This roundtable will consider proposed enhancements to the existing transparency rule, which currently requires providers of broadband Internet access services to disclose accurate information about their service offerings and make this information accessible to the public.*

*Panelists:*

Jonathan Banks, Senior Vice President, Law and Policy, USTelecom
Gerald R. Faulhaber, Professor Emeritus of Business Economics and Public Policy, Wharton School of the Univ. of Pennsylvania
Leigh Freund, VP & Chief Counsel, Global Public Policy, AOL Inc.
Geoffrey Manne, Executive Director & Founder, International Center for Law & Economics (ICLE)
Claude L. Stout, Executive Director, TDI (f/k/a Telecommunications for the Deaf and Hard of Hearing

*Moderators:*

Kris Monteith, Acting Chief, Consumer & Governmental Affairs Bureau, FCC
Julie Veach, Chief, Wireline Competition Bureau, FCC

**Mobile Broadband and the Open Internet**

2:45–3:00 p.m. Welcome and Opening Remarks

3:00–4:30 p.m. Roundtable: Mobile Broadband and the Open Internet

*This roundtable will consider the application of Open Internet rules to mobile broadband, with a focus on consumers' use of mobile broadband and on reasonable network management practices in the mobile context.*

*Panelists:*

Amalia Deloney, Policy Director, The Center for Media Justice
Delara Derakhshani, Policy Counsel, Consumers Union
Christopher Guttman-McCabe, Executive Vice President, CTIA—The Wireless Association
Roslyn Layton, Ph.D. Fellow, Center for Communication, Media and Information Technologies, Aalborg University
Sarah Morris, Senior Policy Counsel, Open Technology Institute, New America
Jonathan Spalter, Chair, Mobile Future

*Moderators:*

Roger Sherman, Chief, Wireless Telecommunication Bureau, FCC
Jim Schlichting, Senior Deputy Chief, Wireless Telecommunication Bureau, FCC

Federal Communications Commission.

**Claude Aiken,**

*Acting Deputy Division Chief, Competition Policy Division, Wireline Competition Bureau.*

[FR Doc. 2014–22058 Filed 9–15–14; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL COMMUNICATIONS COMMISSION

**[DA 14–1231]**

## Notice of Suspension and Commencement of Proposed Debarment Proceedings; Schools and Libraries Universal Service Support Mechanism

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Enforcement Bureau (the ''Bureau'') gives notice of Donna P. English's suspension from the schools and libraries universal service support mechanism (or ''E-Rate Program''). Additionally, the Bureau gives notice that debarment proceedings are commencing against him. Ms. English, or any person who has an existing contract with or intends to contract with her to provide or receive services in matters arising out of activities associated with or related to the schools and libraries support, may respond by filing an opposition request, supported by documentation.

**DATES:** Opposition requests must be received by 30 days from the receipt of the suspension letter or September 16, 2014, whichever comes first. The Bureau will decide any opposition request for reversal or modification of suspension or debarment within 90 days of its receipt of such requests.

**ADDRESSES:** Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4–C330, 445 12th Street SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Joy Ragsdale, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4–C330, 445 12th Street SW., Washington, DC 20554. Joy Ragsdale may be contacted by phone at (202) 418–1697 or email at *Joy.Ragsdale@fcc.gov.* If Ms. Ragsdale is unavailable, you may contact Ms. Theresa Cavanaugh, Chief, Investigations and Hearings Division, by telephone at (202) 418–1420 and by email at *Terry.Cavanaugh@fcc.gov.*

**SUPPLEMENTARY INFORMATION:** The Bureau has suspension and debarment authority pursuant to 47 CFR 54.8 and

47 CFR 0.111(a)(14). Suspension will help to ensure that the party to be suspended cannot continue to benefit from the schools and libraries mechanism pending resolution of the debarment process. Attached is the suspension letter, DA 14–1231, which was mailed to Ms. English and released on August 26, 2014. The complete text of the notice of suspension and initiation of debarment proceedings is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portal II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. In addition, the complete text is available on the FCC's Web site at *http://www.fcc.gov.* The text may also be purchased from the Commission's duplicating inspection and copying during regular business hours at the contractor, Best Copy and Printing, Inc., Portal II, 445 12th Street SW., Room CY–B420, Washington, DC 20554, telephone (202) 488–5300 or (800) 378–3160, facsimile (202) 488–5563, or via email *http://www.bcpiweb.com.*

Federal Communications Commission.

**Theresa Z. Cavanaugh,**

*Chief, Investigations and Hearings Division, Enforcement Bureau.*

August 26, 2014

DA 14–1231

SENT VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Ms. Donna P. English, 225 Warren Road, Michigan City, IN 46360

Re: Notice of Suspension and Initiation of Debarment Proceeding File No. EB–IHD–14–00015686

Dear Ms. English: The Federal Communications Commission (Commission) has received notice of your conviction for several offenses, including mail and wire fraud in violation of 18 U.S.C. 1341 and 1343, arising out of activities associated with the federal schools and libraries universal service support mechanism (E-Rate program).[1] Consequently, pursuant to 47 CFR 54.8, this letter constitutes official notice of your suspension from the E-Rate program.[2] In addition, the Enforcement Bureau (Bureau) hereby notifies you that the Bureau will commence debarment proceedings against you.[3]

## I. Notice of Suspension

The Commission has established procedures to prevent persons who have ''defrauded the government or engaged in similar acts through activities associated with or related to the [E-Rate program]'' from receiving the benefits associated with that program.[4] The statutory provisions and Commission rules relating to the E-Rate program are designed to ensure E-Rate funds are used for their intended purpose.[5] Schools may receive E-Rate program funding for eligible goods and services by filing application forms, seeking competitive bids, and selecting the most cost-effective vendor.[6] The E-Rate program rules prohibit an E-Rate vendor or anyone associated with an E-Rate vendor from participating in the application process or vendor selection.[7]

In December 2010, you pled guilty to knowingly devising a scheme to fraudulently obtain money from the E-Rate program.[8] You perpetrated this scheme as the owner of Project Managers, Inc. (PMI), a self-styled information technology consulting company in Michigan City, Indiana, that purported to provide technological services to and assist the River Forest Community School Corporation (RFCSC) in its efforts to qualify for E-Rate funding.[9] Specifically, from 2002 through 2007, you violated the E-Rate program rules by completing, submitting, and fraudulently certifying E-Rate program applications (FCC Forms 470, 471, 474, and 486) on behalf of RFCSC.[10] In addition, you submitted false invoices to and received payment from RFCSC and USAC for a Cisco SMARTnet network maintenance agreement, Watchguard Internet Security Program Renewal, and technical service hours that you never provided to RFCSC.[11] You also sought cash advances from RFCSC for your purported E-Rate services, but never repaid the advances once the E-Rate program paid you.[12]

In October 2011, the United States District Court for the Northern District of Indiana sentenced you to 27 months imprisonment followed by three years supervised release.[13] The court also ordered you to pay $213,064 in restitution and a $400 special assessment.[14]

Pursuant to section 54.8(b) of the Commission's rules,[15] your conviction requires the Bureau to suspend you from participating in any activities associated with or related to the E-Rate program, including the receipt of funds or discounted services through the E-Rate program, or consulting with, assisting, or advising applicants or service providers regarding the E-Rate program.[16] Your suspension becomes effective upon either your receipt of this

[1] Any further reference in this letter to ''your conviction'' refers to your guilty plea and subsequent sentencing in *United States v. English,* Case No. 2:10cr75–001, Plea Agreement (N.D. Ind., filed Dec. 6, 2010) (*Plea Agreement*).

[2] 47 CFR 54.8.

[3] *Id.* 0.111 (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings). The Commission adopted debarment rules for the E-Rate program in 2003. *See Schools and Libraries Universal Service Support Mechanism,* Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202 (2003) (*Second Report and Order*) (adopting Section 54.521 to suspend and debar parties from the E-Rate program). In 2007 the Commission extended the debarment rules to apply to all federal universal service support mechanisms. *Comprehensive Review of the Universal Service Fund Management, Administration, and Oversight; Federal-State Joint Board on Universal Service; Schools and Libraries Universal Service Support Mechanism; Rural Health Care Support Mechanism; Lifeline and Link Up; Changes to the Board of Directors for the National Exchange Carrier Association, Inc.,* Report and Order, 22 FCC Rcd 16372, App. C at 16410–12 (2007) (*Program Management Order*) (renumbering Section 54.521 of the universal service debarment rules as Section 54.8 and amending subsections (a)(1), (a)(5), (c), (d), (e)(2)(i), (e)(3), (e)(4), and (g)).

[4] *Second Report and Order,* 118 FCC Rcd at 9225, para. 66; *Program Management Order,* 22 FCC Rcd at 16387, para. 32. The Commission's debarment rules define a ''person'' as ''[a]ny individual, group of individuals, corporation, partnership, association, unit of government or legal entity, however organized.'' 47 CFR 54.8(a)(6).

[5] *NEC-Business Network Solutions, Inc.,* Notice of Debarment and Order Denying Waiver Petition, 21 FCC Rcd 7491, 7493, para. 7 (2006).

[6] 47 CFR 54.503, 54.504(a), 54.511(a).

[7] 47 CFR 54.503(a); *see Request for Review by Mastermind Internet Services, Inc., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.,* CC Docket No. 96–45, Order, 16 FCC Rcd 4028, 4032–33 paras. 10–12 (2000) (*Mastermind Order*) (finding that when an applicant surrenders control of the bidding process to an employee of an entity that will also participate in the bidding process as a prospective service provider, the applicant irreparably impairs its ability to hold a fair and open competitive bidding process); *see also* Universal Service Administration Company's (USAC's) Web site description of an Open and Fair Competitive Bidding Process, Step 2 *available at http://www.universalservice.org/sl/applicants/step02/competitive-bidding.aspx* (last visited May 6, 2014).

[8] *Plea Agreement* at 5. Mrs. English also served as RFCSC's interim technology director between June 2005 and March 2007.

[9] *United States* v. *English* Case No. 2:10cr75–001, Indictment at 1 (N.D. Ind., filed May 6, 2010) (*Indictment*). The RFCSC school district consists of two (2) K–5 elementary schools, one (1) K–6 elementary school, and the River Forest Junior–Senior High School. *Id.* at 1–2.

[10] *Id.* at 6–7, 10.

[11] *Id.* at 7–8.

[12] *Plea Agreement* at 6.

[13] *United States v. English* Case No. 2:10cr75–001, Judgment at 6 (N.D. Ind., May 11, 2011) (*Judgment*). The prison term consists of 27 months for each of counts 4, 16, 22, and 23 and will run concurrently. The supervised release period is for 3 years for each of counts 4, 16, 22, and 23, and will run concurrently.

[14] *Id.* at 6. This restitution order includes $87,983.14 payable to USAC.

[15] 47 CFR 54.8(a)(4); *see Second Report and Order,* 18 FCC Rcd at 9225–27, paras. 67–74.

[16] 47 CFR 54.8(a)(1), (d).

letter or its publication in the **Federal Register**, whichever comes first.[17]

In accordance with the Commission's suspension and debarment rules, you may contest this suspension or the scope of this suspension by filing arguments, with any relevant documents, within thirty (30) calendar days of your receipt of this letter or its publication in the **Federal Register**, whichever comes first.[18] Such requests, however, will not ordinarily be granted.[19] The Bureau may reverse or limit the scope of a suspension only upon a finding of extraordinary circumstances.[20] The Bureau will decide any request to reverse or modify a suspension within ninety (90) calendar days of its receipt of such request.[21]

**II. Initiation of Debarment Proceedings**

In addition to requiring your immediate suspension from the E-Rate program, your conviction is cause for debarment as defined in section 54.8(c) of the Commission's rules.[22] Therefore, pursuant to section 54.8(b) of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.[23]

As with the suspension process, you may contest the proposed debarment or the scope of the proposed debarment by filing arguments and any relevant documentation within thirty (30) calendar days of receipt of this letter or its publication in the **Federal Register**, whichever comes first.[24] The Bureau, in the absence of extraordinary circumstances, will notify you of its decision to debar within ninety (90) calendar days of receiving any information you may have filed.[25] If the Bureau decides to debar you, its decision will become effective upon either your receipt of a debarment notice or publication of the decision in the **Federal Register**, whichever comes first.[26]

If and when your debarment becomes effective, you will be prohibited from participating in activities associated with or related to the E-Rate program for three years from the date of debarment.[27] The Bureau may set a longer debarment period or extend an existing debarment period if necessary to protect the public interest.[28]

Please direct any response, if sent by messenger or hand delivery, to Marlene H. Dortch, Secretary, Federal Communications Commission, 445 12th Street SW., Room TW–A325, Washington, DC 20554 and to the attention of Joy M. Ragsdale, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Room 4–C330, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554 with a copy to Theresa Z. Cavanaugh, Division Chief, Investigations and Hearings Division, Enforcement Bureau, Room 4–C330, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554. All messenger or hand delivery filings must be submitted without envelopes.[29] If sent by commercial overnight mail (other than U.S. Postal Service (USPS) Express Mail and Priority Mail), the response must be sent to the Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743. If sent by USPS First Class, Express Mail, or Priority Mail, the response should be addressed to Joy Ragsdale, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street SW., Room 4–C330, Washington, DC 20554, with a copy to Theresa Z. Cavanaugh, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street SW., Room 4–C330, Washington, DC 20554. You shall also transmit a copy of your response via email to Joy M. Ragsdale, *Joy.Ragsdale@fcc.gov* and to Theresa Z. Cavanaugh, *Terry.Cavanaugh@fcc.gov.*

If you have any questions, please contact Ms. Ragsdale via U.S. postal mail, email, or by telephone at (202) 418–1697. You may contact me at (202) 418–1553 or at the email address noted above if Ms. Ragsdale is unavailable.

Sincerely yours,

Theresa Z. Cavanaugh
*Chief, Investigations and Hearings Division, Enforcement Bureau*

cc: Johnnay Schrieber, Universal Service Administrative Company (via email); Rashann Duvall, Universal Service Administrative Company (via email); Jonathan M. Minkus, Law Offices of Jonathan Minkus (via email); Toi Denise Houston, United States Attorney's Office, Hammond, IN (via email); Jennifer Dixton, United States Department of Justice, Antitrust Division (via email)

[FR Doc. 2014–22035 Filed 9–15–14; 8:45 am]

BILLING CODE 6712–01–P

[17] *Second Report and Order,* 18 FCC Rcd at 9226, para. 69; 47 CFR 54.8(e)(1).

[18] 47 CFR 54.8(e)(4).

[19] *Id.*

[20] 47 CFR 54.8(f).

[21] *Second Report and Order,* 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(5), (f).

[22] ''Causes for suspension and debarment are conviction of or civil judgment for attempt or commission of criminal fraud, theft, embezzlement, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice and other fraud or criminal offense arising out of activities associated with or related to the schools and libraries support mechanism, the high-cost support mechanism, the rural healthcare support mechanism, and the low-income support mechanism.'' 47 CFR 54.8(c). Associated activities ''include the receipt of funds or discounted services through [the federal universal service] support mechanisms, or consulting with, assisting, or advising applicants or service providers regarding [the federal universal service] support mechanisms.'' *Id.* 54.8(a)(1).

[23] *Id.* 54.8(b).

[24] *Second Report and Order,* 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(3).

[25] *Second Report and Order,* 18 FCC Rcd at 9226, para. 70; 47 CFR 54.8(e)(5).

[26] 47 CFR 54.8(e)(5). The Commission may reverse a debarment, or may limit the scope or period of debarment, upon a finding of extraordinary circumstances, following the filing of a petition by you or an interested party or upon motion by the Commission. *Id.* 54.8(f).

[27] *Second Report and Order,* 18 FCC Rcd at 9225, para. 67; 47 CFR 54.8(d), (g).

[28] 47 CFR 54.8(g).

[29] *See* FCC *Public Notice,* DA 09–2529 for further filing instructions (rel. Dec. 3, 2009).

## FEDERAL ELECTION COMMISSION

### Sunshine Act Meetings

**AGENCY:** Federal Election Commission.

**DATE AND TIME:** Thursday, September 18, 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 August 14, 2014

Draft Advisory Opinion 2014–11: Health Care Service Corporation Employees' Political Action Committee

Draft Advisory Opinion 2014–13: ActBlue

Audit Division Recommendation Memorandum on Canseco for Congress (CFC) (A11–03)

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. 2014–22087 Filed 9–12–14; 11:15 am]

BILLING CODE 6715–01–P

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 10, 2014.

A. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *Southern Bancorp, Inc.,* Arkadelphia, Arkansas, to merge with Bolivar Banking Corporation and thereby indirectly acquire The Bank of Bolivar County, both of Shelby, Mississippi.

Board of Governors of the Federal Reserve System, September 11, 2014.

**Michael J. Lewandowski,**

*Associate Secretary of the Board.*

[FR Doc. 2014–22017 Filed 9–15–14; 8:45 am]

**BILLING CODE 6210–01–P**

## FEDERAL TRADE COMMISSION

### Agency Information Collection Activities; Submission for OMB Review; Comment Request

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice and request for comment.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995, the Federal Trade Commission (''FTC'' or ''Commission'') is seeking public comments on its request to the Office of Management and Budget (''OMB'') for a three-year extension of the current PRA clearance for the information collection requirements contained in the Gramm-Leach-Bliley Financial Privacy Rule (GLB Privacy Rule), 16 CFR part 313. That clearance expires on September 30, 2014.

**DATES:** Comments must be received by October 16, 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. You may file your comment online at *https://ftcpublic.commentworks.com/ftc/glbfinancialrulepra2* by following the instructions on the Web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), 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 J), Washington, DC 20024.

Comments on the information collection requirements subject to review under the PRA should also be submitted to OMB. If sent by U.S. mail, address comments to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503. Comments sent to OMB by U.S. postal mail, however, are subject to delays due to heightened security precautions. Thus, comments instead should be sent by facsimile to (202) 395–5167.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the proposed information requirements should be addressed to Jessica Lyon, Attorney, Division of Privacy and Identity Protection, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Drop Box 8232, Washington, DC 20580, (202) 326–2344.

**SUPPLEMENTARY INFORMATION:**

*Title:* GLB Privacy Rule (officially titled Privacy of Consumer Financial Information Rule), 16 CFR part 313.

*OMB Control Number:* 3084–0121.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* The GLB Privacy Rule is designed to ensure that customers and consumers, subject to certain exceptions, will have access to the privacy policies of the financial institutions with which they conduct business. As mandated by the Gramm-Leach-Bliley Act, 15 U.S.C. 6801–6809, the Rule implements consumer disclosure requirements that are subject to the provisions of the PRA. The Rule requires financial institutions to disclose to consumers: (1) Initial notice of the financial institution's privacy policy when establishing a customer relationship with a consumer and/or before sharing a consumer's non-public personal information with certain nonaffiliated third parties; (2) notice of the consumer's right to opt out of information sharing with such parties; (3) annual notice of the institution's privacy policy to any continuing customer; [1] and (4) notice of changes in the institution's practices on information sharing. The Rule does not require recordkeeping. For PRA burden calculations the FTC has attributed to itself the burden for all motor vehicle dealers and then shares equally the remaining PRA burden with the Consumer Financial Protection Bureau (CFPB) for other types of financial institutions for which both agencies have enforcement authority regarding the GLB Privacy Rule.

On June 19, 2014, the Commission sought comment on the Rule's information collection requirements.[2] The Commission did not receive any comments. As required by OMB regulations, 5 CFR 1320, the FTC is providing this second opportunity for public comment.

*Estimated annual hours burden:* 1,515,050 annual hours (FTC portion).

As noted in previous burden estimates for the GLB Privacy Rule, determining the PRA burden of the Rule's disclosure requirements is very

[1] The Consumer Financial Protection Bureau has proposed amending Regulation P, to create an alternative delivery method for this annual disclosure, which financial institutions would be able to use under certain conditions. *See* 79 FR 27214 (May 13, 2014). Specifically, the CFPB proposes allowing financial institutions that do not engage in certain types of information-sharing activities to stop mailing an annual disclosure if they post the annual notices on their Web sites and meet certain other criteria. A financial institution would still be required to mail a disclosure if the institution, among other things, has changed its privacy practices or engages in information-sharing activities for which customers have a right to opt out.

[2] *See* 79 FR 35158 (60-Day **Federal Register** Notice).

difficult because of the highly diverse group of affected entities, consisting of financial institutions not regulated by a Federal financial regulatory agency. *See* 15 U.S.C. 6805 (committing to the Commission's jurisdiction entities that are not specifically subject to another agency's jurisdiction).

The burden estimates represent the FTC staff's best assessment, based on its knowledge and expertise relating to the financial institutions subject to the Commission's jurisdiction under this law. To derive these estimates, staff considered the wide variations in covered entities. In some instances, covered entities may make the required disclosures in the ordinary course of business, apart from the GLB Privacy Rule. In addition, some entities may use highly automated means to provide the required disclosures, while others may rely on methods requiring more manual effort. The burden estimates shown below include the time that may be necessary to train staff to comply with the regulations. These figures are averages based on staff's best estimate of the burden incurred over the broad spectrum of covered entities.

Staff estimates that the number of entities each year that will address the GLB Privacy Rule for the first time will be 5,000 and the number of established entities already familiar with the Rule will be 100,000. While the number of established entities familiar with the Rule would theoretically increase each year with the addition of new entrants, staff retains its estimate of established entities for each successive year given that a number of the established entities will close in any given year, and also given the difficulty of establishing a more precise estimate.

Staff believes that the usage of the model privacy form and the availability of the form builder simplify and automate much of the work associated with creating the disclosure documents for new entrants. Staff thus estimates 1 hour of clerical time and 2 hours of professional/technical time per new entrant.

For established entities, staff similarly believes that the usage of the model privacy form and the availability of the Online Form Builder reduces the time associated with the modification of the notices. Staff thus estimates 7 hours of clerical time and 3 hours of professional/technical time per respondent. Staff estimates that no more than 1% of the estimated 100,000 established-entity respondents would make additional changes to privacy policies at any time other than the occasion of the annual notice.

The complete burden estimates for new entrants and established entities are detailed in the charts below.

ANNUAL START-UP HOURS AND LABOR COSTS FOR ALL NEW ENTRANTS

[Table IA]

| Event | Hourly wage and labor category * | Hours per respondent | Approx. number of respondents | Approx. total annual hrs. | Approx. total labor costs |
|---|---|---|---|---|---|
| Reviewing internal policies and developing GLBA-implementing instructions **. | $41.82 Professional/Technical. | 20 | 5,000 | 100,000 | $4,182,000 |
| Creating disclosure document or electronic disclosure (including initial, annual, and opt-out disclosures). | $16.78 Clerical | 1 | 5,000 | 5,000 | 83,900 |
| | $41.82 Professional/Technical. | 2 | 5,000 | 10,000 | 418,200 |
| Disseminating initial disclosure (including opt-out notices). | $16.78 Clerical | 15 | 5,000 | 75,000 | 1,258,500 |
| | $41.82 Professional/Technical. | 10 | 5,000 | 50,000 | 2,091,000 |
| Total | | | | 240,000 | $8,033,600 |

*Staff calculated labor costs by applying appropriate hourly cost figures to burden hours. The hourly rates used were based on mean wages for Financial Examiners and for Office and Administrative Support, corresponding to professional/technical time (*e.g.,* compliance evaluation and/or planning, designing and producing notices, reviewing and updating information systems), and clerical time (*e.g.,* reproduction tasks, filing, and, where applicable to the given event, typing or mailing) respectively. See BLS Occupational Employment and Wages, May 2013, Table 1 at *http://www.bls.gov/news.release/pdf/ocwage.pdf.* Labor cost totals reflect solely that of the commercial entities affected. Staff estimates that the time required of consumers to respond affirmatively to respondents' opt-out programs (be it manually or electronically) would be minimal.

**Reviewing instructions includes all efforts performed by or for the respondent to: Determine whether and to what extent the respondent is covered by an agency collection of information, understand the nature of the request, and determine the appropriate response (including the creation and dissemination of documents and/or electronic disclosures).

Burden for established entities already familiar with the Rule predictably would be less than for new entrants because start-up costs, such as crafting a privacy policy, are generally one-time costs and have already been incurred. Staff's best estimate of the average burden for these entities is as follows:

BURDEN HOURS AND COSTS FOR ALL ESTABLISHED ENTITIES

[Table IB]

| Event | Hourly wage and labor category* | Hours per respondent | Approx. number of respondents** | Approx. total annual hrs. | Approx. total labor costs |
|---|---|---|---|---|---|
| Reviewing GLBA-implementing policies and practices. | $41.82 Professional/Technical. | 4 | 70,000 | 280,000 | $11,709,600 |
| Disseminating annual disclosure | $16.78 Clerical | 15 | 70,000 | 1,050,000 | 17,619,000 |
| | $41.82 Professional/Technical. | 5 | 70,000 | 350,000 | 14,637,000 |
| Changes to privacy policies and related disclosures. | $16.78 Clerical | 7 | 1,000 | 7,000 | 117,460 |
| | $41.82 Professional/Technical. | 3 | 1,000 | 3,000 | 125,460 |

BURDEN HOURS AND COSTS FOR ALL ESTABLISHED ENTITIES—Continued

[Table IB]

| Event | Hourly wage and labor category* | Hours per respondent | Approx. number of respondents** | Approx. total annual hrs. | Approx. total labor costs |
|---|---|---|---|---|---|
| Total | | | | 1,690,000 | $44,208,520 |

*Staff calculated labor costs by applying appropriate hourly cost figures to burden hours. The hourly rates used were based on mean wages for Financial Examiners and for Office and Administrative Support, corresponding to professional/technical time (*e.g.,* compliance evaluation and/or planning, designing and producing notices, reviewing and updating information systems), and clerical time (*e.g.,* reproduction tasks, filing, and, where applicable to the given event, typing or mailing) respectively. See BLS Occupational Employment and Wages, May 2013, Table 1 at *http://www.bls.gov/news.release/pdf/ocwage.pdf.* Labor cost totals reflect solely that of the affected commercial entities. Consumers have a continuing right to opt out, as well as a right to revoke their opt-out at any time. When a respondent changes its information sharing practices, consumers are again given the opportunity to opt out. Again, staff assumes that the time required of consumers to respond affirmatively to respondents' opt-out programs (be it manually or electronically) would be minimal.

**The estimate of respondents is based on the following assumptions: (1) 100,000 established respondents, approximately 70% of whom maintain customer relationships exceeding one year, (2) no more than 1% (1,000) of whom make additional changes to privacy policies at any time other than the occasion of the annual notice; and (3) such changes will occur no more often than once per year.

As calculated above, the total annual PRA burden hours and labor costs for all affected entities in a given year would be 1,930,000 hours and $52,242,120, respectively.

The FTC now carves out from these overall figures the burden hours and labor costs associated with motor vehicle dealers. This is because the CFPB does not enforce the GLB Privacy Rule for those types of entities. We estimate the following:

ANNUAL START-UP HOURS AND LABOR COSTS FOR NEW ENTRANTS—MOTOR VEHICLE DEALERS ONLY

[Table IIA]

| Event | Hourly wage and labor category | Hours per respondent | Approx. number of respondents (Table IA inputs × 0.57) | Approx. total annual hrs. | Approx. total labor costs |
|---|---|---|---|---|---|
| Reviewing internal policies and developing GLBA-implementing instructions **. | $41.82 Professional/Technical. | 20 | 2,850 | 57,000 | $2,383,740 |
| Creating disclosure document or electronic disclosure (including initial, annual, and opt out disclosures). | $16.78 Clerical | 1 | 2,850 | 2,850 | 47,823 |
| | $41.82 Professional/Technical. | 2 | 2,850 | 5,700 | 238,374 |
| Disseminating initial disclosure (including opt out notices). | $16.78 Clerical | 15 | 2,850 | 42,750 | 717,345 |
| | $41.82 Professional/Technical. | 10 | 2,850 | 28,500 | 1,191,870 |
| Total | | | | 136,800 | $4,579,152 |

**Multiply the number of respondents from the comparable table above on all new entrants by the following allocation (60,000/105,000) = 0.57. The number in the denominator represents the total of the FTC's existing GLB Rule estimates for new entrants (5,000) and established entities (100,000). The numerator represents an estimate of motor vehicle respondents. For this category, Commission staff relied on the following industry estimates: 17,635 new car dealers per *National Automobile Dealers Association* data (2013) and 35,000 independent/used car dealers per *National Independent Automobile Dealers Association* data (2012), respectively, multiplied by an added factor of 1.10 to cover for an unknown quantity of additional motor vehicle dealer types (motorcycles, boats, other recreational vehicles) also covered within the definition of ''motor vehicle dealer'' under section 1029(a) of the Dodd-Frank Act.

ANNUAL BURDEN HOURS AND LABOR COSTS FOR ALL ESTABLISHED ENTITIES—MOTOR VEHICLE DEALERS ONLY

[Table IIB]

| Event | Hourly wage andlabor category* | Hours per respondent | Approx. number of respondents** (Table IB inputs x 0.57) | Approx. total annual hrs. | Approx. total labor costs |
|---|---|---|---|---|---|
| Reviewing GLBA-implementing policies and practices. | $41.82 Professional/Technical. | 4 | 39,900 | 159,600 | $6,674,472 |
| Disseminating annual disclosure | $16.78 Clerical | 15 | 39,900 | 598,500 | 10,042,830 |
| | $41.82 Professional/Technical. | 5 | 39,900 | 199,500 | 8,343,090 |
| Changes to privacy policies and related disclosures. | $16.78 Clerical | 7 | 570 | 3,990 | 66,952 |
| | $41.82 Professional/Technical. | 3 | 570 | 1,710 | 71,512 |
| Total | | | | 963,300 | $25,198,856 |

The FTC's portion of the annual hourly burden would be 1,100,100 hours + ((1,930,000 − 1,100,100)/2) = 1,515,050 annual hours. The FTC's portion of the annual cost burden would be $29,778,008 + $((52,242,120 − 29,778,008)/2) = $41,010,064.

**Estimated Capital/Other Non-Labor Costs Burden**

Staff believes that capital or other non-labor costs associated with the document requests are minimal. Please see the 60-Day **Federal Register** notice for more details.

*Request for Comments*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before October 16, 2014. Write ''Paperwork Comment: FTC File No. P085405'' 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, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which is . . . privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you are required to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c). Your comment will be kept confidential only if the FTC General Counsel 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 comment online, or to send it to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/glbfinancialrulepra2,* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov,* you also may file a comment through that Web site.

If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), 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 J), Washington, DC 20024.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before October 16, 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.shtm.*

Comments on the information collection requirements subject to review under the PRA should also be submitted to OMB. If sent by U.S. mail, address comments to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503. Comments sent to OMB by U.S. postal mail, however, are subject to delays due to heightened security precautions. Thus, comments instead should be sent by facsimile to (202) 395–5167.

**Christian S. White,**

*Deputy General Counsel.*

[FR Doc. 2014–22054 Filed 9–15–14; 8:45 am]

BILLING CODE 6750–01–P

## FEDERAL TRADE COMMISSION

### Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination—on the dates indicated—of the waiting period provided by law and the premerger notification rules. The listing for each transaction includes the transaction number and the parties to the transaction. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

EARLY TERMINATIONS GRANTED
AUGUST 1, 2014 THRU AUGUST 31, 2014

| | | |
|---|---|---|
| **08/01/2014** | | |
| 20140944 ..... | G | Akorn, Inc VPI Holdings Corp.; Akorn Inc. |
| **08/04/2014** | | |
| 20141233 ..... | G | Endo International plc; DAVA Pharmaceuticals, Inc.; Endo International plc. |
| 20141239 ..... | G | Man Group plc; Numeric Holdings LLC; Man Group plc. |

EARLY TERMINATIONS GRANTED—Continued
AUGUST 1, 2014 THRU AUGUST 31, 2014

| | | |
|---|---|---|
| 20141262 ..... | G | Pierpont Capital Holdings LLC; Amherst Holdings, LLC; Pierpont Capital Holdings LLC. |
| 20141295 ..... | G | American Midstream Partners, LP; Phillips 66; American Midstream Partners, LP. |
| 20141296 ..... | G | American Midstream Partners, LP; Spectra Energy Corp.; American Midstream Partners, LP. |
| 20141298 ..... | G | KKR Natural Resources I L.P.; KNR Trinity Holdings LLC; KKR Natural Resources I L.P. |
| 20141299 ..... | G | Blackstone Capital Partners VI–NQ/NF L.P.; CSP III AIV, L.P.; Blackstone Capital Partners VI–NQ/NF L.P. |
| 20141300 ..... | G | AECOM Technology Corporation; URS Corporation; AECOM Technology Corporation. |
| 20141303 ..... | G | GTCR Fund XI/B LP; Thermo Fisher Scientific Inc.; GTCR Fund XI/B LP. |
| 20141318 ..... | G | Drone Bidco Limited; UGL Limited; Drone Bidco Limited. |
| **08/05/2014** | | |
| 20141289 ..... | G | Block Communications, Inc.; Huron Communications, L.P.; Block Communications, Inc. |
| 20141307 ..... | G | Howard M. Lorber; Vector Group Ltd.; Howard M. Lorber. |
| 20141315 ..... | G | Whiting Petroleum Corporation; Kodiak Oil & Gas Corp.; Whiting Petroleum Corporation. |
| 20141323 ..... | G | Jarden Corporation; Rhone Offshore Partners II L.P.; Jarden Corporation. |
| **08/06/2014** | | |
| 20141226 ..... | G | Northwestern Memorial HealthCare; CDH-Delnor Health System; Northwestern Memorial HealthCare. |
| 20141278 ..... | G | Starboard Leaders Fund LP; Darden Restaurants, Inc.; Starboard Leaders Fund LP. |
| 20141280 ..... | G | JANA Offshore Partners, Ltd.; Apache Corporation; JANA Offshore Partners, Ltd. |
| 20141281 ..... | G | JANA Nirvana Offshore Fund, Ltd.; Apache Corporation; JANA Nirvana Offshore Fund, Ltd. |
| 20141293 ..... | G | ACI Worldwide, Inc.; RD Card Cayman One Ltd.; ACI Worldwide, Inc. |
| **08/07/2014** | | |
| 20141308 ..... | G | Informa plc; Arlington Capital Partners II, L.P.; Informa plc. |
| 20141317 ..... | G | Archer-Daniels-Midland Company; Dr. Hans-Peter Wild; Archer-Daniels-Midland Company. |
| **08/08/2014** | | |
| 20141277 ..... | G | Koch Industries, Inc. SPG Holdings LLC; Koch Industries, Inc. |
| 20141330 ..... | G | B&D Holding di Marco Drago e C.S.a.p.a.; International Game Technology: B&D Holding di Marco Drago e C.S.a.p.a. |
| 20141331 ..... | G | International Game Technology; B&D Holding di Marco Drago e C.S.a.p.a.; International Game Technology. |
| **08/11/2014** | | |
| 20141154 ..... | G | KeHE Distributors, Inc.; NB Holding Co.; KeHE Distributors, Inc. |
| 20141332 ..... | G | COFC0 Corporation; Nidera Capital B.V.; COFC0 Corporation. |
| 20141333 ..... | G | Warburg Pincus Private Equity XI, L.P.; Audax Private Equity Fund II, L.P.; Warburg Pincus Private Equity XI, L.P. |
| 20141338 ..... | G | Yaskawa Electric Corporation; Anita & James Worden; Yaskawa Electric Corporation. |
| 20141342 ..... | G | TPG VI DE AIV II, L.P.; MedTrak Services, L.L.C.; TPG VI DE AIV II, L.P. |
| 20141343 ..... | G | JR Shaw; Oak Hill Capital Partners III, L.P.; JR Shaw. |
| 20141347 ..... | G | Group 1 Automotive, Inc.; Ronald J. Heller; Group 1 Automotive, Inc. |
| 20141349 ..... | G | Nordstrom, Inc.; Trunk Club, Inc.; Nordstrom, Inc. |
| 20141355 ..... | G | Novartis AG; Google Inc.; Novartis AG. |
| 20141358 ..... | G | ATS Automation Tooling Systems Inc.; Millennium Privatstiftung; ATS Automation Tooling Systems Inc. |
| 20141382 ..... | G | Pfizer Inc.; InnoPharrna, Inc.; Pfizer Inc. |
| **08/12/2014** | | |
| 20141320 ..... | G | Gemalto N.V.; Vector SA Holdings, LLC; Gemalto N.V. |
| 20141325 ..... | G | Vulcan Materials Company; Lafarge S.A.; Vulcan Materials Company. |
| 20141356 ..... | G | Dagmar Dolby; Camille Rizko; Dagmar Dolby. |
| 20141357 ..... | G | OCP Trust; Document Technologies Holdings, LLC; OCP Trust. |
| 20141363 ..... | G | Bertelsmann Stiftung; SpotXchange, Inc.; Bertelsmann Stiftung. |
| **08/13/2014** | | |
| 20141304 ..... | G | Mr. Tak Cheung Yam; Mr. Malcolm Stevenson Forbes, Jr.; Mr. Tak Cheung Yam. |
| 20141327 ..... | G | Linden Capital Partners II, LP: Spear Education Holdings, LLC; Linden Capital Partners II, LP. |
| 20141348 ..... | G | Patrick James; KTRI Holdings, Inc.; Patrick James. |
| 20141369 ..... | G | Olympus Growth Fund VI, L.P.; Graham Partners II, L.P.; Olympus Growth Fund VI, L.P. |
| **08/18/2014** | | |
| 20141301 ..... | G | Salix Pharmaceuticals, Ltd.; Mauro Ajani: Salix Pharmaceuticals, Ltd. |
| 20141354 ..... | G | Alibaba Group Holding Limited; Kabam, Inc. Alibaba Group Holding Limited. |
| 20141364 ..... | G | Brentwood Associates Private Equity V, L.P.; ICV Partners II, L.P.; Brentwood Associates Private Equity V, L.P. |
| 20141373 ..... | G | Mr. Joshua E. Comstock; Nabors Industries Ltd.; Mr. Joshua E. Comstock. |
| 20141374 ..... | G | Siris Partners II, L.P.; Juniper Networks, Inc.; Siris Partners II, L.P. |
| 20141375 ..... | G | Ronald O. Perelman; Wayzata Opportunities Fund II, L.P.; Ronald O. Perelman. |
| 20141380 ..... | G | XPO Logistics, Inc.; Warburg Pincus Private Equity VIII, L.P.; XPO Logistics, Inc. |
| 20141383 ..... | G | Terry Taylor; Group 1 Automotive, Inc.; Terry Taylor. |

EARLY TERMINATIONS GRANTED—Continued
AUGUST 1, 2014 THRU AUGUST 31, 2014

| | | |
|---|---|---|
| 20141385 ..... | G | Riverside Micro-Cap Fund III, L.P.; Kathleen N. King; Riverside Micro-Cap Fund III, L.P. |
| 20141390 ..... | G | IFM Global Infrastructure Fund; FLIQ2 Holdings LLC; IFM Global Infrastructure Fund. |
| 20141391 ..... | G | Onex Partners III LP; York Insurance Acquisition, LLC; Onex Partners III LP. |
| 20141394 ..... | G | Breitburn Energy Partners L.P.; QR Energy, LP; Breitburn Energy Partners L.P. |
| 20141397 ..... | G | The Resolute Fund III, L.P.; Capstone Logistics, LLC; The Resolute Fund III. L.P. |
| 20141399 ..... | G | Mr. Norbert Dentressangle; JHCI Holdings, Inc.; Mr. Norbert Dentressangle. |
| 20141400 ..... | G | Granite Holdings, Inc.; Waste Management, Inc.; Granite Holdings, Inc. |
| **08/19/2014** | | |
| 20141309 ..... | G | Yahoo! Inc.; Flurry, Inc.; Yahoo! Inc. |
| 20141319 ..... | G | NN, Inc.; John C. Kennedy III; NN, Inc. |
| 20141351 ..... | G | PGT, Inc.; Cortec Group Fund IV, L.P.; PGT, Inc. |
| 20141384 ..... | G | Scientific Games Corporation; Bally Technologies, Inc.; Scientific Games Corporation. |
| 20141386 ..... | G | Rocket Fuel Inc.; X Plus Two Solutions, Inc.; Rocket Fuel Inc. |
| **08/21/2014** | | |
| 20141310 ..... | G | Elliott International Limited; The Interpublic Group of Companies, Inc.; Elliott International Limited. |
| 20141311 ..... | G | Elliott Associates, L.P.; The Interpublic Group of Companies, Inc.; Elliott Associates, L.P. |
| 20141341 ..... | G | Wells Fargo & Company; MCP I (UELS), LP; Wells Fargo & Company. |
| 20141413 ..... | G | CCMP Capital Investors III, L.P.; Solvay S.A.; CCMP Capital Investors III, L.P. |
| **08/22/2014** | | |
| 20141336 ..... | G | Liberty Global plc; All3Media Holdings Limited; Liberty Global plc. |
| 20141353 ..... | G | Carlyle Partners VI, L.P.; Acosta Holdco, Inc.; Carlyle Partners VI, L.P. |
| 20141365 ..... | G | Trian Partners Strategic Investment Fund, L.P.; PepsiCo., Inc.; Trian Partners Strategic Investment Fund, L.P. |
| 20141366 ..... | Y | Trian Partners Strategic Investment Fund II, L.P.; PepsiCo, Inc.; Trian Partners Strategic Investment Fund II, L.P. |
| 20141367 ..... | G | Trian Partners, L.P.; PepsiCo, Inc.; Trian Partners, L.P. |
| 20141368 ..... | G | Trian Star Trust; PepsiCo, Inc.; Trian Star Trust. |
| 20141381 ..... | G | Eduardo Artau Gomez; Richard Machado Gonzalez & Norma Aecia Ortiz Colon; Eduardo Artau Gomez. |
| 20141396 ..... | G | White Mountains Insurance Group, Ltd.; VSS-Tranzact Holdings, LLC; White Mountains Insurance Group, Ltd. |
| 20141404 ..... | G | H&F Wand AIV I, L.P.; Palladium Equity Partners III, L.P.; H&F Wand AIV I, L.P. |
| 20141406 ..... | G | Advent Puma Acquisition Limited; lululemon athletica inc.; Advent Puma Acquisition Limited. |
| 20141410 ..... | G | Roadrunner Transportation Systems, Inc.; Platinum Equity Capital Laser Partners I; Roadrunner Transportation Systems, Inc. |
| 20141414 ..... | G | Rack Holdings LLC; Odyssey Investment Partners Fund III, LP; Rack Holdings LLC. |
| 20141416 ..... | G | Atlas Copco AB; Keith Jones; Atlas Copco AB. |
| 20141425 ..... | G | Merck & Co., Inc.; eCardio Diagnostics, LLC; Merck & Co., Inc. |
| 20141426 ..... | G | Kinder Morgan, Inc.; Kinder Morgan Energy Partners, L.P.; Kinder Morgan, Inc. |
| 20141437 ..... | G | Gannett Co., Inc.; Classified Ventures, LLC; Gannett Co., Inc. |
| **08/25/2014** | | |
| 20141436 ..... | G | Mexichem, S.A.B. de C.V.; CHS Private Equity V LP; Mexichem, S.A.B. de C.V. |
| **08/26/2014** | | |
| 20141420 ..... | G | Treasury Group Limited; Aurora Trust; Treasury Group Limited. |
| 20141428 ..... | G | Evercore Partners, Inc.; Edward S. Hyman; Evercore Partners, Inc. |
| 20141429 ..... | G | Daiichi Sankyo Company, Limited; Charleston Laboratories, Inc.; Daiichi Sankyo Company, Limited. |
| **08/27/2014** | | |
| 20141324 ..... | G | Tyson 2009 Family Trust c/o Chuck Erwin, Trustee; The Hillshire Brands Company; Tyson 2009 Family Trust c/o Chuck Erwin, Trustee. |
| 20141326 ..... | G | Oracle Corporation; TOA Technologies, Inc.; Oracle Corporation. |
| 20141372 ..... | G | Heartland Payment Systems, Inc.; Gerhard J. Kuti; Heartland Payment Systems, Inc. |
| **08/28/2014** | | |
| 20140883 ..... | S | Prestige Brands Holdings, Inc.; Insight Pharmaceuticals Corporation; Prestige Brands Holdings, Inc. |
| 20141344 ..... | G | Chocoladefabriken Lindt & Sprungli AG; Russell Stover Candies, Inc.; Chocoladefabriken Lindt & Sprungli AG. |
| 20141345 ..... | G | Chocoladefabriken Lindt & Sprungli AG; Whitman's Candies, Inc.; Chocoladefabriken Lindt & Sprungli AG. |
| **08/29/2014** | | |
| 20141405 ..... | G | Genstar Capital Partners V, L.P.; Symmetry' Medical Inc.; Genstar Capital Partners V, L.P. |
| 20141407 ..... | G | Mednax. Inc.; Baird Capital Partners IV Limited Partnership; Mednax, Inc. |

**FOR FURTHER INFORMATION CONTACT:** Renee Chapman, Contact Representative, or Theresa Kingsberry, Legal Assistant, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room Cc-5301, Washington, DC 20024, (202) 326–3100.

By Direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 2014–21970 Filed 9–15–14; 8:45 am]

**BILLING CODE 6750–01–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[60Day–14–14AYK]**

### 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 A. 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**

Information Collection on Cause-Specific Absenteeism in Schools (Pittsburgh Location)—New—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Division of Global Migration and Quarantine (DGMQ), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

The Centers for Disease Control and Prevention (CDC), National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Division of Global Migration and Quarantine (DGMQ), requests approval of a new information collection to better understand the triggers, timing and duration of the use of school related measures for preventing and controlling the spread of influenza during the next pandemic.

The information collection for which approval is sought is in accordance with DGMQ/CDC's mission to reduce morbidity and mortality in mobile populations, and to prevent the introduction, transmission, or spread of communicable diseases within the United States. Insights gained from this information collection will assist in the planning and implementation of CDC Pre-Pandemic Guidance on the use of school related measures, including school closures, to slow transmission during an influenza pandemic.

School closures were considered an important measure during the earliest stage of the 2009 H1N1 pandemic, because a pandemic vaccine was not available until October (6 months later), and sufficient stocks to immunize all school-age children were not available until December. However, retrospective review of the U.S. government response to the pandemic identified a limited evidence-base regarding the effectiveness, acceptability, and feasibility of various school related measures during mild or moderately severe pandemics. Guidance updates will require an evidence-based rationale for determining the appropriate triggers, timing, and duration of school related measures, including school closures, during a pandemic.

CDC staff proposes that the information collection for this package will target adult and child populations in three school districts in Pennsylvania. CDC will collect reports of individual student symptoms, vaccination status, recent travel, recent exposure to people with influenza symptoms and duration of illness; this will be accomplished through telephone, in-person interviews, and a web-based survey. This information will be used to estimate baseline school absenteeism due to influenza as well as to evaluate the use of absentee recording systems in predicting community-wide influenza transmission.

Findings obtained from this information collection will be used to inform the update CDC's Pre-pandemic Guidance on the implementation of school related measures to prevent the spread of influenza, especially school closures. This Guidance is used as an important planning and reference tool for both State and local health departments in the United States.

CDC estimates that 2,860 participants could be recruited by information collections covered by this information collection. It is estimated that information collection activities will total 1,109 burden hours per year.

There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

| Type of respondent | Form name | Number of respondents | Number of responses per respondent | Average burden per response (in hours) | Total burden hours |
|---|---|---|---|---|---|
| Parents of children/adolescents attending schools. | School Absentee Reporting ..... | 2,500 | 4 | 5/60 | 833 |

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

| Type of respondent | Form name | Number of respondents | Number of responses per respondent | Average burden per response (in hours) | Total burden hours |
|---|---|---|---|---|---|
| Sentinel Family Cohort | Cohort Intake | 360 | 1 | 10/60 | 60 |
| Sentinel Family Cohort | Cohort Weekly Illness Reporting | 360 | 12 | 3/60 | 216 |
| Total | | | | | 1,109 |

**Leroy A. 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. 2014–22009 Filed 9–15–14; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[60Day–14–0740]**

### 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 and send comments to Leroy A. 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**

Medical Monitoring Project (MMP)—(OMB No. 0920–0740, Expiration: 5/31/2015)—Revision—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

The Centers for Disease Control and Prevention (CDC), Division of HIV/AIDS Prevention (DHAP) requests a revision of the currently approved Information Collection Request: ''Medical Monitoring Project'' expiring May 31, 2015. This data collection addresses the need for national estimates of access to and utilization of HIV-related medical care and services, the quality of HIV-related ambulatory care, and HIV-related behaviors and clinical outcomes.

For the proposed project, the same data collection methods will be used as for the currently approved project. Data would be collected from a probability sample of HIV-diagnosed adults in the U.S. who consent to an interview and abstraction of their medical records. As for the currently approved project, de-identified information would also be extracted from HIV case surveillance records for a dataset, referred to as the minimum dataset, which is used to assess non-response bias, for quality control, to improve the ability of MMP to monitor ongoing care and treatment of HIV-infected persons, and to make inferences from the MMP sample to HIV-diagnosed persons nationally. No other Federal agency collects such nationally representative population-based information from HIV-diagnosed adults. The data are expected to have significant implications for policy, program development, and resource allocation at the state/local and national levels.

The changes proposed in this request update the data collection system to meet prevailing information needs and enhance the value of MMP data, while remaining within the scope of the currently approved project purpose. The result is a 16% reduction in burden, or a reduction of 1,397 total burden hours annually.

A change in sampling methods accounts for the net reduction in burden. Specifically, sampling from the existing HIV case surveillance database, the National HIV Surveillance System (NHSS, OMB Control No. 0920–0573, Exp. 2/29/2016) would replace the current health care-facility-based sampling. This change in sampling methods would broaden participation in MMP to all HIV-infected persons who have been diagnosed and reported to the NHSS, a population that is more representative of persons living with HIV than are persons receiving HIV medical care. Sampling from NHSS will allow MMP to address key information gaps related to increasing access to care, one of three strategic areas of national focus of the National HIV/AIDS Strategy.

The change in project sampling methods reduces the amount of time health care facility staff will spend on project activities, substantially reducing burden hours and offsetting increases in burden from other changes, listed below.

Restoration of the original sample of 26 geographic primary sampling units is proposed in this request, for more complete coverage of the population of

interest. Three project areas that initially participated in MMP—and were subsequently dropped in 2009 because funding was restricted—will be reinstated as primary sampling units if funding allows.

Increasing the sample size in three areas that were previously allocated comparatively small samples (Georgia, Illinois, and Pennsylvania) is expected to improve the ability to produce representative local estimates in these areas.

Health care facility staff may be asked to look up contact information for sampled persons with incomplete or incorrect contact information in NHSS; this was not necessary in prior MMP cycles because the patient samples were drawn from facility records.

Finally, changes were made that did not affect the burden, listed below:

• The interview instrument was revised to enable the collection of critical information from HIV-infected persons not receiving medical care and to improve question coherence, boost the efficiency of the data collection, and increase the relevance and value of the information. These changes were based on an evaluation of the currently approved MMP interview instrument involving stakeholders, as well as a pilot which evaluated new questions (Formative Research and Tool Development, OMB Control No. 0920–0840, expiration 2/29/2016). These revisions did not change the average time required to complete the interview.

• Six data elements were removed from the medical record abstraction form and two data elements were added. Because the medical records are abstracted by MMP staff, these changes do not affect the burden of the project on the public.

• Sampled persons may be interviewed wherever they currently reside, conditional on local law and policy, and in a manner specified by a written, project-specific agreement with the HIV surveillance unit at the person's local health department.

• Videoconferencing was added as an optional mode of interview administration. Administering the interview via videoconferencing will provide more flexibility for participating in the interview and facilitate communication between respondent and interviewer, for example, by allowing interviewers to respond appropriately to a respondent's visual cues. Videoconferencing will also allow the interviewer to ensure that the respondent is using the correct response cards for interview questions. No audio/audiovisual recordings will be made of the interviews, including interviews administered by videoconferencing.

This proposed data collection would supplement the National HIV Surveillance System (NHSS, OMB Control No. 0920–0573, Exp. 2/29/2016) in 26 selected state and local health departments, which collect information on persons diagnosed with, living with, and dying from HIV infection and AIDS.

The participation of respondents is voluntary. There is no cost to the respondents other than their time. Through their participation, respondents will help to improve programs to prevent HIV infection as well as services for those who already have HIV.

ESTIMATED ANNUALIZED BURDEN HOURS

| Type of respondent | Form name | Number of respondents | Number of responses per respondent | Average hours per response (in hours) | Total burden hours |
|---|---|---|---|---|---|
| Sampled, Eligible HIV-Infected Persons | Interview Questionnaire | 8,720 | 1 | 45/60 | 6,540 |
| Facility office staff looking up contact information. | | 2,180 | 1 | 2/60 | 73 |
| Facility office staff approaching sampled persons for enrollment. | | 1,090 | 1 | 5/60 | 91 |
| Facility office staff pulling medical records | | 8,720 | 1 | 3/60 | 436 |
| Total | | | | | 7,140 |

**Leroy A. 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. 2014–22010 Filed 9–15–14; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2014–D–1288]**

### Draft Guidance for Industry: Electronic Submission of Lot Distribution Reports; Availability; Correction

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice; correction.

**SUMMARY:** The Food and Drug Administration is correcting a notice entitled ''Draft Guidance for Industry: Electronic Submission of Lot Distribution Reports; Availability'' that appeared in the **Federal Register** of August 29, 2014 (79 FR 51576). The document announced the availability of a draft guidance entitled ''Guidance for Industry: Electronic Submission of Lot Distribution Reports'' dated August 2014. The document was published with the incorrect docket number. This document corrects that error.

**FOR FURTHER INFORMATION CONTACT:** Lori J. Churchyard, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of Friday, August 29, 2014, in FR Doc. 2014–20635, on page 51576, the following correction is made:

1. On page 51576, in the first column, in the Docket No. heading, ''[FDA–2014–S–0009]'' is corrected to read ''[FDA–2014–D–1288]''.

Dated: September 10, 2014.

**Leslie Kux,**

*Assistant Commissioner for Policy.*

[FR Doc. 2014–22015 Filed 9–15–14; 8:45 am]

BILLING CODE 4164–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Center for Scientific Review Amended; Notice of Meeting

Notice is hereby given of a change in the meeting of the Neurotransporters, Receptors, and Calcium Signaling Study

Section, October 2, 2014, 8:00 a.m. to October 3, 2014, 12:00 p.m., Hotel Monaco, 700 F Street NW., Washington, DC 20001 which was published in the **Federal Register** on September 4, 2014, 79 FR 52738.

The meeting will be held on October 2, 2014, 8:00 a.m. to 9:00 p.m. The meeting location remains the same. The meeting is closed to the public.

Dated: September 10, 2014.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2014–21950 Filed 9–15–14; 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:* Healthcare Delivery and Methodologies Integrated Review Group Dissemination and Implementation Research in Health Study Section.

*Date:* October 14–15, 2014.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Martha L. Hare, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3154, Bethesda, MD 20892, (301) 451–8504, *harem@mail.nih.gov.*

*Name of Committee:* Oncology 1—Basic Translational Integrated Review Group Tumor Cell Biology Study Section.

*Date:* October 15–16, 2014.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Row Hotel, 2015 Massachusetts Avenue NW., Washington, DC 20036.

*Contact Person:* Charles Morrow, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6202, MSC 7804, Bethesda, MD 20892, 301–451–4467, *morrowcs@csr.nih.gov.*

*Name of Committee:* Integrative, Functional and Cognitive Neuroscience Integrated Review Group Somatosensory and Chemosensory Systems Study Section.

*Date:* October 15–16, 2014.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Sheraton Silver Spring Hotel, 8777 Georgia Avenue, Silver Spring, MD 20910.

*Contact Person:* M. Catherine Bennett, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7846, Bethesda, MD 20892, 301–435–1766, *bennettc3@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Cancer, Cardiovascular and Sleep Epidemiology Panel B.

*Date:* October 15–16, 2014.

*Time:* 8:00 a.m. to 5:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

*Contact Person:* Julia Krushkal, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3148, MSC 7770, Bethesda, MD 20892, 301–435–1782, *krushkalj@csr.nih.gov.*

*Name of Committee:* Musculoskeletal, Oral and Skin Sciences Integrated Review Group Oral, Dental and Craniofacial Sciences Study Section.

*Date:* October 15–16, 2014.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Marriott Wardman Park Washington DC Hotel, 2660 Woodley Road NW., Washington, DC 20008.

*Contact Person:* Yi-Hsin Liu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, 301–435–1781, *liuyh@csr.nih.gov.*

*Name of Committee:* Infectious Diseases and Microbiology Integrated Review Group Clinical Research and Field Studies of Infectious Diseases Study Section.

*Date:* October 15–16, 2014.

*Time:* 8:30 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Soheyla Saadi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3211, MSC 7808, Bethesda, MD 20892, 301–435–0903, *saadisoh@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Basic and Integrative Bioengineering.

*Date:* October 15, 2014.

*Time:* 8:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

*Contact Person:* Paul Sammak, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6185, MSC 7892, Bethesda, MD 20892, 301–435–0601, *sammakpj@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Hypertension and Microcirculation.

*Date:* October 15, 2014.

*Time:* 10:00 a.m. to 12:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Katherine M Malinda, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7814, Bethesda, MD 20892, 301–435–0912, *Katherine_Malinda@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Research Project Grant.

*Date:* October 15, 2014.

*Time:* 1:00 p.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Melinda Jenkins, FNP, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3156, MSC 7770, Bethesda, MD 20892, 301–437–7872, *jenkinsml2@mail.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: September 10, 2014.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2014–21953 Filed 9–15–14; 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; Time-Sensitive Obesity Policy.

*Date:* September 29, 2014.

*Time:* 10:00 a.m. to 12:00 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:* Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8898, *barnardm@extra.niddk.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:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel DDK–D Member Conflict SEP.

*Date:* October 3, 2014.

*Time:* 7:30 a.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Kinzie Hotel, 20 West Kinzie, Chicago, IL 60654.

*Contact Person:* Xiaodu Guo, MD, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 761, 6707 Democracy Boulevard, Bethesda, Md 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov.*

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel Limited Competition: Continuation of the Type 2 Diabetes in Adolescents and Youth (TODAY) Study (U01).

*Date:* October 6, 2014.

*Time:* 12:00 p.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:* Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov.*

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel DDK–C Conflicts.

*Date:* October 21, 2014.

*Time:* 4:00 p.m. to 9:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* St. Gregory Hotel, 2033 M Street NW., Washington, DC 20036.

*Contact Person:* Thomas A. Tatham, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 760, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–3993, *tathamt@mail.nih.gov.*

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel AMP in Type 2 Diabetes Genetics.

*Date:* November 20, 2014.

*Time:* 8:00 a.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bethesda North Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

*Contact Person:* Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 758, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7637, *davila-bloomm@extra.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: September 10, 2014.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2014–21952 Filed 9–15–14; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Mental Health; 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 Mental Health Special Emphasis Panel; Pilot Effectiveness Studies and Services Research Grants (R34).

*Date:* October 2, 2014.

*Time:* 1:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.

*Contact Person:* Aileen Schulte, Ph.D., Scientific Review Officer Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6140, MSC 9608, Bethesda, MD 20892–9608, 301–443–1225, *aschulte@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: September 10, 2014.

**Carolyn A. Baum,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2014–21951 Filed 9–15–14; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–HQ–IA–2014–N197; FXIA16720900020–145–FF09A2000]**

### Information Collection Request Sent to the Office of Management and Budget (OMB) for Approval; International Grant Programs

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice; request for comments.

**SUMMARY:** We (U.S. Fish and Wildlife Service) have sent an Information Collection Request (ICR) to OMB for review and approval. We summarize the ICR below and describe the nature of the collection and the estimated burden and cost. This information collection is scheduled to expire on September 30, 2014. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. However, under OMB regulations, we may continue to conduct or sponsor this information collection while it is pending at OMB.

**DATES:** You must submit comments on or before October 16, 2014.

**ADDRESSES:** Send your comments and suggestions on this information collection to the Desk Officer for the Department of the Interior at OMB–OIRA at (202) 395–5806 (fax) or *OIRA_Submission@omb.eop.gov* (email). Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 2042–PDM, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail), or *hope_grey@fws.gov* (email). Please include ''1018–0123'' in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Hope Grey at *hope_grey@fws.gov* (email) or 703–358–2482 (telephone). You may review the ICR online at *http://www.reginfo.gov.* Follow the instructions to review Department of the Interior collections under review by OMB.

**SUPPLEMENTARY INFORMATION:**

**Information Collection Request**

**I. Data**

*OMB Control Number:* 1018–0123.

*Title:* International Conservation Grant Programs.

*Service Form Number:* 3–2338.

*Type of Request:* Extension of a currently approved collection.

*Description of Respondents:* Domestic and nondomestic individuals; nonprofit organizations; educational institutions; private sector entities; and State, local, and tribal governments.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* On occasion.

| Activity | Number of respondents | Number of responses | Completion time per response (hours) | Total annual burden hours |
|---|---|---|---|---|
| Applications | 668 | 668 | 22 | 14,696 |
| Reports | 302 | 604 | 40 | 24,160 |
| Totals | 970 | 1,272 | | 38,856 |

*Estimated Annual Nonhour Burden Cost:* None.

*Abstract:* Some of the world's most treasured and exotic animals are dangerously close to extinction. Destruction of natural habitat, illegal poaching, and pet-trade smuggling are devastating populations of tigers, rhinos, marine turtles, great apes, elephants, and many other highly cherished species. The Division of International Conservation administers competitive grant programs funded under the:

- African Elephant Conservation Act (16 U.S.C. 4201–4245).
- Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261).
- Great Apes Conservation Act of 2000 (Pub. L. 106–411).
- Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306).
- Marine Turtle Conservation Act (Pub. L. 108–266).
- Endangered Species Act (16 U.S.C. 1531 *et se.*) (Wildlife Without Borders Programs—Africa, Mexico, Latin America and the Caribbean, Russia, Critically Endangered Species, and Amphibians in Decline).

Applicants submit proposals for funding in response to Notices of Funding Availability that we publish on Grants.gov. We collect the following information:

- Cover page with basic project details (FWS Form 3–2338).
- Project summary and narrative.
- Letter of appropriate government endorsement.
- Brief curricula vitae for key project personnel.
- Complete Standard Forms 424 and 424b (nondomestic applicants do not submit the standard forms).

Proposals may also include, as appropriate, a copy of the organization's Negotiated Indirect Cost Rate Agreement (NICRA) and any additional documentation supporting the proposed project.

The project summary and narrative are the basis for this information collection. A panel of technical experts reviews each proposal to assess how well the project addresses the priorities identified by each program's authorizing legislation and the associated project costs. As all of the on-the-ground projects are conducted outside the United States, the letter of appropriate government endorsement ensures that the proposed activities will be supportive of locally identified priorities and needs. Brief curricula vitae for key project personnel allow the review panel to assess the qualifications of project staff to effectively carry out the project goals and objectives. As all Federal entities must honor the indirect cost rates an organization has negotiated with its cognizant agency, we require all organizations with a NICRA to submit the agreement paperwork with their proposals to verify how their rate is applied in their proposed budget.

All assistance awards under these grant programs have a maximum reporting requirement of:

- Interim reports (performance report and a financial status report) as appropriate, and a
- Final report (performance and financial status report and copies of all deliverables, photographic documentation of the project and products resulting from the project) due within 90 days of the end of the performance period.

**Comments Received and Our Responses**

On March 14, 2014, we published in the **Federal Register** (79 FR 14527) a notice of our intent to request that OMB renew approval for this information collection. In that notice, we solicited comments for 60 days, ending on May 13, 2014. We did not receive any comments in response to the notice.

**Request for Public Comments**

We again invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. 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 OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

Dated: September 10, 2014.

**Tina A. Campbell,**

*Chief, Division of Policy and Directives Management, U.S. Fish and Wildlife Service.*

[FR Doc. 2014–21972 Filed 9–15–14; 8:45 am]

BILLING CODE 4310–55–P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–HQ–EA–2014–N200; FF09F42300–FVWF97920900000–XXX]**

### Sport Fishing and Boating Partnership Council

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of teleconference.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce a public teleconference of the Sport Fishing and Boating Partnership Council (Council).

**DATES:** *Teleconference:* Monday, September 29, 2014, 10:30 a.m. to 12 p.m. (Eastern daylight time). For deadlines and directions on registering to listen to the teleconference, submitting written material, and giving an oral presentation, please see ''Public Input'' under **SUPPLEMENTARY INFORMATION.**

**FOR FURTHER INFORMATION CONTACT:** Brian Bohnsack, Council Coordinator, via U.S. mail at 5275 Leesburg Pike, Mailstop FAC, Falls Church, VA 22041; via telephone at (703) 358–2435; via fax at (703) 358–2487; or via email at *brian_bohnsack@fws.gov.*

**SUPPLEMENTARY INFORMATION:** In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App., we announce that the Sport Fishing and Boating Partnership Council will hold a teleconference.

### Background

The Council was formed in January 1993 to advise the Secretary of the Interior, through the Director of the Service, on nationally significant recreational fishing, boating, and aquatic resource conservation issues. The Council represents the interests of the public and private sectors of the sport fishing, boating, and conservation communities and is organized to enhance partnerships among industry, constituency groups, and government. The 18-member Council, appointed by the Secretary of the Interior, includes the Service Director and the president of the Association of Fish and Wildlife Agencies, who both serve in ex officio capacities. Other Council members are directors from State agencies responsible for managing recreational fish and wildlife resources and individuals who represent the interests of saltwater and freshwater recreational fishing, recreational boating, the recreational fishing and boating industries, recreational fisheries resource conservation, Native American tribes, aquatic resource outreach and education, and tourism. Background information on the Council is available at *http://www.fws.gov/sfbpc.*

### Meeting Agenda

The Council will hold a teleconference to:

- Consider and approve a response to a request for comments on the U.S. Fish and Wildlife Service's Fish and Aquatic Conservation Program's draft strategic plan;
- Finalize the Council's priority focus areas for the 2014–2016 term;
- Schedule an upcoming winter meeting; and
- Consider other Council business.

The final agenda will be posted on the Internet at *http://www.fws.gov/sfbpc.*

### Public Input

| If you wish to: | You must contact the Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**) no later than: |
|---|---|
| Listen to the teleconference | Wednesday, September 24, 2014. |
| Submit written information or questions before the teleconference for the council to consider during the teleconference. | Wednesday, September 24, 2014. |
| Give an oral presentation during the teleconference | Wednesday, September 24, 2014. |

*Submitting Written Information or Questions*

Interested members of the public may submit relevant information or questions for the Council to consider during the teleconference. Written statements must be received by the date listed in ''Public Input'' under **SUPPLEMENTARY INFORMATION**, so that the information may be made available to the Council for their consideration prior to this teleconference. Written statements must be supplied to the Council Coordinator in one of the following formats: One hard copy with original signature, and one electronic copy via email (acceptable file formats are Adobe Acrobat PDF, MS Word, MS PowerPoint, or rich text file).

*Giving an Oral Presentation*

Individuals or groups requesting to make an oral presentation during the teleconference will be limited to 2 minutes per speaker, with no more than a total of 15 minutes for all speakers. Interested parties should contact the Council Coordinator, in writing (preferably via email; see **FOR FURTHER INFORMATION CONTACT**), to be placed on the public speaker list for this teleconference. To ensure an opportunity to speak during the public comment period of the teleconference, members of the public must register with the Council Coordinator. Registered speakers who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, may submit written statements to the Council Coordinator up to 30 days subsequent to the teleconference.

### Meeting Minutes

Summary minutes of the teleconference will be maintained by the Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**) and will be available for public inspection within 90 days of the meeting and will be posted on the Council's Web site at *http://www.fws.gov/sfbpc.*

**Rowan W. Gould,**

*Acting Director.*

[FR Doc. 2014–22166 Filed 9–12–14; 4:15 pm]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLCON06000–L16100000–DQ0000]**

### Notice of Resource Advisory Council Meeting for the Dominguez-Escalante National Conservation Area Advisory Council

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Public Meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of

Land Management (BLM) Dominguez-Escalante National Conservation Area (NCA) Advisory Council (Council) will meet as indicated below.

**DATES:** The meeting will be held on Tuesday, November 18, 2014, from 3 p.m. to approximately 6 p.m. Any adjustments to this meeting will be posted on the Dominguez-Escalante NCA Resource Management Plan (RMP) Web site: *http://www.blm.gov/co/st/en/nca/denca/denca_rmp.html*.

**ADDRESSES:** The meeting will be held at the Bill Heddles Recreation Center, 530 Gunnison River Drive, Delta, CO 81416.

**FOR FURTHER INFORMATION CONTACT:** Collin Ewing, Advisory Council Designated Federal Official, 2815 H Road, Grand Junction, CO 81506; phone: (970) 244–3049; email: *cewing@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The 10-member Council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with the RMP process for the Dominguez-Escalante NCA and Dominguez Canyon Wilderness.

Topics of discussion during the meeting may include informational presentations from various resource specialists working on the RMP as well as Council reports on the following topics: Recreation, fire management, land-use planning process, invasive species management, travel management, wilderness, land exchange criteria, cultural resource management and other resource management topics of interest to the Council that were raised during the planning process.

These meetings are anticipated to occur quarterly, and may occur as frequently as every two weeks during intensive phases of the planning process. Dates, times and agendas for additional meetings may be determined at future Council meetings, and will be published in the **Federal Register,** announced through local media and on the BLM's Web site for the Dominguez-Escalante planning effort, *www.blm.gov/co/st/en/nca/denca/denca_rmp.html*.

These meetings are open to the public. The public may present written comments to the Council. Each formal Council meeting will have time allocated at the middle and end of each meeting to hear public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited at the discretion of the chair.

**Ruth Welch,**

*BLM Colorado State Director.*

[FR Doc. 2014–22070 Filed 9–15–14; 8:45 am]

**BILLING CODE 4310–JB–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 337–Ta–881]**

## Certain Windshield Wiper Devices and Components Thereof; Notice of Commission Determination To Grant a Joint Motion To Terminate the Investigation on the Basis of a Settlement Agreement; Termination of Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to grant the joint motion to terminate the above-captioned investigation based upon a settlement agreement. The Commission has also determined to grant the joint motion to stay the investigation pending resolution of the joint motion to terminate. The investigation is terminated.

**FOR FURTHER INFORMATION CONTACT:** Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2301. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on June 11, 2013, based on a complaint filed by complainants Federal-Mogul Corporation of Southfield, Michigan and Federal-Mogul S.A. of Aubange, Belgium (collectively ''Federal-Mogul''). 78 FR 35050–51 (June 11, 2013). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain windshield wiper devices and components thereof by reason of infringement of certain claims of U.S. Patent No. 8,347,449 (''the '449 patent''). The complaint further alleges the existence of a domestic industry. The Commission's Notice of Investigation named as respondents Trico Corporation of Rochester Hills, Michigan (''Trico Corp.''); Trico Products of Brownsville, Texas (''Trico Products''); and Trico Components, SA de CV of Matamoros, Mexico (collectively ''Trico''). 78 FR at 35050. The Office of Unfair Import Investigations was also named as a party. *Id.* The Notice of Investigation was later amended to correct the names of Trico Corp. and Trico Products to Trico Products Corporation of New York. 79 *FR* 9922–923 (Feb. 21, 2014); *see* Order No. 27 (Jan. 22, 2014).

On May 8, 2014, the ALJ issued his final ID, finding a violation of section 337. Specifically, the ALJ found a violation of section 337 with respect to claims 1 and 5 of the '449 patent. The ALJ did not, however, find a violation of section 337 with respect to claims 2–4 and 6–14 of the '449 patent. The final ID included the ALJ's recommended determination on remedy and bonding.

On May 21, 2014, Trico filed a petition for review concerning the final ID's finding of violation with respect to claims 1 and 5 of the '449 patent. Also on May 21, 2014, Federal-Mogul and the Commission investigative attorney (''IA'') each filed a petition for review of certain aspects of the final ID concerning the ALJ's finding of no violation with respect to claims 2–4 and 6–14 of the '449 patent.

On July 9, 2014, the Commission determined to review the final ID in part with respect to issues of claim construction, infringement, and the technical prong of the domestic industry requirement and requested briefing on certain of the issues under review. 79 FR 41303–05 (July 15, 2014). On July 22, 2014, the parties submitted initial briefs in response to the Commission's notice.

On July 29, 2014, Federal-Mogul and Trico filed a joint motion to terminate the investigation based on a settlement agreement pursuant to sections 210.21(a)(2) and (b) of the Commission Rules of Practice and Procedure (19 CFR

210.21(a)(2) and (b)). On July 30, 2014, Federal-Mogul and Trico filed a request that the investigation be stayed pending the Commission's decision on the termination motion. On August 8, 2014, the IA filed a response supporting the joint motion.

The Commission has determined to grant the joint motion to terminate the investigation. Section 337(c) provides, in relevant part, that the Commission may terminate an investigation ''on the basis of an agreement between the private parties to the investigation.'' When the investigation is before the Commission, as is the case here, the Commission has acted on motions to terminate on the basis of settlement. *See, e.g., Certain Wireless Consumer Electronics Devices and Components Thereof,* Inv. No. 337–TA–853, Notice of Commission Determination to Grant the Consent Motion to Terminate the Investigation-In-Part as to Respondents Kyocera Corporation And Kyocera Communications, Inc. on the Basis of a Settlement Agreement (Sept. 20, 2013). Commission Rule 210.21(b), which implements section 337(c), requires that a motion for termination based upon a settlement contain a copy of that settlement agreement, as well as a statement that there are no other agreements, written or oral, express or implied, between the parties concerning the subject matter of the investigation. The joint motion complies with these requirements.

The Commission also considers the public interest when terminating an investigation based upon a settlement agreement. 19 CFR 210.50(b)(2). We find no evidence that termination of the investigation will prejudice the public interest or that settlement will adversely impact the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers. Moreover, the public interest favors settlement to avoid needless litigation and to conserve public and private resources.

Accordingly, the Commission hereby grants the joint motion to terminate this investigation on the basis of a settlement agreement. The Commission also grants the joint motion to stay the investigation pending resolution of the joint motion to terminate.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

Issued: September 11, 2014.

By order of the Commission.

**Jennifer D. Rohrbach,**

*Supervisory Attorney.*

[FR Doc. 2014–22013 Filed 9–15–14; 8:45 am]

BILLING CODE 7020–02–P

## DEPARTMENT OF JUSTICE

**[OMB Number 1121–0269]**

## Agency Information Collection Activities; Proposed eCollection eComments Requested; Reinstatement, With Change, of a Previously Approved Collection for Which Approval has Expired: 2014 Census of Publicly Funded Forensic Crime Laboratories (CPFFCL–14)

**AGENCY:** Bureau of Justice Statistics, Department of Justice

**ACTION:** 60-day Notice.

**SUMMARY:** The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for 60 days until November 17, 2014.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Matthew Durose, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW., Washington, DC 20531 (email: *Matt.Durose@usdoj.gov;* telephone: 202–307–0765).

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Reinstatement of the Census of Publicly Funded Forensic Crime Laboratories, with changes, a previously approved collection for which approval has expired.

(2) *The Title of the Form/Collection:* 2014 Census of Publicly Funded Forensic Crime Laboratories.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number for the questionnaire is CFCL–14. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* This information collection is a census of federal, state, and local publicly funded forensic crime laboratories that analyze physical evidence collected during criminal investigations and the administration of justice. The primary goals of the work under this clearance are to produce a national roster of publicly funded forensic crime laboratories operating in 2014 and to collect accurate and reliable information about their services and resources. The CPFFCL–14 will provide national statistics on laboratory personnel, budgets, workloads, forensic backlogs, and quality assurances (e.g., accreditations, proficiency testing, and examiner certifications). BJS will expand the scope of the CPFFCL–14 to capture additional information about an emerging forensic science discipline known as digital and multimedia evidence. BJS plans to publish this information in reports and reference it when responding to queries from the U.S. Congress, Executive Office of the President, the U.S. Supreme Court, state officials, international organizations, researchers, students, the media, and others interested in criminal justices statistics.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 510 respondents at 2.9 hours each. Respondents have the option to provide responses using either paper or

web-based questionnaires. The burden estimate is based on feedback from respondents gathered during pilot testing.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There is an estimated 1,479 annual total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: September 11, 2014.

**Jerri Murray,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2014–22011 Filed 9–15–14; 8:45 am]

**BILLING CODE 4410–18–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

### Labor Surplus Area Classification Under Executive Orders 12073 and 10582

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** The purpose of this notice is to announce the annual list of labor surplus areas for Fiscal Year (FY) 2015.

**DATES:** *Effective Date:* The annual list of labor surplus areas is effective October 1, 2014, for all states, the District of Columbia, and Puerto Rico.

**FOR FURTHER INFORMATION CONTACT:** Samuel Wright, Office of Workforce Investment, Employment and Training Administration, 200 Constitution Avenue NW., Room C–4514, Washington, DC 20210. Telephone: (202) 693–2870 (This is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The Department of Labor's regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR part 654, Subpart A. These regulations require the Employment and Training Administration (ETA) to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations, and to publish annually a list of labor surplus areas. Pursuant to those regulations, ETA is hereby publishing the annual list of labor surplus areas. In addition, the regulations provide exceptional circumstance criteria for classifying labor surplus areas when catastrophic events, such as natural disasters, plant closings, and contract cancellations are expected to have a long-term impact on labor market area conditions, discounting temporary or seasonal factors.

**Eligible Labor Surplus Areas**

A Labor Surplus Area (LSA) is a civil jurisdiction that has a civilian average annual unemployment rate during the previous two calendar years of 20 percent or more above the average annual civilian unemployment rate for all states during the same 24-month reference period. ETA uses only official unemployment estimates provided by the Bureau of Labor Statistics in making these classifications. The average unemployment rate for all states includes data for the Commonwealth of Puerto Rico. LSA classification criteria stipulate a civil jurisdiction must have a ''floor unemployment rate'' of 6.0% or higher to be classified a LSA. Any civil jurisdiction that has a ''ceiling unemployment rate'' of 10% or higher is classified a LSA.

Civil jurisdictions are defined as follows:

(a) A city of at least 25,000 population on the basis of the most recently available estimates from the Bureau of the Census; or

(b) A town or township in the States of Michigan, New Jersey, New York, or Pennsylvania of 25,000 or more population and which possess powers and functions similar to those of cities; or

(c) A county, except those counties which contain any type of civil jurisdictions defined in ''a'' or ''b'' above and a county in the States of Connecticut, Massachusetts, and Rhode Island; or

(d) A ''balance of county'' consisting of a county less any component cities and townships identified in ''a'' or ''b'' above; or

(e) A county equivalent which is a town (with a population of at least 25,000) in the New England States or a municipio in the Commonwealth of Puerto Rico.

**Procedures for Classifying Labor Surplus Areas**

The Department of Labor (DOL) issues the LSA list on a fiscal year basis. The list becomes effective each October 1, and remains in effect through the following September 30. The reference period used in preparing the current list was January 2012 through December 2013. The national average unemployment rate (including Puerto Rico) during this period was rounded to 7.77 percent. Twenty percent higher than the national unemployment rate is 9.32 percent. Therefore, areas included on the FY 2015 LSA list had a rounded unemployment rate for the reference period of 9.32 percent or higher. To ensure that all areas classified as labor surplus meet the requirements, when a city is part of a county and meets the unemployment qualifier as a LSA, that city is identified in the LSA list, the balance of county, not the entire county, will be identified as LSAs if the balance of county also meets the LSA unemployment criteria. The FY 2015 LSA list, statistical data on the current and some previous year's LSAs, and the list of LSAs in Puerto Rico are available at ETA's LSA Web site *http://www.doleta.gov/programs/lsa.cfm.* In addition, the 2015 LSA list is available on the Labor Market Information Community of Practice at *https://winwin.workforce3one.org/view/Labor_Surplus_Area_List_Issued/info.*

**Petition for Exceptional Circumstance Consideration**

The classification procedures also provide criteria for the designation of LSAs under exceptional circumstances criteria. These procedures permit the regular classification criteria to be waived when an area experiences a significant increase in unemployment which is not temporary or seasonal and which was not reflected in the data for the 2-year reference period. Under the program's exceptional circumstance procedures, LSA classifications can be made for civil jurisdictions, Metropolitan Statistical Areas or Combined Statistical Areas, as defined by the U.S. Office of Management and Budget. In order for an area to be classified as a LSA under the exceptional circumstance criteria, the state workforce agency must submit a petition requesting such classification to the Department of Labor's ETA. The current criteria for an exceptional circumstance classification are,

(1) An area's unemployment rate is at least 9.32 percent for each of the three most recent months;

(2) A projected unemployment rate of at least 9.32 percent for each of the next 12 months; and

(3) Documentation that the exceptional circumstance event has occurred. The state workforce agency may file petitions on behalf of civil jurisdictions, Metropolitan Statistical Areas, or Micropolitan Statistical Areas. The addresses of state workforce agencies are available on the ETA Web site at: *http://www.doleta.gov/programs/lsa.cfm* and *https://*

*winwin.workforce3one.org/view/Labor_Surplus_Area_List_Issued/info.* State Workforce Agencies may submit petitions in electronic format to *wright.samuel.e@dol.gov,* or in hard copy to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, 200 Constitution Avenue NW., Room C–4514, Washington, DC 20210, Attention Samuel Wright. Data collection for the petition is approved under OMB 1205–0207, expiration date March 31, 2015.

**Portia Wu,**

*Assistant Secretary for Employment and Training Administration.*

[FR Doc. 2014–22012 Filed 9–15–14; 8:45 am]

**BILLING CODE 4510–FT–P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

**[Docket No. OSHA–2009–0025]**

### Underwriters Laboratories Inc.: Grant of Expansion of Recognition

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA announces its final decision to expand the scope of recognition for Underwriters Laboratories Inc., as a Nationally Recognized Testing Laboratory (NRTL). Additionally, OSHA announces its final decision to incorporate two new test standards into the NRTL Program's list of appropriate test standards.

**DATES:** The expansion of the scope of recognition becomes effective on September 16, 2014.

**FOR FURTHER INFORMATION CONTACT:** Information regarding this notice is available from the following sources:

*Press inquiries:* Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3647, Washington, DC 20210; telephone: (202) 693–1999; email: *Meilinger.francis2@dol.gov.*

*General and technical information:* Contact Mr. David Johnson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210; telephone: (202) 693–2110; email: *johnson.david.w@dol.gov.* OSHA's Web page includes information about the NRTL Program (see *http://www.osha.gov/dts/otpca/nrtl/index.html*).

**SUPPLEMENTARY INFORMATION:**

#### I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of Underwriters Laboratories Inc. (UL), as an NRTL. UL's expansion covers the addition of 21 test standards to its scope of recognition.

OSHA recognition of an NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition, and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products.

The Agency processes applications by an NRTL for initial recognition, or for expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational Web page for each NRTL that details its scope of recognition. These pages are available from the Agency's Web site at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

UL submitted an application, dated March 26, 2013 (OSHA–2009–0025–0008), to expand its recognition to include multiple additional test standards. OSHA staff performed a comparability analysis and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing UL's expansion application in the **Federal Register** on April 14, 2014 (79 FR 20920). The Agency requested comments by April 29, 2014, and received one comment (OSHA–2009–0025–0010) in response to this notice addressing UL's scope of recognition expansion request. OSHA received no comments on its proposal to add UL 66 and UL 8750 to the NRTL Program's list of appropriate test standards.

To obtain or review copies of the publicly available information in UL's application, including pertinent documents (e.g., exhibits) and all submitted comments, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210. These materials also are available online at *http://www.regulations.gov* under Docket No. OSHA–2009–0025.

The sole commenter (OSHA–2009–0025–0010) asserts that UL charges different prices for the testing of identical products based solely on an applicant's location and, consequently, is not in compliance with ISO/IEC Guide 65, Clause 4.4 addressing non-discrimination.[1] The comment, however, does not provide any detail that demonstrates that the referenced products were ''exactly the same,'' nor was there any information regarding other factors that may have contributed to the difference in price. While OSHA believes that competition among the NRTLs helps to control costs for testing and certification services, there are many factors that affect the price for NRTL certification, including the volume of products submitted for certification by a particular applicant (volume discounts), the location and cost of factory surveillance, and the use of certified components in the product, to name a few. Any of these, or other, factors could provide legitimate justification for differences in price for similar or ''exactly the same'' products submitted for certification.

The comment further asserts that UL is ''using its monopoly status on components certification'' to charge manufacturers higher fees. OSHA regulations require certain types of products used in the workplace to be ''acceptable'' to OSHA. For most products, the NRTL must test and certify the product to the appropriate test standard. The NRTL Program's product-approval requirements apply only to end products. The NRTL Program requirements do not include the certification of components. While some NRTLs, including UL, developed a component-certification program to simplify the process of testing and certifying an end product, component certifications are not part of the NRTL Program. With 15 organizations recognized as NRTLs, manufacturers are

[1] While the commenter references ISO/IEC Guide 65, Clause 4.4.1, OSHA believes that the correct reference is ISO/IEC Guide 65, Clause 4.1.1.

free to choose an NRTL with an appropriate scope of recognition that best suits their business needs.

## II. Final Decision and Order

OSHA staff conducted a careful review and analysis of assertions made in the comment received regarding UL's request to expand its scope of recognition. OSHA determined that the assertions in the comment are unsupported and without merit. OSHA staff also examined UL's expansion application, its capability to meet the requirements of the test standards, and other pertinent information. Based on its review of this evidence, OSHA finds that UL meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitation and conditions listed below. OSHA, therefore, is proceeding with this final notice to grant expansion of UL's scope of recognition. OSHA limits the expansion of UL's recognition to testing and certification of products for demonstration of conformance to the test standards listed in Table 1 below.

TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN UL'S NRTL SCOPE OF RECOGNITION

| Test standard | Test standard title |
|---|---|
| ANSI/UL 2208 | Solvent Distillation Units. |
| IEEE C37.20.7 | IEEE Guide for Testing Metal-Enclosed Switchgear Rated Up to 38 kV for Internal Arcing Faults. |
| ANSI/UL 8750 | Light Emitting Diode (LED) Equipment for Use in Lighting Products. |
| ANSI/UL 448B | Residential Fire Pumps Intended for One- and Two-Family Dwellings and Manufactured Homes. |
| ANSI/UL 448C | Stationary, Rotary-Type, Positive-Displacement Pumps for Fire Protection Service. |
| ANSI/UL 62368–1 | Audio/Video, Information and Communication Technology Equipment—Part 1: Safety Requirements. |
| ANSI/UL 50E | Enclosures for Electrical Equipment, Environmental Considerations. |
| ANSI/UL 61800–5–1 | Adjustable Speed Electrical Power Drive Systems—Part 5–1: Safety Requirements—Electrical, Thermal and Energy. |
| ANSI/UL 66 | Fixture Wire. |
| ANSI/UL 2239 | Hardware for the Support of Conduit, Tubing, and Cable. |
| ANSI/UL 62275 | Cable Management Systems—Cable Ties for Electrical Installations. |
| ANSI/UL 60335–2–40 | Household and Similar Electrical Appliances, Part 2: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers. |
| ANSI/UL 2560 | Emergency Call Systems for Assisted Living and Independent Living Facilities. |
| ANSI/UL 2572 | Mass Notification Systems. |
| ANSI/UL 2577 | Suspended Ceiling Grid Low Voltage Systems and Equipment. |
| ANSI/UL 8752 | Organic Light Emitting Diode (OLED) Panels. |
| ANSI/UL 60745–2–13 | Hand-Held Motor-Operated Electric Tools—Safety—Part 2–13: Particular Requirements For Chain Saws. |
| ANSI/UL 60745–2–15 | Hand-Held Motor-Operated Electric Tools—Safety—Part 2–15: Particular Requirements for Hedge Trimmers. |
| ANSI/UL 2586 | Hose Nozzle Valves. |
| ANSI/UL 2238 | Cable Assemblies and Fittings for Industrial Control and Signal Distribution. |
| UL 6142 | Small Wind Turbine Systems. |

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, an NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, OSHA may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program's policy (see OSHA Instruction CPL 1–0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

### *A. Conditions*

In addition to those conditions already required by 29 CFR 1910.7, UL must abide by the following conditions of the recognition:

1. UL must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as an NRTL, and provide details of the change(s);
2. UL must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and
3. UL must continue to meet the requirements for recognition, including all previously published conditions on UL's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of UL, subject to the limitation and conditions specified above. OSHA also is making a final determination that the UL 66 and UL 8750 test standards are appropriate test standards, and, therefore, is adding these test standards to the NRTL Program's list of appropriate test standards.

## III. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on September 10, 2014.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2014–21937 Filed 9–15–14; 8:45 am]

**BILLING CODE 4510–26–P**

## OFFICE OF MANAGEMENT AND BUDGET

### Department Of Defense

### Report on Alternative Measures of Allowable Reimbursement for Compensation of Contractor Employees

**AGENCY:** Office of Federal Procurement Policy, Office of Management and Budget, and Department of Defense (DOD)

**ACTION:** Notice of request for public comment.

**SUMMARY:** The Office of Federal Procurement Policy (OFPP), in the Office of Management and Budget (OMB), and the Department of Defense (DOD) seek public input for consideration in the development of a report to Congress on alternative measures of allowable reimbursement for the compensation of contractor employees. The report is required by section 702(e) of the Bipartisan Budget Act of 2013 (Pub. L. 113–67; enacted Dec 26, 2013).

**DATES:** Interested parties should submit comments in writing to an address below on or before October 16, 2014.

**ADDRESSES:** All comments to this notice must be in writing, and may be submitted to any of the following methods:

*Email: compcap@omb.eop.gov.*
*Facsimile:* 202–395–5105.
*Mail:* Office of Federal Procurement Policy, ATTN: Raymond Wong, New Executive Office Building, Room 9013, 725 17th St. NW., Washington, DC 20503.

*Instructions:* Please submit comments only and cite ''Report on Benchmark Alternatives'' in all correspondence. Comments received will be posted without change to *http://www.whitehouse.gov/omb/procurement/ccp_reports,* including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Raymond Wong, OFPP, 202–395–6805 or *rwong@omb.eop.gov.*

**SUPPLEMENTARY INFORMATION:** Section 702 of the Bipartisan Budget Act of 2013 (Pub. L. 113–67; enacted Dec 26, 2013) establishes a cap of $487,000 per year on the amount the Federal Government will reimburse for contractor-paid employee compensation on contracts with defense and civilian agencies. By law, this amount must be adjusted annually to reflect the change in the Employment Cost Index for all workers, as calculated by the Bureau of Labor Statistics. Pursuant to section 702(c), the new cap applies to costs of compensation incurred under contracts entered into on or after the date that is 180 days after the enactment of the Bipartisan Budget Act of FY 2013, (June 24, 2014). The Defense Acquisition Regulations Council and the Civilian Agency Acquisition Council published an interim rule via separate notice on June 24, 2014 to revise the Federal Acquisition Regulation to implement section 702 and seek public comment.

Section 702(e) directs OMB and DOD to report to Congress on alternative benchmarks and industry standards for compensation, including whether any such benchmarks or standards would provide a more appropriate measure of allowable compensation for the purposes of section 2324(e)(1)(P) of title 10, United States Code, and section 4304(a)(16) of title 41, United States Code.'' These statutory provisions set forth the caps on contractor employee compensation that may be reimbursed by the government.

OMB's OFPP and DoD seek public input on alternative benchmarks that would provide a more appropriate measure of allowable compensation for the purposes of section 2324(e)(1)(P) of title 10, and section 4304(a)(16) of title 41, United States Code, as amended by section 702, including appropriate inflators (i.e., alternatives in lieu of the Employment Cost Index for all workers, as calculated by the Bureau of Labor Statistics). Feedback will be considered in preparation of the report to Congress and should both describe the alternative(s) and explain why such might be more suitable than the benchmark and inflators set forth in statute.

**Lesley A. Field,**

*Administrator (Acting), Office of Federal Procurement Policy.*

**Richard Ginman,**

*Director, Defense Procurement and Acquisition Policy.*

[FR Doc. 2014–22005 Filed 9–15–14; 8:45 am]

BILLING CODE 3110–01–P

## NATIONAL CREDIT UNION ADMINISTRATION

### Sunshine Act Meetings

**TIME AND DATE:** 10:00 a.m., Thursday, September 18, 2014.

**PLACE:** Board Room, 7th Floor, Room 7047, 1775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314–3428.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

1. NCUA's Rules and Regulations, Technical Amendments.
2. First Service Federal Credit Union (Groveport, Ohio), Request to Expand Community Charter.
3. Corporate Stabilization Fund Quarterly Report.

**RECESS:** 11:00 a.m.

**TIME AND DATE:** 11:15 a.m., Thursday, September 18, 2014.

**PLACE:** Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

1. Consideration of Supervisory Activities. Closed pursuant to Exemption (8).
2. Share Insurance Appeal. Closed pursuant to Exemption (6).
3. Personnel. Closed pursuant to Exemption (2).

**FOR FURTHER INFORMATION CONTACT:** Gerard Poliquin, Secretary of the Board, Telephone: 703–518–6304.

**Gerard Poliquin,**

*Secretary of the Board.*

[FR Doc. 2014–22161 Filed 9–12–14; 4:15 pm]

BILLING CODE 7535–01–P

## NUCLEAR REGULATORY COMMISSION

**[NRC–2014–0917]**

### Biweekly Notice, Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Biweekly notice.

**SUMMARY:** Pursuant to Section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from August 21, 2014 to September 3, 2014. The last

biweekly notice was published on September 2, 2014.

**DATES:** Comments must be filed by October 16, 2014. A request for a hearing must be filed by November 17, 2014.

**ADDRESSES:** You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0917. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.*
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: 3WFN–06–A44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Beverly A. Clayton, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3475, email: *Beverly.Clayton@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Obtaining Information and Submitting Comments

### *A. Obtaining Information*

Please refer to Docket ID NRC–2014–0917 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0917.
- *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 (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

### *B. Submitting Comments*

Please include Docket ID NRC–2014–0917 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 that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

## II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

### *A. Opportunity To Request a Hearing and Petition for Leave To Intervene*

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment.

*B. Electronic Submissions (E-Filing)*

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-

free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

*Duke Energy Carolinas, LLC, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina*

*Date of amendment request:* June 30, 2014. A publicly-available version is in ADAMS under Accession No. ML14184B384.

*Description of amendment request:* The amendment would revise the Technical Specifications (TS) by reducing the allowed maximum rated thermal power (RTP) at which the unit can operate when select High Pressure Injection (HPI) System equipment is inoperable.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed TS changes do not modify the reactor coolant system pressure boundary, nor make any physical changes to the facility design, material, or construction standards. The probability of any design basis accident (DBA) is not affected by this change, nor are the consequences of any DBA affected by this change. The new small break loss-of-coolant accident (SBLOCA) partial-power analysis demonstrates that all 10 CFR 50.46 acceptance criteria are satisfied. Radiological consequences for loss-of-coolant accident (LOCA) events are evaluated in ONS Updated Final Safety Analysis Report Section 15.15 for the Maximum Hypothetical Accident. The proposed changes will not impact assumptions and conditions previously used in the radiological consequence evaluations for the Maximum Hypothetical Accident. The proposed changes do not involve changes to any structures, systems, or components (SSCs) that can alter the probability for initiating a LOCA event.

Therefore, the proposed TS changes do not significantly increase the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed TS changes reduce the allowed power level that the unit may be operated at with select HPI equipment out-of-service. The changes do not alter the plant configuration (no new or different type of equipment will be installed) or make changes in methods governing normal plant operation. No new failure modes are identified, nor are any SSCs required to be operated outside the design bases.

Therefore, the possibility of a new or different kind of accident from any kind of accident previously evaluated is not created.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed TS changes are supported by SBLOCA analyses which demonstrate that the acceptance criteria of 10 CFR 50.46 are satisfied. These analyses were performed in accordance with the Evaluation Model described in AREVA Topical Report BAW–10192P–A. The new SBLOCA analysis assumes a lower initial core power level (50% of rated thermal power (RTP)) than what was previously analyzed in support of TS 3.5.2 (i.e., 75% of RTP). The resulting peak cladding temperature results for the new SBLOCA analysis are lower than the existing analysis. In addition, a supplemental evaluation demonstrated that failure to perform a desired operator action of maintaining secondary-side pressure at 300 psig by throttling the atmospheric dump valve during a SBLOCA did not result in adverse affects to the new SBLOCA analysis results. Therefore, it is concluded that the proposed amendment request will not result in a significant decrease in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* Lara S. Nichols, Deputy General Counsel, Duke Energy Corporation, 526 South Church Street—EC07H, Charlotte, NC 28202–1802.

*NRC Branch Chief:* Robert J. Pascarelli.

*Duke Energy Progress Inc., Docket No. 50–261, H.B. Robinson Steam Electric Plant, Unit 2 (HBRSEP2), Darlington County, South Carolina*

*Date of amendment request:* June 20, 2014. A publicly-available version is in ADAMS under Accession No. ML14188B015.

*Description of amendment request:* The amendment would revise Technical

Specification (TS) 5.5.9.b.2 for the Steam Generator (SG) Program accident-induced leakage performance criterion to correct an editorial error in the accident-induced leakage rate value for any design-basis accident other than a SG tube rupture.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change is a correction to an editorial error in the specified accident induced leakage performance criterion of TS 5.5.9.b.2. The error in TS 5.5.9.b.2 being addressed by this proposed change was introduced at the time of the HBRSEP2 submittal of the NRC-approved Technical Specification Task Force (TSTF) traveler 449, Rev. 4, *Steam Generator Tube Integrity.* The accident-induced leakage performance criterion will continue to be within the limit assumed in the accident analysis. As a result, neither the probability nor the consequences of any accident previously evaluated will be affected.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

No new or different accidents result from the proposed changes. The changes do not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the changes do not impose any new or different requirements or eliminate any existing requirements. The changes do not alter assumptions made in the safety analysis, it only corrects an editorial error in the accident-induced leakage performance criterion specified in the SG Program. The proposed changes are consistent with the safety analysis assumptions and current plant operating practice.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

This change will have no effect on the margin of safety. This proposed change corrects an editorial error in the accident-induced leakage performance criterion specified in the SG Program.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* Lara S. Nichols, Deputy General Counsel, Duke Energy Corporation, 550 South Tyron Street, Mail Code DEC45A, Charlotte, NC 28202.

*Acting NRC Branch Chief:* Lisa M. Regner.

*Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont*

*Date of amendment request:* November 14, 2013. A publicly-available version is in ADAMS under Accession No. ML13323A516.

*Description of amendment request:* The proposed amendment would eliminate operability requirements for secondary containment when handling sufficiently decayed irradiated fuel or a fuel cask following a minimum of 13 days after the permanent cessation of reactor operation.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes do not modify the design or operation of equipment used to move spent fuel or to perform core alterations. The proposed changes cannot increase the probability of any previously analyzed accident because they are based on changes in Source Term, atmospheric dispersion and dose consequence analysis methodology, not in procedures or equipment used for fuel handling.

The conservative re-analysis of the FHA [fuel-handling accident] concludes that the radiological consequences are within the regulatory limits established 10 CFR 50.67. This conclusion is based on the Alternate Source Term and guidance provided in Appendix B of Regulatory Guide 1.183 and analyses of fission product release and transport path that does not take credit for dose mitigation provided by engineered safeguards including secondary containment and the SGT system. The results of the core alteration events, other than the FHA, remain unchanged from the original design-basis that showed these events do not result in fuel cladding damage or radioactive release.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not introduce any new modes of plant operation and do not involve physical modifications to the plant.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Regulation in 10 CFR 50.67 permits licensees to voluntarily revise the accident source term used in design-basis radiological consequence analyses. This license amendment application evaluates the consequences of a design-basis fuel handling accident in accordance with this regulation and Regulatory Guide 1.183. The revised analysis concludes that the radiological consequences of the fuel handling accident are less than the regulatory allowable limits. Safety margins and analytical conservatisms are retained to ensure the analysis adequately bounds all postulated event scenarios. The selected assumptions and release models provide an appropriate and prudent safety margin against unpredicted events in the course of an accident and compensates for large uncertainties in facility parameters, accident progression, radioactive material transport and atmospheric dispersion. The proposed TS applicability statements continue to ensure that the total effective dose equivalent (TEDE) at the boundaries of the control room, the exclusion area, and low population zone boundaries are below the corresponding regulatory allowable limits in 10 CFR 50.67(b)(2).

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* Ms. Jeanne Cho, Assistant General Counsel, Entergy Nuclear Operations, Inc., 400 Hamilton Avenue, White Plains, NY 10601.

*NRC Branch Chief:* Douglas A. Broaddus.

*Exelon Generation Company, LLC, Docket Nos. STN 50–456, STN 50–457 and 72–73, Braidwood Station, Units 1 and 2, Will County, Illinois*

*Exelon Generation Company, LLC, Docket Nos. STN 50–454, STN 50–455 and 72–68, Byron Station, Units 1 and 2, Ogle County, Illinois*

*Exelon Generation Company, LLC, Docket No. 50–461, Clinton Power Station, Unit 1, DeWitt County, Illinois*

*Exelon Generation Company, LLC, Docket Nos. 50–10, 50–237, 50–249 and 72–37, Dresden Nuclear Power Station, Units 1, 2 and 3, Grundy County, Illinois*

*Exelon Generation Company, LLC, Docket Nos. 50–373, 50–374 and 72–70, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois*

*Exelon Generation Company, LLC, Docket Nos. 50–352, 50–353 and 72–65, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania*

*Exelon Generation Company, LLC, et al., Docket No. 50–219 and 72–15, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey*

*Exelon Generation Company, LLC, and PSEG Nuclear LLC, Docket Nos. 50–171, 50–277, 50–278 and 72–29, Peach Bottom Atomic Power Station, Units 1, 2 and 3, York and Lancaster Counties, Pennsylvania*

*Exelon Generation Company, LLC, Docket Nos. 50–254, 50–265 and 70–53, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois*

*Exelon Generation Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania*

*Exelon Generation Company, LLC, Docket No. 50–320, Three Mile Island Nuclear Station, Unit 2, Dauphin County, Pennsylvania*

*Date of amendment request:* May 30, 2014. A publicly-available version is in ADAMS under Accession No. ML14164A054.

*Description of amendment request:* The proposed changes revise the Emergency Plans for the affected facilities to adopt the Nuclear Energy Institute's (NEI's) revised Emergency Action Level (EAL) schemes described in NEI 99–01, Revision 6, ''Development of Emergency Action Levels for Non-Passive Reactors,'' which has been endorsed by the NRC in a letter dated March 28, 2013. A publicly-available version can be found in ADAMS under Accession No. ML12346A463.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes have been reviewed considering the applicable requirements of 10 CFR 50.47, 10 CFR 50, Appendix E, and other applicable NRC documents. Exelon has evaluated the proposed changes to the affected sites' Emergency Plans and determined that the changes do not involve a Significant Hazards Consideration. In support of this determination, an evaluation of each of the three (3) standards, set forth in 10 CFR 50.92, ''Issuance of amendment,'' is provided below.

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to Exelon's EAL schemes to adopt the NRC-endorsed guidance in NEI 99–01, Revision 6, ''Development of Emergency Action Levels for Non-Passive Reactors,'' do not reduce the capability to meet the emergency planning requirements established in 10 CFR 50.47 and 10 CFR Part 50, Appendix E. The proposed changes do not reduce the functionality, performance, or capability of Exelon's ERO [Emergency Response Organization] to respond in mitigating the consequences of any design basis accident.

The probability of a reactor accident requiring implementation of Emergency Plan EALs has no relevance in determining whether the proposed changes to the EALs reduce the effectiveness of the Emergency Plans. As discussed in Section D, ''Planning Basis,'' of NUREG–0654, Revision 1, ''Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants'';

''. . . The overall objective of emergency response plans is to provide dose savings (and in some cases immediate life saving) for a spectrum of accidents that could produce offsite doses in excess of Protective Action Guides (PAGs). No single specific accident sequence should be isolated as the one for which to plan because each accident could have different consequences, both in nature and degree. Further, the range of possible selection for a planning basis is very large, starting with a zero point of requiring no planning at all because significant offsite radiological accident consequences are unlikely to occur, to planning for the worst possible accident, regardless of its extremely low likelihood . . . .''

Therefore, Exelon did not consider the risk insights regarding any specific accident initiation or progression in evaluating the proposed changes.

The proposed changes do not involve any physical changes to plant equipment or systems, nor do they alter the assumptions of any accident analyses. The proposed changes do not adversely affect accident initiators or precursors nor do they alter the design assumptions, conditions, and configuration or the manner in which the plants are operated and maintained. The proposed changes do not adversely affect the ability of Structures, Systems, or Components (SSCs) to perform their intended safety functions in mitigating the consequences of an initiating event within the assumed acceptance limits.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes to Exelon's EAL schemes to adopt the NRC-endorsed guidance in NEI 99–01, Revision 6, do not involve any physical changes to plant systems or equipment. The proposed changes do not involve the addition of any new plant equipment. The proposed changes will not alter the design configuration, or method of operation of plant equipment beyond its normal functional capabilities. All Exelon ERO functions will continue to be performed as required. The proposed changes do not create any new credible failure mechanisms, malfunctions, or accident initiators.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from those that have been previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes to Exelon's EAL schemes to adopt the NRC-endorsed guidance in NEI 99–01, Revision 6, do not alter or exceed a design basis or safety limit. There is no change being made to safety analysis assumptions, safety limits, or limiting safety system settings that would adversely affect plant safety as a result of the proposed changes. There are no changes to setpoints or environmental conditions of any SSC or the manner in which any SSC is operated. Margins of safety are unaffected by the proposed changes to adopt the NEI 99–01, Revision 6 EAL scheme guidance. The applicable requirements of 10 CFR 50.47 and 10 CFR 50, Appendix E will continue to be met.

Therefore, the proposed changes do not involve any reduction in a margin of safety.

In conclusion, and based on the considerations discussed above:

(1) There is reasonable assurance that the health and safety of the public will not be endangered by the proposed changes to adopt the EAL schemes established in NEI 99–01, Revision 6, as endorsed by the U.S. Nuclear Regulatory Commission (NRC); (2) the changes will be in compliance with the NRC's regulations; and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* Bradley Fewell, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

*NRC Branch Chief:* Travis L. Tate.

*FirstEnergy Nuclear Operating Company (FENOC), Docket No. 50–440, Perry Nuclear Power Plant, Unit 1, Perry, OH*

*Date of amendment request:* March 25, 2014. A publicly-available version is in ADAMS under Accession No. ML14084A165.

*Description of amendment request:* The proposed changes are consistent with the NRC-approved Industry/Technical Specifications Task Force (TSTF) Traveler, TSTF–425, Revision 3, ''Relocate Surveillance Frequencies to

Licensee Control—RITSTF Initiative 5b.'' The proposed change relocates surveillance frequencies to a licensee controlled program, the Surveillance Frequency Control Program. This change is applicable to licensees using probabilistic risk guidelines contained in NRC-approved Nuclear Energy Institute (NEI) 04–10, ''Risk-Informed Technical Specifications Initiative 5b, Risk-Informed Method for Control of Surveillance Frequencies.''

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of any accident previously evaluated?

Response: No.

The proposed change relocates the specified frequencies for periodic surveillance requirements to licensee control under a new Surveillance Frequency Control Program. Surveillance frequencies are not an initiator to any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The systems and components required by the technical specifications for which the surveillance frequencies are relocated are still required to be operable, meet the acceptance criteria for the surveillance requirements, and be capable of performing any mitigation function assumed in the accident analysis. As a result, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

No new or different accidents result from utilizing the proposed change. The changes do not involve a physical alteration of the plant (that is, no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the changes do not impose any new or different requirements. The changes do not alter assumptions made in the safety analysis. The proposed changes are consistent with the safety analysis assumptions and current plant operating practice. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in the margin of safety?

Response: No.

The design, operation, testing methods, and acceptance criteria for systems, structures, and components (SSCs), specified in applicable codes and standards (or alternatives approved for use by the NRC) will continue to be met as described in the plant licensing basis (including the final safety analysis report and bases to the TS [technical specification]), since these are not affected by changes to the surveillance frequencies. Similarly, there is no impact to safety analysis acceptance criteria as described in the plant licensing basis. To evaluate a change in the relocated surveillance frequency, FENOC will perform a probabilistic risk evaluation using the guidance contained in NRC approved Nuclear Energy Institute (NEI) 04–10, Revision 1, in accordance with the TS Surveillance Frequency Control Program. NEI 04–10, Revision 1, methodology provides reasonable acceptance guidelines and methods for evaluating the risk increase of proposed changes to surveillance frequencies consistent with Regulatory Guide 1.177, ''An Approach for Plant-Specific, Risk-Informed Decision-making: Technical Specifications.''

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based upon the reasoning presented above, FENOC concludes that the requested change does not involve a significant hazards consideration as set forth in 10 CFR 50.92(c), Issuance of Amendment.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* David W. Jenkins, Attorney, FirstEnergy Corporation, Mail Stop A–GO–15, 76 South Main Street, Akron, OH 44308.

*NRC Branch Chief:* Travis L. Tate.

*Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station (SONGS), Units 2 and 3, San Diego County, California*

*Date of amendment request:* March 21, 2014. A publicly-available version is in ADAMS under Accession No. ML14085A141.

*Description of amendment request:* The proposed amendment would revise the Operating License and associated Technical Specifications (TS) to reflect the permanent cessation of power operation. Because the licenses for SONGS, Units 2 and 3 no longer authorize emplacement or retention of fuel in the reactor vessel, the limiting conditions for operation and associated surveillance requirements that do not apply in the defueled condition are being proposed for deletion. The remaining portions of the TS are being proposed for revision and incorporation as the permanently defueled TS to provide a continuing acceptable level of safety, which addresses the reduced scope of postulated design basis accidents associated with a defueled plant, as described in the SONGS, Units 2 and 3 safety analyses.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

SONGS Units 2 and 3 have permanently ceased operation. The proposed amendment would modify the SONGS Units 2 and 3 facility operating licenses and TS by deleting the portions of the licenses and TS that are no longer applicable to a permanently defueled facility, while modifying the remaining portions to correspond to the permanently shutdown condition. This change is consistent with the criteria set forth in 10 CFR 50.36 for the contents of TS.

Section 15 of the SONGS Updated Final Safety Analysis Report (UFSAR) described the design basis accident (DBA) and transient scenarios applicable to SONGS Units 2 and 3 during power operations. With the reactors in a permanently defueled condition, the fuel storage pools and their systems have been isolated and are dedicated only to spent fuel storage. In this condition, the spectrum of credible accidents is much smaller than for an operational plant. As a result of the certifications submitted by SCE [Southern California Edison] in accordance with 10 CFR 50.82(a)(1), and the consequent removal of authorization to operate the reactors or to place or retain fuel in the reactors in accordance with 10 CFR 50.82(a)(2), most of the accident scenarios postulated in the UFSAR are no longer possible.

The definition of safety-related structures, systems, and components (SSCs) in 10 CFR 50.2 states that safety-related SSCs are those relied on to remain functional during and following design basis events to assure:

1. The integrity of the reactor coolant boundary;

2. The capability to shut down the reactor and maintain it in a safe shutdown condition; or

3. The capability to prevent or mitigate the consequences of accidents which could result in potential offsite exposures comparable to the applicable guideline exposures set forth in 10 CFR 50.43(a)(1) or 100.11.

The first two criteria (integrity of the reactor coolant pressure boundary and safe shut down of the reactor) are not applicable to a plant in a permanently defueled condition. The third criterion is related to preventing or mitigating the consequences of accidents that could result in potential offsite

exposures exceeding limits. However, after the termination of reactor operations at SONGS Units 2 and 3 and the permanent removal of the fuel from the reactor vessels (following 17 months of decay time after shut down) and purging of the contents of the waste gas decay tanks, none of the SSCs at SONGS Units 2 and 3 are required to be relied on for accident mitigation. Therefore, none of the SSCs at SONGS Units 2 and 3 meet the definition of a safety-related SSC stated in 10 CFR 50.2 (with the exception of the passive fuel storage pool structure).

The deletion of TS definitions and rules of usage and application, that are currently not applicable in a defueled condition, has no impact on facility SSCs or the methods of operation of such SSCs. The deletion of design features and safety limits not applicable to the permanently shut down and defueled status of SONGS Units 2 and 3 has no impact on the remaining DBA. The removal of limiting conditions for operation (LCOs) or surveillance requirements (SRs) that are related only to the operation of the nuclear reactors or only to the prevention, diagnosis, or mitigation of reactor-related transients or accidents do not affect the applicable DBAs previously evaluated since these DBAs are no longer applicable in the defueled mode. The safety functions involving core reactivity control, reactor heat removal, reactor coolant system inventory control, and containment integrity are no longer applicable at SONGS Units 2 and 3 as a permanently defueled plant. The analyzed accidents involving damage to the reactor coolant system, main steam lines, reactor core, and the subsequent release of radioactive material are no longer possible at SONGS Units 2 and 3.

Since SONGS Units 2 and 3 has permanently ceased operation, the future generation of fission products has ceased and the remaining source term will decay. The radioactive decay of the irradiated fuel since shut down of the reactor will have reduced the consequences of the FHA [fuel handling accident] to levels well below those previously analyzed. The relevant parameter (water level) associated with the fuel pool provides an initial condition for the FHA analysis and is included in the permanently defueled TS.

The fuel storage pool water level, fuel storage pool boron concentration, and spent fuel assembly storage TS are retained to preserve the current requirements for safe storage of irradiated fuel.

Fuel pool cooling and makeup related equipment and support equipment (e.g., electrical power systems) are not required to be continuously available since there is sufficient time to effect repairs, establish alternate sources of makeup flow, or establish alternate sources of cooling in the event of a loss of cooling and makeup flow to the fuel storage pool.

The deletion and modification of provisions of the administrative controls does not directly affect the design of SSCs necessary for safe storage of irradiated fuel or the methods used for handling and storage of such fuel in the fuel pool. The changes to the administrative controls are administrative in nature and do not affect any accidents applicable to the safe management of irradiated fuel or the permanently shut down and defueled condition of the reactors.

The probability of occurrence of previously evaluated accidents is not increased, since extended operation in a defueled condition is the only operation currently allowed, and therefore bounded by the existing analyses. Additionally, the occurrence of postulated accidents associated with reactor operation is no longer credible in a permanently defueled reactor. This significantly reduces the scope of applicable accidents.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes have no impact on facility SSCs affecting the safe storage of irradiated fuel, or on the methods of operation of such SSCs, or on the handling and storage of irradiated fuel itself. The removal of TS that are related only to the operation of the nuclear reactor or only to the prevention, diagnosis, or mitigation of reactor-related transients or accidents cannot result in different or more adverse failure MODES or accidents than previously evaluated because the reactor is permanently shut down and defueled and SCE is no longer authorized to operate the reactors.

The proposed deletion of requirements of the SONGS Unit 2 and Unit 3 TS do not affect systems credited in the accident analysis. The proposed permanently defueled TS (PDTS) continue to require proper control and monitoring of safety significant parameters and activities.

The proposed restriction on the fuel pool level is fulfilled by normal operating conditions and preserves initial conditions assumed in the analyses of the postulated DBA. The fuel storage pool water level, fuel storage pool boron concentration, and spent fuel assembly storage TS are retained to preserve the current requirements for safe storage of irradiated fuel.

The proposed amendment does not result in any new mechanisms that could initiate damage to the remaining relevant safety barriers for defueled plants (i.e., fuel cladding and spent fuel cooling). Since extended operation in a defueled condition is the only operation currently allowed, and therefore bounded by the existing analyses, such a condition does not create the possibility of a new or different kind of accident.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Because the 10 CFR Part 50 licenses for SONGS Units 2 and 3 no longer authorize operation of the reactors or emplacement or retention of fuel into the reactor vessels, as specified in 10 CFR 50.82(a)(2), the occurrence of postulated accidents associated with reactor operation is no longer credible. The remaining credible accidents do not credit SSCs for mitigation. The proposed amendment does not adversely affect the inputs or assumptions of any of the design basis analyses that impact an accident.

The proposed changes are limited to those portions of TS and license that are not related to the safe storage of irradiated fuel. The requirements for SSCs that have been deleted from the SONGS TS Units 2 and 3 are not credited in the existing accident analysis for the remaining applicable postulated accident; and as such, do not contribute to the margin of safety associated with the accident analysis. Postulated DBAs involving the reactors are no longer possible because the reactors are permanently shut down and defueled and SCE is no longer authorized to operate the reactors.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety because the current design limits continue to be met for the accidents of concern.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

*Attorney for licensee:* Douglas K. Porter, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770.

*NRC Branch Chief:* Douglas A. Broaddus.

*Southern Nuclear Operating Company Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP) Units 3 and 4, Burke County, Georgia*

*Date of amendment request:* June 4, 2014. A publicly-available version is in ADAMS under Accession No. ML14156A477.

*Description of amendment request:* The purpose of the proposed license amendment request is to address proposed changes related to departure from the plant-specific Design Control Document (DCD) Tier 1 (and corresponding Combined License Appendix C information) and Tier 2 material to reconcile differences in the various valve table entries.

Because this proposed change requires a departure from Tier 1 information in the Westinghouse Advanced Passive 1000 DCD, the licensee also requested an exemption from the requirements of the Generic DCD Tier 1 in accordance with 10 CFR 52.63(b)(1).

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards

consideration, which is presented below:

1. Does the requested amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes do not result in any physical changes to the plant, and therefore do not change any safety-related design requirement, qualification requirement or function. The proposed changes do not involve any accident initiating event or component failure, thus, the probabilities of the accidents previously evaluated are not affected. The proposed changes do not affect the radioactive material releases used in the accident analyses, thus, the radiological releases in the accident analyses are not affected. The proposed changes do not affect any postulated non-radioactive accident scenario as evaluated in UFSAR [Updated Final Safety Analysis Report] Chapter 15.

Therefore, the requested amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the requested amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not result in any physical changes to the plant, and therefore do not adversely affect any structure, system or component. No safety-related equipment qualification or design function is affected. The proposed changes do not introduce a new failure mode or create a new fault or sequence of events that could result in a radioactive material release.

Therefore, the requested amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes do not result in any physical changes to the plant, and therefore do not change valve performance, including containment isolation. No safety acceptance criterion would be exceeded or challenged. No safety related function would be affected. Valve qualification would not be affected.

The proposed changes do not affect compliance with existing design codes and regulatory criteria and do not affect any safety analysis.

Therefore, the requested amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* Mr. M. Stanford Blanton, Blach & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

*NRC Branch Chief:* Lawrence Burkhart.

## III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of 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** as indicated.

Unless otherwise indicated, 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. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

*Duke Energy Carolinas, LLC, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina*

*Date of application for amendments:* September 12, 2013, as supplemented by letters dated May 20 and July 22, 2014.

*Brief description of amendments:* The amendments modify Technical Specification (TS) 3.3.2. Specifically, the change modifies setpoints associated with the auxiliary feedwater pump suction transfer on low suction pressure.

*Date of issuance:* August 27, 2014.

*Effective date:* This license amendment is effective as of its date of issuance and shall be implemented within 60 days of issuance.

*Amendment Nos.:* 273 and 253. A publicly-available version is in ADAMS under Accession No. ML14211A403; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

*Renewed Facility Operating License Nos. NPF–9 and NPF–17:* Amendments revised the licenses and technical specifications.

*Date of initial notice in **Federal Register:*** December 10, 2013 (78 FR 74179). The supplemental letters dated May 20 and July 22, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 27, 2014.

*No significant hazards consideration comments received:* No

*Exelon Generation Company, LLC, and PSEG Nuclear LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3, York and Lancaster Counties, Pennsylvania*

*Date of application for amendments:* September 28, 2012, as supplemented by letters dated February 15, 2013, May 7, 2013, May 24, 2013, June 4, 2013, June 27, 2013, July 30, 2013, July 31, 2013, August 5, 2013, August 22, 2013, August 29, 2013, September 13, 2013, October 11, 2013, October 15, 2013, October 31, 2013, December 6, 2013, December 20, 2013, January 17, 2014, January 31, 2014 (2 letters), February 20, 2014, February 28, 2014, March 10, 2014, March 17, 2014, April 11, 2014, April 18, 2014, May 6, 2014, June 5, 2014, and June 20, 2014.

*Brief description of amendments:* The amendments authorize an increase in the maximum licensed thermal power level for PBAPS, Units 2 and 3, from 3514 megawatts thermal (MWt) to 3951 MWt, which is an increase of approximately 12.4 percent.

*Date of issuance:* August 25, 2014.

*Effective date:* For PBAPS, Unit 2, the amendment is effective as of its date of issuance and shall be implemented prior to startup from refueling outage P2R20. For PBAPS, Unit 3, the

amendment is effective as of its date of issuance and shall be implemented prior to startup from refueling outage P3R20.

*Amendments Nos.:* 293 and 296. A publicly-available version is in ADAMS under Accession No. ML14133A046; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

*Renewed Facility Operating License Nos. DPR–44 and DPR–56:* The amendments revised the Facility Operating Licenses and the Technical Specifications.

*Date of initial notice in **Federal Register:*** April 9, 2013 (78 FR 21168). The letters dated February 15, 2013, May 7, 2013, May 24, 2013, June 4, 2013, June 27, 2013, July 30, 2013, July 31, 2013, August 5, 2013, August 22, 2013, August 29, 2013, September 13, 2013, October 11, 2013, October 15, 2013, October 31, 2013, December 6, 2013, December 20, 2013, January 17, 2014, January 31, 2014 (2 letters), February 20, 2014, February 28, 2014, March 10, 2014, March 17, 2014, April 11, 2014, April 18, 2014, May 6, 2014, June 5, 2014, and June 20, 2014, provided clarifying information that did not change the initial proposed no significant hazards consideration determination or expand the application beyond the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 25, 2014.

*No significant hazards consideration comments received:* No.

*Exelon Generation Company, LLC, Docket No. 50–244, R.E. Ginna Nuclear Power Plant, Wayne County, New York*

*Date of amendment request:* February 28, 2013, as supplemented by letters dated June 19, and November 11, 2013 and January 22, March 14, March 26, and June 6, 2014.

*Brief description of amendment:* The amendment revised the Ginna Nuclear Power Plant Technical Specifications (TSs) to revise the allowable containment average air temperature from ''≤ 120 °F'' to ''≤ 125 °F'' for TS 3.6.5 ''Containment Air Temperature.''

*Date of issuance:* August 12, 2014.

*Effective date:* As of the date of issuance to be implemented within 45 days.

*Amendment No.:* 116. A publicly-available version is in ADAMS under Accession No. ML14232A125; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

*Renewed Facility Operating License No. DPR–18:* Amendment revised the Renewed Facility Operating License and Technical Specifications.

*Date of initial notice in **Federal Register:*** November 26, 2013 (78 FR 70594). The supplemental letters dated June 19, and November 11, 2013, and January 22, March 14, March 26, and June 6, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 12, 2014.

*No significant hazards consideration comments received:* No.

*Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia*

*Date of application for amendments:* July 23, 2013, as supplemented August 5, 2014.

*Brief description of amendments:* The amendments revise the Technical Specification (TS) requirements and add license conditions related to control room envelope habitability in accordance with the Nuclear Regulatory Commission approved Revision 3 of Technical Specification Task Force (TSTF) Standard Technical Specifications Change Traveler TSTF–448, ''Control Room Habitability.''

*Date of issuance:* August 29, 2014.

*Effective date:* As of the date of issuance and shall be implemented within 60 days from the date of issuance.

*Amendment Nos.:* Unit 1–268 and Unit 2–212. A publicly-available version is in ADAMS under Accession No. ML14147A410; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

*Renewed Facility Operating License Nos. DPR–57 and NPF–5:* Amendments revised the Renewed Facility Operating licenses and the Technical Specifications.

*Date of initial notice in **Federal Register:*** September 3, 2013 (78 FR 54290). The supplement dated August 5, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 29, 2014.

No significant hazards consideration comments received: No.

*Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Units 1 and 2, Louisa County*

*Date of application for amendment:* February 22, 2013.

*Brief description of amendment:* The amendment revised Technical Specification 3.1.6, ''Control Bank Insertion Limits,'' to include text, in Condition A, stating, ''for reasons other than Condition C.'' This text addition modifies Condition A, for control bank sequence or overlap limits, to include language currently in Condition B, for control bank insertion limits, this change would point to Condition C, which, if applicable, would allow the specified completion time to restore the control bank to within the insertion limit to be increased from 2 hours to 72 hours. This would align the description of the sequence and overlap limit of Condition A with the description of control bank insertion limit Condition B.

*Date of issuance:* August 27, 2014.

*Effective date:* As of the date of issuance and shall be implemented within 60 days from the date of issuance.

*Amendment Nos.:* 272 and 254. A publicly-available version is in ADAMS under Accession No. ML14188C453; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

*Renewed Facility Operating License Nos. NPF–4 and NPF–7:* Amendments revised the Facility Operating License and Technical Specifications.

*Date of initial notice in **Federal Register:*** April 30, 2013 (78 FR 25317).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 27, 2014.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 5th day of September 2014.

For the Nuclear Regulatory Commission.

**A. Louise Lund,**

*Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2014–21833 Filed 9–15–14; 8:45 am]

**BILLING CODE 7590–01–P**

## RAILROAD RETIREMENT BOARD

### Sunshine Act Meetings

Notice is hereby given that the Railroad Retirement Board will hold a meeting on September 23, 2014, 10:00 a.m. at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611. The agenda for this meeting follows:

*Portion open to the public:*

(1) Executive Committee Reports.

The person to contact for more information is Martha P. Rico, Secretary to the Board, Phone No. 312–751–4920.

Dated: September 12, 2014.

**Martha P. Rico,**

*Secretary to the Board.*

[FR Doc. 2014–22172 Filed 9–12–14; 4:15 pm]

BILLING CODE 7905–01–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, September 18, 2014 at 2:00 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 Aguilar, 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:

Settlement of injunctive actions;

Institution settlement of administrative proceedings;

Resolution of litigation claim;

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: September 11, 2014.

**Jill M. Peterson**

*Assistant Secretary.*

[FR Doc. 2014–22121 Filed 9–12–14; 11:15 am]

BILLING CODE 8011–01–P

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–73071; File No. SR–NYSE–2014–49]**

### Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Proposing To Amend Section 107.03 of the Listed Company Manual To Provide That No Security Shall Be Approved for Listing on the Exchange That is Delinquent in Its Filing Obligation With the Securities and Exchange Commission

September 10, 2014.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on August 28, 2014, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the 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

The Exchange proposes to [sic] The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization 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 Exchange proposes to amend Section 107.03 of the Manual to provide that no security shall be approved for listing on the Exchange that is delinquent in its filing obligation with the Commission. The Exchange adopted Section 107.03 of the Manual to codify its longstanding practice of requiring that issuers provide investors with current and complete financial and corporate information prior to the date on which such issuer seeks to list a security.[4] Currently, Section 107.03 states that no security shall be approved for listing on the Exchange if the issuer has not for the 12 months immediately preceding the date of listing filed on a timely basis all periodic reports required to be filed with the Commission. While this requirement furthers the Exchange's goal of requiring adequate current disclosure, the Exchange believes that Section 107.03 could currently be read to impose requirements upon issuers that the Exchange did not intend and that go beyond the Exchange's practices it intended to embody in the rule. Accordingly, the Exchange proposes to amend Section 107.03 to clarify how it will evaluate an issuer's compliance with Commission reporting requirements as it relates to approving such issuer for listing on the Exchange.

In its current form, the language of Section 107.03 precludes the listing of any company that has failed to timely file any of its periodic reports with the SEC in the 12 months prior to the listing approval date, even if that company was current in its filings as of the date of its listing application. This would preclude the Exchange from listing a security if its issuer had been late—even by a de minimis amount—in filing just one of its required periodic reports during the preceding 12 months. The Exchange believes this outcome would, in certain instances, be disproportionately punitive in comparison to the infraction and would not provide any meaningful investor protection benefits. In particular, the Exchange generally does not believe that there is any investor protection benefit to be derived from conditioning an issuer's listing on the timely filing of a Form 10–Q when the

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 70218 (August 15, 2013), 78 FR 51788 (August 21, 2013) (SR–NYSE–2013–33).

issuer has subsequently filed an annual report for a fiscal year including the period covered by that Form 10–Q. For these reasons, the Exchange now believes it is more appropriate to state that a security will not be approved for listing on the Exchange if its issuer is delinquent in its filing obligation with the Commission.

The Exchange proposes to take a two pronged approach to determining whether an issuer is delinquent in its filing obligations. First, the Exchange will in every case deem an issuer to be delinquent and will not authorize such issuer for listing if it has not filed an annual report (on Forms 10–K, 20–F, 40–F or N–CSR) for its most recent fiscal year end and all subsequent quarterly reports (on Form 10–Q) by the date it seeks to list on the Exchange. Second, the Exchange will undertake a qualitative review of an issuer's past (i.e. prior to its annual report for its most recent fiscal year) compliance with the Commission's reporting requirements. If, in the course of that review, the Exchange learns that an issuer has failed to file one or more historical annual or quarterly reports (each such report an ''omitted filing''), it will create a rebuttable presumption that the Exchange will deem the issuer to be delinquent in its filing obligations with the Commission and therefore will not approve the issuer for listing. Notwithstanding the foregoing, the Exchange, in its sole discretion, may decide that an omitted filing is not a bar to listing if it is satisfied that (i) there is evidence that the Commission does not intend to take action against the issuer as a result of the company's failure to submit such omitted filing or (ii) a sufficient period of filing compliance has passed since the due date of the omitted filing that the information required to be included in such omitted filing would be of little relevance to investors at the time of listing.[5]

The Exchange believes that, as amended, Section 107.03 will still provide investors with a sufficient level of protection. Under the proposed rule, issuers will still be required to have filed their most recent annual report and all subsequent quarterly reports. Further, historical non-compliance with the Commission's filing requirements will serve as a bar to listing in the absence of the mitigating factors described above. Lastly, the Exchange's proposed amendment to Section 107.03 of the Manual is comparable to Nasdaq Stock Market (''Nasdaq'') Rule 5210(e).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Sections 6(b)(5) of the Act, in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that the proposed amendment is consistent with the investor protection objectives of Section 6(b)(5) because issuers under the proposed amended rule will still be required to provide investors with current and complete financial and corporate information prior to having their securities authorized for listing on the Exchange. Further, looking back more than twelve months at an issuer's filing compliance will enhance investor protection. Moreover, the proposed amendment will foster cooperation and coordination with persons engaged in regulating transactions in securities by harmonizing the Exchange's listing requirements in this regard with those of Nasdaq.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is applicable to all issuers applying to list their securities on the Exchange and is comparable to the Nasdaq requirement. Accordingly, the Exchange does not believe that the proposed change would impose any burden on competition.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[6] and Rule 19b–4(f)(6) thereunder.[7] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.[8]

A proposed rule change filed under Rule 19b–4(f)(6)[9] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[10] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of such 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 under Section 19(b)(2)(B)[11] of the Act to determine whether the proposed rule change should be approved or disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File

[5] While the period of elapsed time that the Exchange would consider to be sufficient will vary from case to case, the Exchange expects it to be a minimum of two years and potentially longer depending on the facts and circumstances surrounding a particular issuer.

[6] 15 U.S.C. 78s(b)(3)(A)(iii).

[7] 17 CFR 240.19b–4(f)(6).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission deems this requirement to have been met.

[9] 17 CFR 240.19b–(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] 15 U.S.C. 78s(b)(2)(B).

Number SR–NYSE–2014–49 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–NYSE–2014–49. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2014–49 and should be submitted on or before October 7, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 2014–22004 Filed 9–15–14; 8:45 am]

**BILLING CODE 8011–01–P**

[12] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–73069; File No. SR–NASDAQ–2014–088]**

## Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend NASDAQ Rule 4753 To Expand the Information Made Available Through the Order Imbalance Indicator in Connection With the NASDAQ Halt Cross

September 10, 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 August 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 the Substance of the Proposed Rule Change

NASDAQ proposes a rule change to amend NASDAQ Rule 4753 to expand the information made available through the Order Imbalance Indicator in connection with the NASDAQ Halt Cross (the ''Halt Cross'' or the ''Cross''). NASDAQ proposes to make the change operative on or about October 1, 2014, on a date that is at least 30 days after the date of the filing.

The text of the proposed rule change is available at *http://nasdaq.cchwallstreet.com/,* at NASDAQ's principal office, 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, 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

NASDAQ recently amended the language of Rule 4753 to correct imprecise language with respect to imbalance information disseminated through the Order Imbalance Indicator (also known as the ''Net Order Imbalance Indicator'' or ''NOII'') prior to the execution of the Halt Cross.[3] In this new proposed rule change, NASDAQ is proposing to expand the information made available through the NOII to enhance the ability of market participants to understand the interplay of supply and demand of buy and sell orders leading up to the completion of the Cross.

The NASDAQ Halt Cross is designed to provide for an orderly, single-priced opening of securities subject to an intraday halt, including securities that are the subject of an initial public offering (''IPO''). Prior to the Cross execution, market participants enter quotes and orders eligible for participation in the Cross, and NASDAQ disseminates certain information—the NOII—regarding buying and selling interest entered and the indicative execution price.

At the time when the security is released for trading, the Halt Cross will occur at the price that maximizes the number of shares of trading interest eligible for participation in the Cross[4] to be executed. If there is more than one such price, the Cross will occur at the price that minimizes any Imbalance, which is defined in the rule as ''the number of shares of Eligible Interest that may not be matched with other order shares at a particular price at any given time.''[5] The NOII is disseminated every five seconds during a designated period prior to the completion of the Halt Cross, in order to provide market

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 72736 (August 1, 2014), 79 FR 45860 (August 6, 2014) (SR–NASDAQ–2014–075).

[4] ''Eligible Interest'' is defined as any quotation or any order that may be entered into the system and designated with a time-in-force of SIOC, SDAY, SGTC, MIOC, MDAY, MGTC, SHEX, or GTMC. These respective times-in-force are defined in Rule 4751. NASDAQ is proposing to simplify this rule language by replacing the list of times-in-force with a more general reference to ''a time-in-force that would allow the order to be in force at the time of the Halt Cross.'' The change is not substantive in effect.

[5] Additional provisions of Rule 4753, not pertinent to this proposed rule change, are used to determine the price in the event that there is more than one price that minimizes any Imbalance.

participants with information regarding the possible price and volume of the Cross. The information includes the Current Reference Price, which is the price at which the Cross would occur if it executed at the time of the NOII's dissemination, and the number of shares of Eligible Interest that would be paired at that price.

NASDAQ currently disseminates a Market Order Imbalance—defined as ''the number of shares of Eligible Interest entered through market orders that would not be matched with other order shares at the time of the dissemination of an Order Imbalance Indicator''—if in fact there are such unexecutable market order shares. Thus, if all market orders would be executed, the field for the Market Order Imbalance is blank. When the field is populated (*i.e.,* when there is a Market Order Imbalance), NASDAQ also disseminates the buy/sell direction of the Market Order Imbalance. Thus, if a buy-direction Market Order Imbalance is disseminated, potential sellers in the Cross would know that buy liquidity is available at a market price, potentially encouraging them to enter additional sell orders to allow the Cross to proceed.

NASDAQ is proposing also to disseminate information about the size and buy/sell direction of an ''Imbalance.'' As noted above, Imbalance is defined as ''the number of shares of Eligible Interest that may not be matched with other order shares at a particular price at any given time.'' As noted above, ''Eligible Interest'' will be defined as ''any quotation or any order that may be entered into the system and designated with a time-in-force that would allow the order to be in force at the time of the Halt Cross.'' Thus, the provided information would reflect all shares eligible for participation in the Cross, regardless of time-in-force, and would include non-displayed shares and reserve size.[6]

While the current dissemination of the Market Order Imbalance signals to market participants that market orders would not execute in the Cross and therefore the Cross cannot occur until additional liquidity is entered on the other side of the market, the new information would indicate the degree to which available liquidity on one or the other side of the market would not be executed if the Cross were to occur at that time. Because either the Imbalance or the Market Order Imbalance would be disseminated every five seconds with each NOII message,[7] the modification would provide more continuity with respect to the information about supply and demand made available to market participants in the time leading up to the Cross. Specifically, allowing market participants to see an Imbalance on one side of the market or the other would signal the extent to which orders on the other side might be executable in the Cross if entered thereafter. NASDAQ believes that providing this information will enhance the price discovery process of the Cross and increase the likelihood of order interaction.

Finally, NASDAQ is proposing to add language in the rule to make it clear that the NOII will not include the Current Reference Price if there is a Market Order Imbalance. This is true as a matter of logic: If there is a Market Order Imbalance, not all market orders can be executed in the Cross and therefore there is no price at which the Cross could occur. However, NASDAQ believes that it may promote market participants' understanding of the rule to include this statement explicitly in the rule language.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Act[8] in general, and furthers the objectives of Section 6(b)(5),[9] in particular, in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest. The proposal is consistent with these purposes because it will expand the information made available through the NOII to enhance the ability of market participants to understand the interplay of supply and demand of buy and sell orders leading up to the completion of the Cross. Specifically, by providing information regarding orders that would not be executed in the Cross if it occurred at the time of dissemination of the NOII, the proposed change may encourage entry of additional orders, thereby enhancing price discovery and increasing the likelihood of order interaction. The change will thereby perfect the mechanisms of a free and open market. Moreover, the change will protect investors and the public interest by providing additional transparency regarding the Cross, helping investors to understand the degree of supply and demand for the security that is the subject of the Cross.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the proposed change serves merely to increase the information provided by NASDAQ regarding supply and demand, thereby assisting market participants in making informed investment decisions regarding participation in the Cross. The change does not restrict the ability of market participants to participate in the Cross in any respect, and therefore does impose any burden on competition.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has neither solicited nor received written comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (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

[6] Currently, a Market Order Imbalance reflects all shares eligible for participation as noted. The proposed change will result in all shares eligible for participation to be reflected for an Imbalance that is not a Market Order Imbalance. The Exchange notes that, under the current process, non-displayed market orders are potentially disclosed, in aggregate and not individually, through the NOII feed in IPO crosses when there is a Market Order Imbalance. Under the proposal, non-displayed IOC limit orders and hidden/reserve day limit orders (collectively, ''non-displayed limit orders'') could also be disclosed, in the aggregate, in the event of an Imbalance once the Reference Price is established. The Exchange notes that this is currently the case for non-displayed limit orders entered for participation in the Opening Cross. As a consequence, the Exchange believes that potential aggregate disclosure of non-displayed limit orders in the IPO Cross is consistent with its current practice and the understanding of market participants.

[7] In practical terms, if there is a Market Order Imbalance only, the Exchange will disseminate the Market Order Imbalance indicator. Likewise, in the event of an Imbalance only, the Exchange will disseminate the Imbalance indicator. In the event of both a Market Order Imbalance and an Imbalance, the Exchange will disseminate the Market Order Imbalance indicator only. The Exchange notes that under this last scenario, there is no Reference Price calculated because of the Market Order Imbalance. A Reference Price is required to calculate the Imbalance indicator, and therefore it cannot be disseminated when there is a Market Order Imbalance.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

19(b)(3)(A) of the Act[10] and subparagraph (f)(6) of Rule 19b–4 thereunder.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is 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–2014–088 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–2014–088. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2014–088, and should be submitted on or before October 7, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 2014–22003 Filed 9–15–14; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 200.30–3(a)(12).

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–73068; File No. SR–NYSEArca–2014–98]**

## Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending NYSE Arca Rule 2.23 To Specify the Registration and Examination Requirements for Persons Engaged in Supervisory Activities

September 10, 2014.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on August 28, 2014, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the 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

The Exchange proposes to amend NYSE Arca Rule 2.23 to specify the registration and examination requirements for a [sic] persons engaged in supervisory activities.[4] The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization 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 the Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend Rule 2.23 to specify the registration and examination requirements for a person engaged in supervisory activities as described in Rule 11.18—Supervision.

Rule 2.23 prescribes the registration and qualification requirements for individuals performing certain duties on behalf of an OTP Holder or OTP Firm[5], including traders and Proprietary Traders. A ''trader'' is a person who is directly or indirectly compensated by an OTP Holder or OTP Firm and who trades, makes trading decisions with respect to, or otherwise engages in the proprietary or agency trading of securities. The General Securities Registered Representative Examination, (''Series 7'') is the qualifying examination for registered traders. A Proprietary Trader, which is a limited registration category, is any person engaged in the purchase or sale of securities or other similar instruments for the account of an OTP Holder or OTP Firm with which he or she is associated, as an employee or otherwise, and who does not transact any business with the public.[6] The Proprietary Traders Examination (''Series 56'') is the

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Rules of NYSE Arca govern NYSE Arca Options. Rule changes proposed in this filing are not applicable to NYSE Arca Equities.

[5] *See* Rule 1.1(p). The term ''OTP'' shall refer to an Options Trading Permit issued by the Exchange for effecting approved securities transactions on the Exchange's Trading Facilities

[6] The term ''Proprietary Trader'' does not include a person who is required to be registered as a Market Maker in accordance with Rule 6.33 or a Market Maker Authorized Trader in accordance with Rule 6.34A. *See* Rule 2.23(b)(2)(C).

qualifying examination for Proprietary Traders.[7]

The Exchange proposes to set out within Rule 2.23(b)(3) the ways a person engaged in supervisory activities as described in Rule 11.18—Supervision may register with the Exchange on Web CRD.[8] The first way to qualify is to register as a General Securities Principal. A General Securities Principal must complete (a) the General Securities Principal Qualification Examination (''Series 24'') and (b) the Series 7. The Exchange presently requires persons acting in a supervisory capacity to be registered as a General Securities Principal and pass the Series 24 and Series 7. This filing serves to codify the existing registration and examination requirements and does not impart any new obligations on individuals registered as a General Securities Principal. The proposed second way to register and qualify as a supervisor would be as a Proprietary Trader Principal. A Proprietary Trader Principal must (a) complete the Series 24 and (b) be registered as a Proprietary Trader pursuant to Exchange Rules as described above.

Registration in the category of Proprietary Trader Principal would be a limited principal registration and would not authorize an individual to supervise non-Proprietary Traders. Therefore, the Exchange also proposes to specify within Rule 2.23(b)(3) that a Proprietary Trader Principal would not be qualified to function in a Principal or supervisory capacity with responsibility over any area of business or any registered person conducting such a business, other than that involving proprietary trading.

The proposed change is not otherwise intended to address any other issues and the Exchange is not aware of any problems that OTP Holders or OTP Firms or their registered persons would have in complying with the proposed change.

2. Statutory Basis

The proposed rule change is consistent with Section 6(c) of the Act,[9] in general, and furthers the objectives of Section 6(c)(3) of the Act,[10] in particular, which authorizes the Exchange to prescribe standards of training, experience, and competence for registered persons of OTP Holders and OTP Firms. The Exchange believes that the proposed examination requirements for a General Securities Principal and a Proprietary Trader Principal will help to ensure that a registered supervisor is competent to perform such supervisory functions and the registration requirements will result in a General Securities Principal and a Proprietary Trader Principal being subject to ongoing training requirements under the Exchange's rules.[11] The Exchange also believes that the proposed rule change is reasonable because the Proprietary Trader Principal category is limited and tailored to persons supervising proprietary trading functions and because other markets already recognize Proprietary Trader Principal registration and related examination requirements.[12] The Exchange also believes that it is reasonable to prescribe the Series 24 Examination as the appropriate examination for both the General Securities Principal and the Proprietary Trader Principal because the Series 24 Examination tests knowledge and understanding of supervision-related rules, including but not limited to rules governing sales practices, books and records, account suitability, trade review and trade reporting requirements.

The Exchange also believes that the proposed rule change is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Section 6(b)(5) of the Act,[14] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange believes that the proposed rule change accomplishes these objectives by enabling individuals to qualify for registration with the Exchange by passing a qualification examination that specifically addresses industry topics that establish the foundation for the regulatory and procedural knowledge necessary for such persons electing to register as General Securities Principal or Proprietary Trader Principal.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

In accordance with Section 6(b)(8) of the Act,[15] 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. Specifically, the Exchange does not believe that registration requirements for a General Securities Principal or a Proprietary Trader Principal registration will affect intermarket competition because other markets have adopted similar rules requiring registration and examination requirements for registered persons engaged in supervisory activities.[16] In addition, the Exchange does not believe that the proposed rule change will affect intramarket competition because all similarly situated registered persons of OTP Holders and OTP Firms, *e.g.,* registered persons maintaining the same categories of registration, are required to complete the same qualification examinations and maintain the same registrations.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter

[7] *See* Securities Exchange Act Release No. 66452 (February 23, 2012), 77 FR 12347 (February 29, 2012) (SR–NYSEArca–2012–15). An individual may also register as a Proprietary Trader by passing the General Securities Registered Representative Examination (''Series 7 Examination'') without passing the Series 56 Examination.

[8] Web CRD is the central licensing and registration system for the U.S. securities industry and its regulators operated by the Financial Industry Regulatory Authority (''FINRA'').

[9] 15 U.S.C. 78f(c).

[10] 15 U.S.C. 78f(c)(3).

[11] Rule 2.23(d) specifies the continuing education requirements for registered persons subsequent to their initial qualification and registration, which consist of a Regulatory Element and a Firm Element. The S201 Regulatory Element Program is required for registered Supervisors/Principals.

[12] *See, e.g.,* Commentary .08 to Chicago Board Options Exchange (''CBOE'') Rule 3.6A and Securities Exchange Act Release No. 67000 (May 16, 2012), 77 FR 30338 (May 22, 2012) (SR–CBOE–2012–039). *See also* NASDAQ OMX BX (''BX'') Rule 1022(h) and Securities Exchange Act Release No. 65056 (August 8, 2011), 76 FR 50279 (August 12, 2011) (SR–BX–2011–053).

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78f(b)(8).

[16] *See supra* note 12.

time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [17] and Rule 19b–4(f)(6)(iii) thereunder.[18]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as this proposed rule change will make NYSE Arca's rules consistent with those of the other markets which already have the Proprietary Trader Principal category of registration and its qualification requirements. Waiver of the operative delay would also allow the Exchange to implement the proposed rule change without delay, enabling associated persons of OTP Holders and OTP Firms who are engaged in supervisory activities to comply with the registration, examination and continuing education requirements associated with the Proprietary Trader Principal registration category in a timely manner, and thus is consistent with the protection of investors and the public interest.[19] Therefore, the Commission designates the proposal operative upon filing.[20]

At any time within 60 days of the filing of such 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 under Section 19(b)(2)(B) [21] of the Act to determine whether the proposed rule change should be approved or disapproved.

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[19] The Commission notes that, with respect to the General Securities Principal registration category, NYSE Arca states that it is codifying an existing requirement.

[20] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[21] 15 U.S.C. 78s(b)(2)(B).

## 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–NYSEArca–2014–98 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–NYSEArca–2014–98. 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 will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2014–98 and should be submitted on or before October 7, 2014.

[22] 17 CFR 200.30–3(a)(12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2014–22002 Filed 9–15–14; 8:45 am]

**BILLING CODE 8011–01–P**

## SMALL BUSINESS ADMINISTRATION

**[License Nos. 05/05–0297 & 05/05–0296]**

### Stonehenge Opportunity Fund III, L.P.; Stonehenge Opportunity Fund III–B, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Stonehenge Opportunity Fund III, L.P. and Stonehenge Opportunity Fund III–B, L.P., 191 West Nationwide Boulevard, Suite 600, Columbus, OH, 43215, Federal Licensees under the Small Business Investment Act of 1958, as amended (the ''Act''), in connection with the financing of a small concern have sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107.730). Stonehenge Opportunity Fund III, L.P. and Stonehenge Opportunity Fund III–B, L.P. propose to participate in the recapitalization of DHH Holdings, LLC, dba Davidson Hotels & Resorts, One Ravinia Drive, Suite 1600, Atlanta, GA, 30346 (''Davidson'') by investing subordinated debt.

The financing requires SBA prior written exemption pursuant to § 107.730(a) of the Regulations because it will provide a benefit to various individual Associates of Stonehenge Opportunity Fund III, L.P. and Stonehenge Opportunity Fund III–B, L.P. in the form of a cash distribution. The financing requires SBA prior written exemption pursuant to § 107.730(a)(1) of the Regulations because individual Associates of Stonehenge Opportunity Fund III, L.P. and Stonehenge Opportunity Fund III–B, L.P. collectively own more than 10% of Davidson, so Davidson is an Associate of Stonehenge Opportunity Fund III, L.P. and Stonehenge Opportunity Fund III–B, L.P. as defined in § 107.50 of the Regulations.

Notice is hereby given that within fifteen days of the date of this publication, any interested person may submit written comments on the transaction to the Associate Administrator for Investment and Innovation, U.S. Small Business

Administration, 409 Third Street SW., Washington, DC 20416.

Dated: August 13, 2014.

**Javier E. Saade,**

*Associate Administrator for Office of Investment and Innovation.*

[FR Doc. 2014–21997 Filed 9–15–14; 8:45 am]

**BILLING CODE P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #14109 and #14110]**

### Arizona Disaster #AZ–00038

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the State of ARIZONA dated 09/09/2014.

*Incident:* Severe Storms and Flooding.

*Incident Period:* 08/12/2014 through 08/19/2014.

**DATES:** *Effective Date:* 09/09/2014.

*Physical Loan Application Deadline Date:* 11/10/2014.

*Economic Injury (EIDL) Loan Application Deadline Date:* 06/09/2015.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:* Maricopa.

*Contiguous Counties:*

Arizona, Gila, La Paz, Pima, Pinal, Yavapai, Yuma.

The Interest Rates are:

| | |
|---|---|
| *For Physical Damage:* | |
| Homeowners With Credit Available Elsewhere | 4.125 |
| Homeowners Without Credit Available Elsewhere | 2.063 |
| Businesses With Credit Available Elsewhere | 6.000 |
| Businesses Without Credit Available Elsewhere | 4.000 |
| Non-Profit Organizations With Credit Available Elsewhere | 2.625 |
| Non-Profit Organizations Without Credit Available Elsewhere | 2.625 |
| *For Economic Injury:* | |
| Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere | 4.000 |
| Non-Profit Organizations Without Credit Available Elsewhere | 2.625 |

The number assigned to this disaster for physical damage is 14109 6 and for economic injury is 14110 0.

The States which received an EIDL Declaration # are Arizona.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: September 9, 2014.

**Maria Contreras-Sweet,**

*Administrator.*

[FR Doc. 2014–21980 Filed 9–15–14; 8:45 am]

**BILLING CODE 8025–01–P**

## SMALL BUSINESS ADMINISTRATION

### Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small business Investment Company License No. 04/74–0289 issued to Chrysalis Ventures II, L.P., said license is hereby declared null and void.

Dated: September 2, 2014.

**Javier E. Saade,**

*Associate Administrator for Investment.*

[FR Doc. 2014–21971 Filed 9–15–14; 8:45 am]

**BILLING CODE 8025–01–P**

## SMALL BUSINESS ADMINISTRATION

### Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small business Investment Company License No. 02/72–0624 issued to NJTC Venture Fund SBIC, L.P., said license is hereby declared null and void.

Dated: September 2, 2014.

**Javier E. Saade,**

*Associate Administrator for Investment.*

[FR Doc. 2014–21974 Filed 9–15–14; 8:45 am]

**BILLING CODE 8025–01–P**

## SMALL BUSINESS ADMINISTRATION

### Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small business Investment Company License No. 03/73–0203 issued to Blue Rock Capital, L.P., said license is hereby declared null and void.

United States Small Business Administration.

Dated: September 9, 2014.

**Javier E. Saade,**

*Associate Administrator for Investment.*

[FR Doc. 2014–21967 Filed 9–15–14; 8:45 am]

**BILLING CODE 8025–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Public Notice for Waiver of Aeronautical Land-Use Assurance

**AGENCY:** Federal Aviation Administration (FAA), DOT

**ACTION:** Notice of intent of waiver with respect to land; Indianapolis International Airport, Indianapolis, Indiana.

**SUMMARY:** The FAA is considering a proposal to change 76.592 acres of airport land from the federal obligation dedicating it to aeronautical use and to authorize this land to be used for revenue producing, non-aeronautical purposes at Indianapolis International Airport, Indianapolis, Indiana. The aforementioned land is not needed for current or future aeronautical use.

The land is located along the southern boundary of the airport, bordered by Col. H. Weir Cook Memorial Drive; West Perimeter Road; Haueisen Road; and Bridgeport Road. The land is not developed. A solar power generating facility is proposed for development on the land.

**DATES:** Comments must be received on or before October 16, 2014.

**ADDRESSES:** Documents are available for review by appointment at the FAA Chicago Airports District Office, Melanie Myers, Program Manager, 2300 East Devon Avenue, Des Plaines, IL 60018 Telephone: (847) 294–7525/Fax: (847) 294–7046 and Eric Anderson, Indianapolis Airport Authority, 7800 Col. H. Weir Cook Memorial Drive, Indianapolis, IN 46241; (317) 487–5135.

Written comments on the Sponsor's request must be delivered or mailed to: Melanie Myers, Program Manager, Federal Aviation Administration, Chicago Airports District Office, 2300 East Devon Avenue, Des Plaines, IL 60018, Telephone Number: (847) 294–7525/FAX Number: (847) 294–7046.

**FOR FURTHER INFORMATION CONTACT:** Melanie Myers, Program Manager, Federal Aviation Administration, Chicago Airports District Office, 2300 East Devon Avenue, Des Plaines, IL 60018, Telephone Number: (847) 294–7525/FAX Number: (847) 294–7046.

**SUPPLEMENTARY INFORMATION:** In accordance with section 47107(h) of Title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

The vacant property consists of portions of 15 original airport acquired parcels. These parcels were acquired with a combination of Airport Development Aid Program (ADAP) grants 6–18–0038–04, 6–18–0038–10, 6–18–0038–14, and local funds. The land is located outside the airport operations area and is restricted from airside development. Development of the parcel for landside operations is restricted due to maximum height limitations and access limitations. There are no impacts to the airport by allowing the Indianapolis Airport Authority to lease the property for solar energy generation.

The Indianapolis Airport Authority will control use of the parcel through terms and conditions of the ground lease. The lease will be subordinate to the sponsor's existing grant assurances. This will ensure that all activities on the parcel will be compatible with FAA requirements and airport operations. The disposition of proceeds from the lease of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999 (64 FR 7696).

A fair market value (FMV) appraisal for the parcel was completed in June 2014 in accordance with FAA Order 5100.37A. The appraisal concluded that the FMV for an annual commercial ground lease of the property is $871.20 per acre.

This notice announces that the FAA is considering the release of the subject airport property at the Indianapolis International Airport, Indianapolis, Indiana from its obligations to be maintained for aeronautical purposes. Approval does not constitute a commitment by the FAA to financially assist in the change in use of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA.

**Legal Description**

*Parcel 1:* A part of the Northwest Quarter of Section 33, Township 15 North, Range 2 East, Decatur Township, Marion County, Indiana, more particularly described as follows: Commencing at a brass disk (IAA monument 33–O) found at the Southwest corner of the Northwest Quarter of said Section 33; thence North 88 degrees 54 minutes 54 seconds East (all bearings are based on the Indiana State Plane Coordinate system, East Zone (NAD83)) along the South line of said Northwest Quarter 282.06 feet; thence North 00 degrees 04 minutes 49 seconds West 20.26 feet to the POINT OF BEGINNING; thence continuing North 00 degrees 04 minutes 49 seconds West 553.40 feet; thence North 35 degrees 25 minutes 03 seconds East 1307.04 feet; thence South 48 degrees 16 minutes 26 seconds East 137.99 feet; thence South 50 degrees 35 minutes 06 seconds East 202.13 feet; thence South 52 degrees 26 minutes 47 seconds East 41.33 feet to the East line of the Southwest Quarter of said Northwest Quarter; thence South 00 degrees 04 minutes 18 seconds East along said East line 715.77 feet to a non-tangent curve to the left having a radius of 600.00 feet, the radius point of which bears South 73 degrees 20 minutes 34 seconds East; thence Southerly along said curve 135.64 feet to a point which bears North 86 degrees 17 minutes 44 seconds West from said radius point; thence South 03 degrees 42 minutes 16 seconds West 154.94 feet; thence South 01 degrees 19 minutes 17 seconds West 112.78 feet; thence South 01 degrees 01 minutes 40 seconds East 126.36 feet; thence South 03 degrees 12 minutes 46 seconds East 55.73 feet to a tangent curve to the right having a radius of 50.00 feet, the radius point of which bears South 86 degrees 47 minutes 14 seconds West; thence Southerly and Westerly along said curve 80.21 feet to a point which bears South 01 degrees 18 minutes 14 seconds East from said radius point; thence South 88 degrees 41 minutes 46 seconds West 969.83 feet to the POINT OF BEGINNING, containing 28.185 acres, more or less.

*Parcel 2:* A part of the Northwest Quarter and the Southwest Quarter of Section 33, Township 15 North, Range 2 East, Decatur Township, Marion County, Indiana, more particularly described as follows: Commencing at a brass disk (IAA monument 33–M) found at the Southeast corner of the Northwest Quarter of said Section 33; thence South 88 degrees 54 minutes 54 seconds West (all bearings are based on the Indiana State Plane Coordinate system, East Zone (NAD83)) along the South line of said Northwest Quarter 518.07 feet; thence North 01 degrees 05 minutes 06 seconds West perpendicular to the last described line 395.00 feet to the Western right of way of the I–70 On-ramp from the Midfield Terminal per Indiana Department of Transportation plans for said Project No. ST–70–3(Q) (the following eleven courses are along said Western right of way) and the POINT OF BEGINNING; (1) thence North 45 degrees 23 minutes 01 seconds West 74.22 feet; (2) thence South 44 degrees 36 minutes 59 seconds West 39.43 feet to a tangent curve to the left having a radius of 1739.00 feet, the radius point of which bears South 45 degrees 23 minutes 01 seconds East; (3) thence Southwesterly along said curve 379.21 feet to a point which bears North 57 degrees 52 minutes 40 seconds West from said radius point; (4) thence South 36 degrees 51 minutes 24 seconds West 99.91 feet; (5) thence South 32 degrees 14 minutes 45 seconds West 59.91 feet; (6) thence South 24 degrees 22 minutes 36 seconds West 32.79 feet; (7) thence South 18 degrees 57 minutes 27 seconds West 413.53 feet; (8) thence South 09 degrees 46 minutes 39 seconds West 265.64 feet to a non-tangent curve to the left having a radius of 1625.00 feet, the radius point of which bears South 83 degrees 48 minutes 31 seconds East; (9) thence Southerly along said curve 507.07 feet to a point which bears South 78 degrees 18 minutes 46 seconds West from said radius point; (10) thence South 13 degrees 04 minutes 23 seconds East 533.44 feet to a non-tangent curve to the right having a radius of 1018.00 feet, the radius point of which bears

South 78 degrees 38 minutes 08 seconds West; (11) thence Southerly along said curve 542.08 feet to a point which bears South 70 degrees 51 minutes 16 seconds East from said radius point; thence South 89 degrees 49 minutes 51 seconds West 324.15 feet to the West line of the Southeast Quarter of said Southwest Quarter; thence North 00 degrees 13 minutes 59 seconds East along said West line 36.79 feet; thence North 31 degrees 43 minutes 44 seconds East 23.98 feet; thence North 08 degrees 29 minutes 54 seconds East 82.76 feet; thence North 01 degrees 01 minutes 08 seconds East 683.53 feet; thence North 04 degrees 01 minutes 07 seconds West 83.77 feet; thence North 00 degrees 50 minutes 54 seconds West 119.54 feet; thence North 00 degrees 17 minutes 49 seconds East 472.07 feet; thence North 00 degrees 19 minutes 50 seconds West 305.06 feet; thence North 01 degrees 25 minutes 46 seconds West 152.36 feet; thence North 01 degrees 11 minutes 17 seconds West 70.04 feet; thence North 01 degrees 06 minutes 50 seconds East 49.53 feet; thence North 03 degrees 17 minutes 08 seconds East 43.07 feet; thence North 00 degrees 39 minutes 00 seconds East 81.08 feet; thence North 33 degrees 45 minutes 21 seconds East 18.85 feet; thence North 00 degrees 16 minutes 28 seconds East 485.90 feet to a tangent curve to the right having a radius of 550.00 feet, the radius point of which bears South 89 degrees 43 minutes 32 seconds East; thence Northeasterly along said curve 426.24 feet to a point which bears North 45 degrees 19 minutes 22 seconds West from said radius point; thence North 44 degrees 40 minutes 38 seconds East 235.22 feet to a tangent curve to the right having a radius of 100.00 feet, the radius point of which bears South 45 degrees 19 minutes 22 seconds East; thence Northeasterly and Southeasterly along said curve 138.81 feet to a point which bears North 34 degrees 12 minutes 36 seconds East from said radius point; thence South 55 degrees 47 minutes 24 seconds East 567.98 feet; thence South 34 degrees 12 minutes 36 seconds West 14.44 feet; thence South 55 degrees 44 minutes 38 seconds East 99.42 feet; thence South 43 degrees 46 minutes 58 seconds West 320.14 feet to the POINT OF BEGINNING, containing 28.142 acres, more or less.

*Parcel 3:* A part of the Southwest Quarter of Section 33, Township 15 North, Range 2 East, Decatur Township, Marion County, Indiana, more particularly described as follows: Commencing at a brass disk (IAA monument 33–O) found at the Northwest corner of the Southwest Quarter of said Section 33; thence North 88 degrees 54 minutes 54 seconds East (all bearings are based on the Indiana State Plane Coordinate system, East Zone (NAD83)) along the North line of said Southwest Quarter 282.06 feet; thence South 00 degrees 04 minutes 49 seconds East 678.14 feet to the POINT OF BEGINNING; thence North 62 degrees 27 minutes 55 seconds East 631.93 feet; thence North 89 degrees 11 minutes 48 seconds East 470.68 feet; thence South 00 degrees 13 minutes 06 seconds East 401.01 feet; thence South 03 degrees 26 minutes 30 seconds West 62.55 feet; thence South 02 degrees 01 minutes 10 seconds East 134.76 feet; thence South 00 degrees 12 minutes 32 seconds East 174.65 feet; thence South 01 degrees 10 minutes 11 seconds West 157.84 feet to the South line of the Northwest Quarter of said Southwest Quarter; thence South 88 degrees 57 minutes 19 seconds West along said South line 1030.18 feet; thence North 00 degrees 04 minutes 49 seconds West 650.62 feet to the POINT OF BEGINNING, containing 20.265 acres, more or less.

Issued in Des Plaines, Illinois, on September 5, 2014.

**James G. Keefer,**

*Manager, Chicago Airports District Office, FAA, Great Lakes Region.*

[FR Doc. 2014–22079 Filed 9–15–14; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–2014–0284]**

### Commercial Driver's License Passenger Endorsement Requirements; Preparing a Report to Congress

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice; request for public comment.

**SUMMARY:** In response to section 32709 of the Moving Ahead for Progress in the 21st Century Act (MAP–21), the FMCSA requests public comments concerning the current knowledge and skills testing requirements for a commercial driver's license (CDL) passenger endorsement to determine whether improvements to the knowledge test, the examination of driving skills, and the application of the requirements are necessary to ensure the safe operation of commercial motor vehicles designed or used to transport passengers. Section 32709 requires the Secretary to submit a report to Congress on the issue. FMCSA has reviewed information from State licensing agencies responsible for conducting such tests and now provides an opportunity for all interested parties to share their perspectives on this issue as the Agency completes its report to Congress.

**DATES:** Comments must be received on or before October 16, 2014.

**ADDRESSES:** You may submit comments identified by docket number FMCSA–2014–0284 using any one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.*
- *Fax:* 202–493–2251.
- *Mail:* 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.
- *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' heading under the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Redmond, Office of Safety Programs, Commercial Driver's License Division, telephone (202) 366–5014 or email *robert.redmond@dot.gov.* FMCSA office hours are from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:**

### I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

*Submitting Comments*

If you submit a comment, please include the docket number for this notice (FMCSA–2014–0284), 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 or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email

address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and click on the ''Submit a Comment'' box, which will then become highlighted in blue. In the ''Document Type'' drop down menu, select ''Rules,'' insert ''FMCSA–2014–0284'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Submit a Comment'' in the ''Actions'' column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period and may change this analysis based on your comments.

*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* and click on the ''Read Comments'' box in the upper right hand side of the screen. Then, in the ''Keyword'' box, insert ''FMCSA–2014–0284'' and click ''Search.'' Next, click ''Open Docket Folder'' in the ''Actions'' column. Finally, in the ''Title'' column, click on the document you would like to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

*Privacy Act*

All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf.*

## II. Background

In October 1986, Congress passed the Commercial Motor Vehicle Safety Act. This act included a provision that, by April 1, 1992, all commercial drivers had to pass knowledge and skills tests that met standards established by the Federal Highway Administration (FHWA), FMCSA's predecessor agency. At that time, FHWA began working with the American Association of Motor Vehicle Administrators (AAMVA) to develop and maintain a CDL test system.

As a result of this work, a document entitled ''Requirements for a CDL Test Maintenance System'' was developed. This document required that a CDL knowledge test meet the requirements in Subpart G of Part 383 of Title 49, Code of Federal Regulations (CFR) and AAMVA's ''Manual for the Administration and Development of CDL Knowledge Test.'' Additionally, AAMVA and FHWA developed a ''Requirements Document for the Development of Computer-Generated Multiple Choice CDL Knowledge Tests.'' This document was used by AAMVA to select vendors for the development of automated testing software.

The contractor developed software generated tests from a pool of 600 questions. Requirements of the algorithm for each test included that the difficulty level must fall within a 10-point range determined by AAMVA; that each test had to contain 25 percent new questions from the previous test; and that the locations of identical questions had to be different from the previous test.

In 1998, Congress passed the Transportation Equity Act for the 21st Century which required the Secretary to evaluate CDL testing practices to determine if they were an accurate reflection of the knowledge and skills required by CDL drivers. As a result, in 2000, an analysis was completed indicating a need to update the 600-question pool with additional knowledge areas concerning the following:

- Dealing with aggressive drivers, road rage, and running red lights.
- Dealing with distractions in the vehicle, such as cell phones, on board records, and its equipment.
- Driver fatigue, sleep, and rest.
- Anti-lock braking systems.

*2005 Test System*

In 2005, AAMVA released the updated version of the CDL knowledge and skills testing system, including the knowledge question pool. The 2005 CDL Test System was the result of 6 years of research by AAMVA, with assistance from several State Driver Licensing Agencies (SDLA) and driver training schools. The test system was piloted by Delaware, Indiana, and New York.

All three parts of the skills test, including the passenger endorsement skills test, were revised and updated to better evaluate the applicant's skills in operating a commercial motor vehicle. The scoring of all three parts of the skills test, including the passenger endorsement skills test, was revised to create more scoring opportunities requiring the applicant to be more precise in demonstrating his/her skills in operating a commercial motor vehicle. After the 2005 CDL Test System was developed, the SDLAs were given opportunities in 2008 and 2009 to review and suggest edits and revisions before the 2010 version was released.

*Previous FMCSA Rulemaking*

On April 9, 2008, FMCSA published a notice of proposed rulemaking (NPRM) titled, ''Commercial Driver's Licensing Testing and Commercial Learner's Permit Standards'' [73 FR 19282]. The comment period was extended to July 8, 2008. The NPRM proposed requiring the States to fully implement the July 2010 version of the 2005 CDL Test System. A copy of this document is included in the docket referenced at the beginning of this notice.

The final rule version published on May 9, 2011, added more CDL driver restrictions for applicants who did not take the skills test in a vehicle equipped with a full air brake system or no air brakes and for applicants who did not take the skills test in a vehicle equipped with a manual transmission [76 FR 26854]. The final rule also reemphasized the fact that a passenger endorsement is class specific. The rule also required the SDLA to restrict the applicant for a passenger endorsement to the class of passenger vehicle in which the applicant took the skills test and any lower class of passenger vehicle.

The May 2011 final rule required States to be in compliance with the new requirements in 49 CFR Part 384 Subpart B by July 8, 2014. The Agency received 34 petitions for reconsideration of the rule. As a result, on March 25, 2013, the Agency published a final rule that set a new compliance date for these requirements of July 8, 2015.

## III. Request for Public Comments

Section 32709 of MAP–21 requires the Secretary to review and assess the current knowledge and skill testing requirements for a CDL passenger

endorsement to determine what improvements to the knowledge test, the examination of driving skills, and the application of such requirements are necessary to ensure the safe operation of commercial motor vehicles designed or used to transport passengers. FMCSA requests public comments on whether improvements to the knowledge and skills tests, beyond those in the 2005 CDL Test system that will become effective next year, are necessary. The Agency will consider all comments received in preparing its report to Congress.

Issued on: September 8, 2014.

**T.F. Scott Darling, III,**

*Acting Administrator.*

[FR Doc. 2014–21995 Filed 9–15–14; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

### Limitation on Claims Against Proposed Public Transportation Projects

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice.

**SUMMARY:** This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for projects in San Francisco, CA; Mukilteo, WA; and Santa Clara County, CA. The purpose of this notice is to announce publicly the environmental decisions by FTA on the subject projects and to activate the limitation on any claims that may challenge these final environmental actions.

**DATES:** By this notice, FTA is advising the public of final agency actions subject to Section 139(l) of Title 23, United States Code (U.S.C.). A claim seeking judicial review of FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before February 13, 2015.

**FOR FURTHER INFORMATION CONTACT:** Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353–2577 or Terence Plaskon, Environmental Protection Specialist, Office of Human and Natural Environment, (202) 366–0442. FTA is located at 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 9:00 a.m. to 5:30 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FTA has taken final agency actions by issuing certain approvals for the public transportation projects listed below. The actions on the projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the project to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA administrative record for the projects. Interested parties may contact either the project sponsor or the relevant FTA Regional Office for more information on the project. Contact information for FTA's Regional Offices may be found at *http://www.fta.dot.gov.*

This notice applies to all FTA decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA [42 U.S.C. 4321–4375], Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303], Section 106 of the National Historic Preservation Act [16 U.S.C. 470f], and the Clean Air Act [42 U.S.C. 7401–7671q]. This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The projects and actions that are the subject of this notice are:

1. *Project name and location:* Downtown San Francisco Ferry Terminal Expansion Project, San Francisco, CA. *Project sponsor:* San Francisco Bay Area Water Emergency Transportation Authority (WETA). *Project description:* The project is the expansion and improvement of the Ferry Terminal at the San Francisco Ferry Building to accommodate the existing and future planned water transit service outlined in WETA's Implementation and Operations Plan for the San Francisco Bay Area. The project includes demolition, removal, repair, and replacement of existing facilities, as well as construction of three new gates, overwater berthing facilities, and supportive landside improvements (such as boarding areas, passenger waiting and queuing areas, and circulation improvements). *Final agency actions:* Section 4(f) *de minimis* impact determination; Section 106 finding of no adverse effect; project-level air quality conformity; and a Record of Decision (ROD), dated August 22, 2014. *Supporting documentation:* Final Environmental Impact Statement/Environmental Impact Report, dated August 22, 2014.

2. *Project name and location:* Mukilteo Multimodal Project, Mukilteo, WA. *Project sponsor:* Washington State Department of Transportation (WSDOT). *Project description:* The project is designed to improve the operations and facilities serving the mainland terminus of the Mukilteo-Clinton ferry route. The project will construct in-water and upland facilities for ferry terminal operations, provide a six-bay transit center, and improve connections to Sound Transit's Sounder commuter rail at Mukilteo Station. The project will also remove the existing ferry slip and all of its marine structures, including the Port of Everett-owned public fishing pier and day moorage. The project will reconstruct the fishing pier and day moorage near the new multimodal facility. *Final agency actions:* Section 4(f) determination; a Section 106 Memorandum of Agreement; project-level air quality conformity; and a Record of Decision (ROD), dated August 22, 2014. *Supporting documentation:* Final Environmental Impact Statement, dated June 2013.

3. *Project name and location:* Vasona Corridor Light Rail Transit Extension Project, Santa Clara County, CA. *Project sponsor:* Santa Clara Valley Transportation Authority (SCVTA). *Project description:* The FTA issued a Record of Decision (ROD) for the Vasona Corridor Light Rail Transit (LRT) project in June 2000. Construction between downtown San Jose and Winchester Station in Campbell began in 2001. Passenger service started in 2005. The southernmost portion of the project between the Winchester Station and the Vasona Junction Station in Los Gatos was not constructed due to insufficient funding. The Vasona Corridor LRT Extension Project would complete the line as originally planned by extending the existing line 11.6 miles from the existing Winchester Station to a new Vasona Junction Station. The extension includes constructing a double set of LRT tracks; lengthening the six existing station platforms along the Vasona Corridor to accommodate longer train sets; increasing parking capacity and improving pedestrian access at Winchester Station; constructing a new Hacienda Station with an optional park-and-ride lot; a new Vasona Junction Station with a park-and-ride lot, as well as end-of-the-line facilities. This notice only applies to the discrete actions taken by the FTA at this time. Nothing in this notice affects the FTA's previous decisions, or notice thereof, for this project. *Final agency actions:* No use determination of Section 4(f) resources; Section 106 finding of no adverse effect; project-level air quality conformity; and Amended Record of Decision, dated August 22, 2014. *Supporting documentation:* Supplemental Environmental Assessment, dated January 2014.

Issued on: September 10, 2014.

**Lucy Garliauskas,**

*Associate Administrator Planning and Environment.*

[FR Doc. 2014–22065 Filed 9–15–14; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

**[Docket No. NHTSA–2014–0090]**

### Notice of Buy America Waiver

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Notice of Buy America waivers.

**SUMMARY:** This Notice provides NHTSA's finding with respect to five requests from the Michigan Office of Highway Safety Planning (OHSP) to waive the requirements of Buy America. NHTSA finds that a non-availability waiver of the Buy America requirements is appropriate for the purchase of a portable data projector and a wireless remote control presenter, digital video discs (DVDs) and twenty high-visibility motorcyclist vests using Federal highway safety grant funds because there are no suitable products produced in the United States. In addition, NHTSA finds that a cost waiver is appropriate for OHSP to purchase twenty foreign-made training motorcycles using Federal grant funds because the cost of domestically produced products is twenty-five percent more than the cost of the foreign-made products. However, NHTSA finds that a non-availability waiver of the Buy America requirements is inappropriate for the lease of a copy/printer/fax machine.

**DATES:** The effective date of this waiver is October 16, 2014. Written comments regarding this notice may be submitted to NHTSA and must be received on or before: October 1, 2014.

**ADDRESSES:** Written comments may be submitted using any one of the following methods:

- *Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Fax:* Written comments may be faxed to (202) 493–2251.
- *Internet:* To submit comments electronically, go to the Federal regulations Web site at *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.

*Instructions:* All comments submitted in relation to this waiver must include the agency name and docket number. Please note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. You may also call the Docket at 202–366–9324.

**FOR FURTHER INFORMATION CONTACT:** For program issues, contact Barbara Sauers, Office of Regional Operations and Program Delivery, NHTSA (phone: 202–366–0144). For legal issues, contact Andrew DiMarsico, Office of Chief Counsel, NHTSA (phone: 202–366–5263). You may send mail to these officials at National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** This Notice provides NHTSA's finding that a waiver of the Buy America requirements, 23 U.S.C. 313, is appropriate for the Michigan Office of Highway Safety Planning (OHSP) to purchase a portable data projector, a wireless remote control presenter, DVDs, high-visibility motorcycle vests and twenty training motorcycles using grant funds authorized under 23 U.S.C. 402 (section 402) and 23 U.S.C. 405(g) (section 405) for training motorcycles. This Notice also provides NHTSA's finding that a Buy America waiver is inappropriate for the purchase of a copy/printer/fax machine.

Section 402 funds are available for use by State Highway Safety Programs to reduce traffic accidents and deaths, injuries and property damage. 23 U.S.C. 402(a). Section 405(g) funds are available for use by State Highway Safety Programs to implement effective programs to reduce the number of single and multi-vehicle crashes involving motorcyclists that, among other things, includes supporting resources and training of motorcyclists. Buy America provides that NHTSA ''shall not obligate any funds authorized to be appropriated to carry out the Surface Transportation Assistance Act of 1982 (96 Stat. 2097) or [Title 23] and administered by the Department of Transportation, unless steel, iron, and manufactured products used in such project are produced in the United States.'' 23 U.S.C. 313. However, NHTSA may waive those requirements if (1) their application would be inconsistent with the public interest; (2) such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) the inclusion of domestic material will increase the cost of the overall project contract by more than 25 percent. 23 U.S.C. 313(b). In this instance, NHTSA has determined that non-availability waivers are appropriate for the purchase of a portable data projector, a wireless remote control presenter, DVDs and twenty high-visibility motorcycle vests because there are no sufficient products produced domestically that meet the needs identified by OHSP. The agency also finds that a cost waiver is appropriate for the twenty training motorcycles because domestically produced motorcycles would increase the cost by more than 25 percent. A waiver is not appropriate for the lease of a copy/printer/fax machine since OHSP did not show that no multi-function printers are made domestically or provide cost information to show that purchasing domestically produced multi-function printers would increase the cost by more than 25 percent.

OHSP seeks waivers (1) to purchase an Epson EX series projector and a Kensington wireless remote control presenter for use in its traffic crash report trainings and presentations; (2) to lease a Ricoh MP 5001 Aficio copy/printer/fax machine for use by its staff; (3) to purchase 5,000 DVDs for distribution of media messages related to highway safety; (4) to purchase twenty high-visibility motorcyclist vests from a combination of manufacturers: Fly Racing, Icon and Joe Rocket; and (5) to purchase twenty 2015 Suzuki TU250X motorcycles. We first address the office products and then address the motorcycles.

OHSP aims to use the office products in its highway safety programs throughout the state of Michigan and the high-visibility motorcycle vests for motorcycle training. However, OHSP is unable to identify any portable data projectors, wireless remote control presenters, DVDs or high-visibility motorcyclist vests that meet the Buy America requirements. The Michigan State Police's Criminal Justice Information Center evaluated the location of manufacturing for the projectors and remote control presenters. Despite this assessment, Michigan was unable to find any American made products. Michigan also researched the manufacturers of blank DVDs and determined that there are no domestic DVD manufacturers and at least three manufacturers produce DVDs overseas: CMC (Taiwan and China), MBI (India) and Ritek (Taiwan). OHSP's investigation of domestic motorcyclist

vest manufacturers consisted of phone calls and emails to manufacturers and suppliers, Internet searches and, specifically, included an inquiry with the largest on-line supplier of motorcyclist riding gear in the United States, which reported it was unaware of such vests manufactured domestically. NHTSA conducted similar assessments and is not aware of any such portable data projectors, wireless remote control presenters, blank DVDs or high-visibility motorcyclist vests produced in the United States. Since these items are unavailable from a domestic manufacturer, the Buy America waivers are appropriate. NHTSA invites public comment on this conclusion.

OHSP also seeks a waiver to purchase twenty 2015 Suzuki TU250X motorcycles for its motorcyclists training program. The starting price for a Suzuki TU250X is $4169. OHSP wishes to use these motorcycles for its motorcyclist training program because they are designed specifically with smaller engine displacement (250 CC), less unladen weight, and smaller seat height. Michigan is unable to identify any training motorcycles that meet the Buy America requirements. OHSP researched motorcycle models made by the two American motorcycle manufacturers, Harley Davidson, Inc. and Victory Motorcycles. Harley Davidson plans to produce a 500 CC motorcycle called the Street 500, with an estimated MSRP between $6,700 and $7500. Victory Motorcycles (including Indian Motorcycles) produces much heavier and larger engine displacement than 500 CC, with the lowest MSRP of $12,499. OHSP was unable to find a motorcycle that meets the requirements for training motorcycles that would meet the Buy America requirements. NHTSA is not aware of any training motorcycles currently produced in the United States, with Harley Davidson's Street set to start production sometime this year. Since the Harley Davidson Street has an estimated $6,700 to $7500 MSRP, it is more than 25 percent higher than the cost of a Suzuki TU250X and, since no other domestic manufacturer produces a motorcycle engine displacement of 500 CC or less, a Buy America waiver is appropriate. NHTSA invites public comment on this conclusion.

Although OHSP seeks a waiver to lease a Ricoh MP 5001 Aficio copy/printer/fax machine for use by its staff, NHTSA has determined this waiver is inappropriate. OHSP provided no evidence that similar items are not produced domestically. OHSP merely states that it cannot comply with the requirements of Buy America because Michigan's State approved contractor does not offer any other brand for OHSP to purchase and that the State is unable to deviate from its existing contracts to make provisions for Buy America. In addition, it failed to provide any showing that it made efforts to find an American made machine that complies with the Buy America requirements. NHTSA has found no basis under Buy America to grant a non-availability waiver for leasing a Ricoh copy/printer/fax machine. If the State of Michigan requires OHSP to lease a Ricoh MP 5001 Aficio copy/printer/fax machine pursuant to its State procurement regulations, nothing in Buy America or NHTSA's grantee requirements prohibits OHSP from using state funds to acquire this item.

In light of the above discussion, and pursuant to 23 U.S.C. 313(b)(2), NHTSA finds that it is appropriate to grant a waiver from the Buy America requirements to OHSP in order to purchase a Epson EX series projector and a Kensington wireless remote control presenter, DVDs, twenty high-visibility motorcyclist vests and twenty Suzuki TU250X motorcycles. These waivers apply to Michigan and all other States seeking to use section 402 and 405 funds to purchase these items for the purposes mentioned herein. These waivers will continue through fiscal year 2015 and will allow the purchase of these items as required for Michigan's Highway Safety Office and its training programs. Accordingly, this waiver will expire at the conclusion of fiscal year 2015 (September 30, 2015). NHTSA also determines that it is inappropriate to grant a waiver from the Buy America requirements to OHSP for the lease of a Ricoh MP 5001 Aficio copy/printer/fax machine. In accordance with the provisions of Section 117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy of Users Technical Corrections Act of 2008 (Pub. L. 110–244, 122 Stat. 1572), NHTSA is providing this notice as its finding that a waiver of the Buy America requirements is appropriate for the portable data projector and wireless remote control presenter, but not the copy/printer/fax machine. Written comments on this finding may be submitted through any of the methods discussed above.

**Authority:** 23 U.S.C. 313; Pub. L. 110–161.

Issued in Washington, DC, on September 9, 2014 under authority delegated in 49 CFR part 1.95.

**O. Kevin Vincent,**

*Chief Counsel.*

[FR Doc. 2014–21992 Filed 9–15–14; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

**[Docket No. NHTSA- 2014–0088]**

### Visual-Manual NHTSA Driver Distraction Guidelines for In-Vehicle Electronic Devices

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Notice of Federal guidelines; clarifications.

**SUMMARY:** On April 26, 2013, NHTSA released the Visual-Manual NHTSA Driver Distraction Guidelines for In-Vehicle Electronic Devices (Phase 1 Guidelines) in an effort to promote safety by discouraging the introduction of excessively distracting devices in vehicles. These Guidelines cover original equipment (OE) in-vehicle (i.e., integrated) electronic devices that are operated by the driver through visual-manual means (i.e., the driver looks at a device, manipulates a device-related control with his or her hand, and/or watches for visual feedback from the device). This document clarifies some ambiguities that have been identified in these Guidelines. For some of these clarifications, revisions to the Guidelines text are indicated. A revised version of the Visual-Manual NHTSA Driver Distraction Guidelines for In-Vehicle Electronic Devices (Phase 1 Guidelines), including these revisions, will be posted on *www.regulations.gov* in Docket NHTSA–2014–0088.

**DATES:** The corrections made in this document are effective upon publication.

**FOR FURTHER INFORMATION CONTACT:** For technical issues, you may contact Dr. W. Riley Garrott, Vehicle Research and Test Center, phone: (937) 666–3312, facsimile: (937) 666–3590. Dr. Garrott's mailing address is: National Highway Traffic Safety Administration, Vehicle Research and Test Center, P.O. Box B–37, East Liberty, OH 43319.

**SUPPLEMENTARY INFORMATION:** In June 2012, NHTSA released a ''Blueprint for Ending Distracted Driving,'' (document available at *www.distraction.gov*) summarizing steps that NHTSA intends

to take to eliminate crashes attributable to driver distraction. This document was an update of the ''Overview of the National Highway Traffic Safety Administration's Driver Distraction Program'' that was released in April 2010.[1]

One of the steps called for in both of these documents is the development of nonbinding, voluntary guidelines for minimizing the distraction potential of in-vehicle and portable devices. NHTSA stated that these guidelines would be developed in three phases. The first phase covers visual-manual interfaces of electronic devices installed in vehicles as original equipment. The second phase will cover visual-manual interfaces of portable and aftermarket devices. The third phase will expand these guidelines to cover tasks performed via auditory-vocal interactions.

The Phase 1 NHTSA Guidelines were released for public comment in February 2012. The final version of the Phase 1 Distraction Guidelines was published in April 2013.[2]

The Phase 1 Guidelines list certain secondary tasks believed by the agency to interfere inherently with a driver's ability to safely control the vehicle. The NHTSA Guidelines recommend that in-vehicle devices be designed so that they cannot be used by the driver to perform these inherently distracting secondary tasks while driving. For all other visual-manual secondary tasks, the NHTSA Guidelines specify a test method for measuring eye glance behavior during those tasks. Eye glance metrics are compared to acceptance criteria to evaluate whether a task interferes too much with driver attention, rendering it unsuitable for a driver to perform while driving. If a task does not meet the acceptance criteria, the NHTSA Guidelines recommend that the task be made inaccessible for performance by the driver while driving.

In addition, the NHTSA Guidelines contain several recommendations to limit and reduce the potential for distraction associated with the use of OE in-vehicle electronic devices. Examples include a recommendation that performance of visual-manual tasks should not require the use of more than one hand, a recommendation that each device's active display be located as close as practicable to the driver's forward line of sight, and a recommendation of a maximum downward viewing angle to the geometric center of each display.

**Clarifications**

The agency is making the following clarifications and corrections to the Phase 1 Guidelines and a revised version of the Visual-Manual NHTSA Driver Distraction Guidelines for In-Vehicle Electronic Devices (Phase 1 Guidelines), including these revisions, will be posted on *www.regulations.gov* in Docket NHTSA–2014–0088.

*1. Clarification of Determination of Downward Viewing Angle*

In the April 2013 Final Guidelines Notice, NHTSA committed to clarifying the process of determining the downward viewing angle. In particular, the agency noted that several commenters had requested notations regarding the measurement of eye height to ground in grid coordinates for 2D and SAE curb ground line coordinates in 3D. NHTSA interpreted those comments as requesting figures similar to those found in the Alliance of Automobile Manufacturers' distraction guidelines (Alliance Guidelines).[3] The figures in the Alliance Guidelines are intended to clarify coordinates and measurements used when calculating a display's downward viewing angle, and the agency indicated that it would add similar figures to the Phase 1 Guidelines. Accordingly, the Phase 1 Guidelines are being amended to reference an additional SAE standard in Subsection III.B and the sections related to downward viewing angle have been revised and illustrative diagrams have been added. Finally, a more detailed explanation of the figures and mathematical calculations of the angles have been added in order to make the figures easier to understand.

The original text of Subsection III.B reads:

SAE Recommended Practice J941, ''Motor Vehicle Drivers' Eye Locations.'' Any of the following versions of SAE J941 are acceptable: SAE J941 (June 1992), SAE J941 (June 1997), SAE J941 (September 2002), SAE J941 (October 2008), or SAE J941 (March 2010).

The text was revised to add the following reference:

SAE Recommended Practice J670 JAN2008, ''Vehicle Dynamics Terminology,'' revised January 2008.

The original text of Subsections V.C.7 and V.C.8 read:

7. Determination of 2D Downward Viewing Angle. Create a fore-and-aft plane (Plane FA) through the *nominal driver eye point.* Define Point B as the laterally projected (while maintaining the same fore-and aft and vertical coordinates) position of the geometric center of the display of interest onto Plane FA. Generate two lines in Plane FA, Line 1 and Line 2. Line 1 is a horizontal line (i.e., maintaining the same vertical coordinate) going through the *nominal driver eye point.* Line 2 goes through the *nominal driver eye point* and Point B. The 2D *Downward Viewing Angle* is the angle from Line 1 to Line 2.

8. Determination of 3D Downward Viewing Angle. Generate two lines, Line 3 and Line 4. Line 3 is a horizontal line (i.e., maintaining the same vertical coordinate) going through the *nominal driver eye point* and a point vertically above, below, or at, the geometric center of the display of interest. Line 4 goes through the *nominal driver eye point* and the geometric center of the display. The 3D *Downward Viewing Angle* is the angle from Line 3 to Line 4.

The revised text of Subsections V.C.7 and V.C.8 read as follows:

7. Determination of 2D Downward Viewing Angle.

a. Coordinate System.

The SAE J670 JAN2008 Vehicle Axis System, denoted by ($X_V$, $Y_V$, $Z_V$) is used. SAE J670 JAN2008 provides two choices for the direction of the $Z_V$ axis, pointing upward (the Z-Up orientation) or pointing downwards (the Z-Down orientation). For this document, the Z-Up orientation is chosen.

The SAE J670 JAN2008 Vehicle Axis System ($X_V$, $Y_V$, $Z_V$) in the Z-Up orientation is an *axis system* fixed in the *reference frame* of the vehicle *sprung mass* such that the $X_V$ axis is substantially horizontal, points forward, and is parallel to the *vehicle plane of symmetry.* The $Y_V$ axis is perpendicular to the *vehicle plane of symmetry* and points to the left. The $Z_V$ axis is perpendicular to both the $X_V$ and $Y_V$ axes and points upward.

b. Create a fore-and-aft plane (Plane FA) through the *nominal driver eye point.* Determine the ($X_{EP}$, $Y_{EP}$, $Z_{EP}$) coordinates of the *nominal driver eye point.* Plane FA is parallel to both the $X_V$ and $Z_V$ axes and is perpendicular to the $Y_V$ axis. Since the *nominal driver eye point* is generally not on the *vehicle plane of symmetry,* Plane FA will normally be offset, either to the left or to the right, from the vehicle reference point shown in Figure 1. All points in Plane FA will have the same $Y_V$ coordinate, $Y_{EP}$.

c. Define Point B. Point B is the laterally projected position of the geometric center of the display of interest onto Plane FA. Determine the ($X_V$, $Y_V$, $Z_V$) coordinates of the geometric center of the display of interest. Then laterally project (i.e., while maintaining the same $X_V$ and $Y_V$ coordinates) the geometric center of the display of interest onto Plane FA. In other words, if the geometric center of the display of interest has coordinates of ($X_{GC}$, $Y_{GC}$, $Z_{GC}$), then the coordinates of Point B will be ($X_{GC}$, $Y_{EP}$, $Z_{GC}$).

[1] ''Overview of the National Highway Traffic Safety Administration's Driver Distraction Program,'' DOT HS 811 299, April 2010. Available at *http://www.nhtsa.gov/staticfiles/nti/distracted_driving/pdf/811299.pdf.* Also available at *www.regulations.gov,* Docket NHTSA_2010–0053, Document Number 0001.

[2] 78 FR 24817 (Apr. 26, 2013).

[3] Alliance of Automobile Manufacturers, Driver Focus-Telematics Working Group, Statement of Principles, Criteria and Verification Procedures on Driver Interactions with Advanced In-Vehicle Information and Communication Systems (June 26, 2006).

d. Generate two lines in Plane FA, Line 1 and Line 2 as described in paragraphs e. and f., below.

e. Generate Line 1. Line 1 is a horizontal line (i.e., maintaining the same vertical ($Z_V$) coordinate) in Plane FA going through the *nominal driver eye point.* Figure 1 shows Plane FA. Line 1 is marked in Figure 1.

f. Generate Line 2. Line 2 is in Plane FA and goes through the *nominal driver eye point* and Point B. Figure 1 also shows Line 2 in Plane FA. Lines 1 and 2 will intersect at the *nominal driver eye point.*

g. Determine the *2D Downward Viewing Angle.* The *2D Downward Viewing Angle* is the angle, measured in Plane FA, from Line 1 to Line 2. Figure 1 also shows the *2D Downward Viewing Angle.*

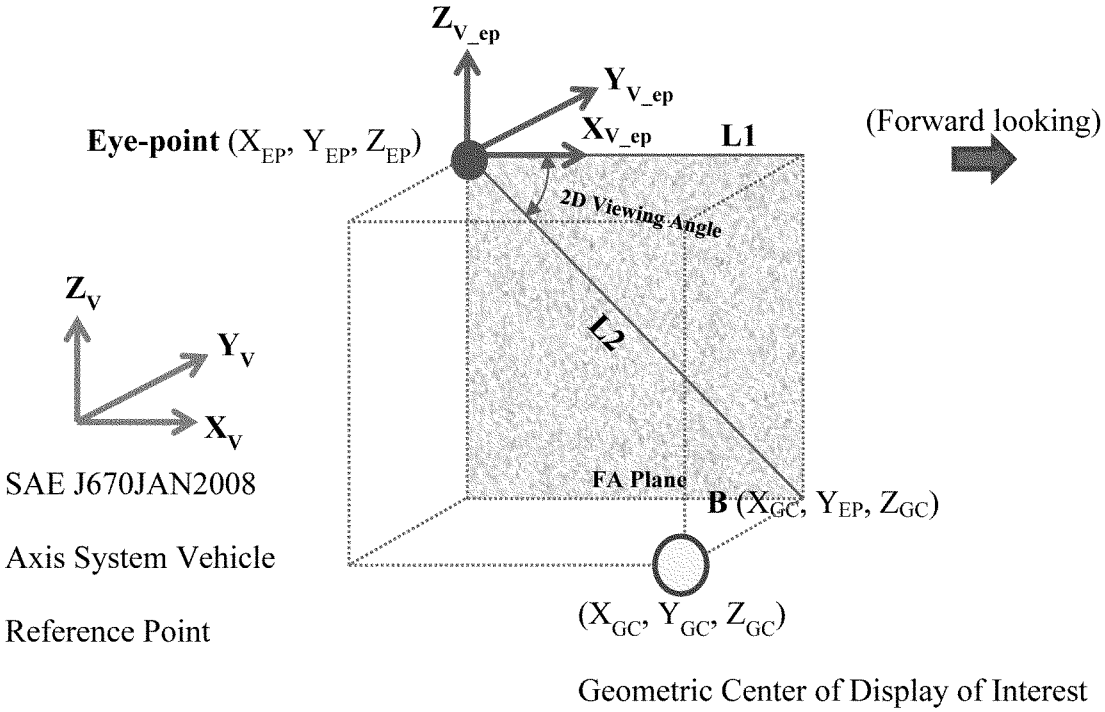


Figure 1. Plane FA Showing Lines 1 and 2 and the 2D Downward Viewing Angle

h. Equations for Calculating the *2D Downward Viewing Angle.* The *2D Downward Viewing Angle* can be calculated using the equations that follow:

Define the *nominal driver eye point* to be at coordinates ($X_{EP}$, $Y_{EP}$, $Z_{EP}$). As previously stated, the geometric center of the display of interest has coordinates of ($X_{GC}$, $Y_{GC}$, $Z_{GC}$) and the coordinates of Point B will be ($X_{GC}$, $Y_{EP}$, $Z_{GC}$). The 2D distance in Plane FA between the *nominal driver eye point* and Point B can be calculated by:

$$d_{2D} = \sqrt{(X_{EP} - X_{GC})^2 + (Z_{EP} - Z_{GC})^2} \qquad \text{(Equation 2)}$$

The 2D Downward Viewing Angle, $\theta_{2D}$, can be calculated by:

$$\theta_{2D} = 57.2958 \sin^{-1}\left(\frac{(Z_{EP} - Z_{GC}}{d_{2D}}\right) \qquad \text{(Equation 3)}$$

Where the above arcsine is calculated in radians and converted to degrees by multiplying by 57.5958 (additional digits of accuracy acceptable if desired).

i. Supplemental Note. The *2D Downward Viewing Angle* could be negative (i.e., the geometric center of the display of interest could be above the *nominal driver eye point*). Therefore, it is not necessarily a downward viewing angle.

8. Determination of 3D Downward Viewing Angle.

Note: This section builds upon the information contained in Subsection V.C.7, ''Determination of 2D Downward Viewing Angle.''

a. Generate two lines, Line 3 and Line 4. Start by determining the ($X_V$, $Y_V$, $Z_V$) coordinates of both the *nominal driver eye point* and the geometric center of the display of interest. Lines 3 and 4 are in a vertically-oriented plane, Plane EP–GC, that contains both the *nominal driver eye point* (at coordinates ($X_{EP}$, $Y_{EP}$, $Z_{EP}$)), and the geometric center of the display of interest (at coordinates of ($X_{GC}$, $Y_{GC}$, $Z_{GC}$)).

b. Generate Line 3. Line 3 is a horizontal line (i.e., maintaining the same vertical coordinate), in Plane EP–GC, going through the *nominal driver eye point* and a point vertically above, below, or at (depending upon the values of $Y_{EP}$ and $Y_{GC}$) the

geometric center of the display of interest. Figure 2 illustrates Line 3 in Plane EP–GC.

c. Generate Line 4. Line 4 goes through the *nominal driver eye point* and the geometric center of the display. It is in Plane EP–GC and intersects with Line 3 at the *nominal driver eye point.* Figure 2 also illustrates Line 4 in Plane EP–GC.

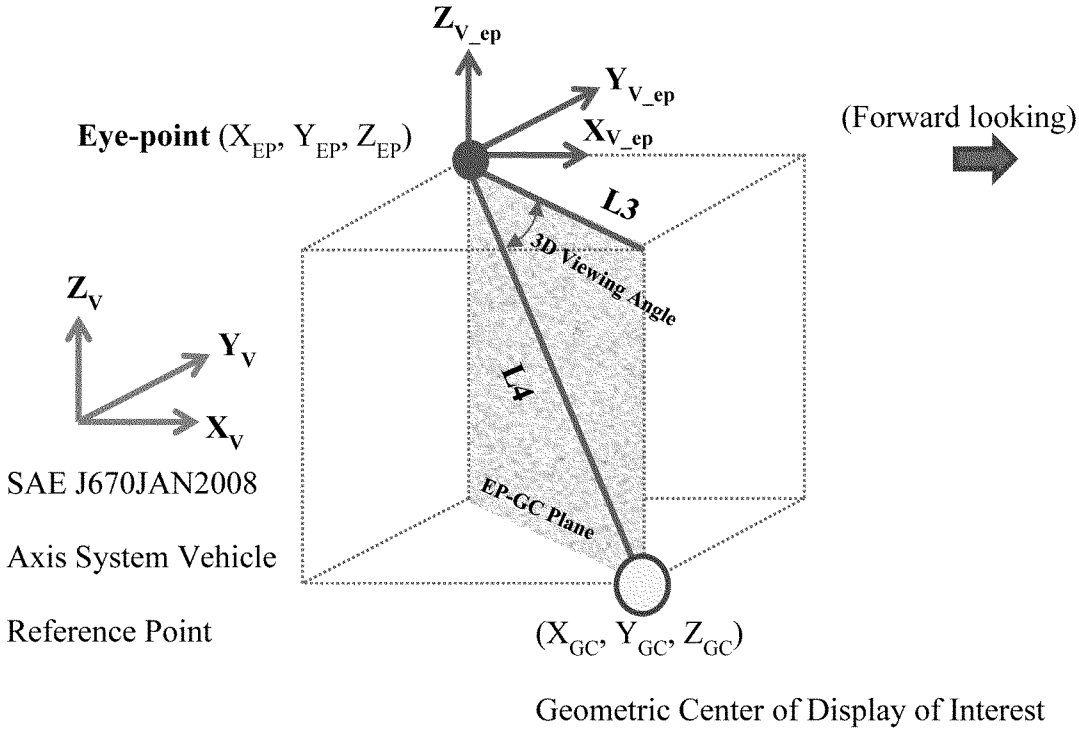


Figure 2. Plane EP-GC Showing Lines 3 and 4 and the 3D Downward Viewing Angle

d. Determine the *3D Downward Viewing Angle.* The *3D Downward Viewing Angle* is the angle, measured in Plane EP–GC, from Line 3 to Line 4. Figure 2 also shows the *3D Downward Viewing Angle.*

e. Equations for Calculating the *3D Downward Viewing Angle.* The *3D Downward Viewing Angle* can be calculated using the equations that follow:

Define the *nominal driver eye point* to be at coordinates ($X_{EP}$, $Y_{EP}$, $Z_{EP}$). As previously stated, the geometric center of the display of interest has coordinates of ($X_{GC}$, $Y_{GC}$, $Z_{GC}$). The 3D distance in Plane EP–GC between the *nominal driver eye point* and geometric center of the display of interest can be calculated by:

$$d_{3D} = \sqrt{(X_{EP} - X_{GC})^2 + (Y_{EP} - Y_{GC})^2 + (Z_{EP} - Z_{GC})^2} \qquad \text{(Equation 4)}$$

The 3D Downward Viewing Angle, $\theta_{3D}$, can be calculated by:

$$\theta_{3D} = 57.2958 \sin^{-1}\left(\frac{(Z_{EP} - Z_{GC})}{d_{3D}}\right) \qquad \text{(Equation 5)}$$

Where the above arcsine is calculated in radians and converted to degrees by multiplying by 57.5958 (additional digits of accuracy acceptable if desired).

f. Supplemental Note. The *3D Downward Viewing Angle* could be negative (i.e., the geometric center of the display of interest could be above the *nominal driver eye point*). Therefore, it is not necessarily a downward viewing angle.

*2. Clarification on Ordering of Test Trials When Multiple Tasks Are Tested*

NHTSA is revising Subsection VI.E.12, which discusses task acceptance test sessions involving multiple testable tasks. Although the Guidelines indicated that there is no limit to the number of tasks an individual test participant may be asked to perform in one test session, the agency feels that it is appropriate to caution that including too many tasks in a single session can overwhelm test participants and lead to worse performance by the participant, thereby increasing the likelihood of a task not meeting the acceptance criteria. Accordingly, Subsection VI.E.12 is being revised to incorporate a cautionary statement to that effect. NHTSA is also adding a similar cautionary recommendation that the instructions, practice, and testing for each task should be completed before beginning a new task in order to minimize the likelihood of test participant confusion.

The original text of Subsection VI.E.12 reads:

12. Multiple *Testable Task* Testing. To improve testing efficiency, multiple (different) *testable tasks* may be performed

by the same test participant during one or more drives. There is no limit to the number of *testable tasks* that may be evaluated by a test participant.

The revised text of Subsection VI.E.12 appends the following sentences to the above section:

However, it should be noted that including multiple tasks in a single session may lead to performance degradation due to test participant fatigue or confusion. Additionally, to ensure that the testing of each task reflects the demands of that task alone, all instructions, practice and testing for a single task should be completed before beginning a new task.

*3. Clarification of Maximum Allowable Number of Eye Glances Longer Than 2.0 Seconds*

Subsequent to publication of the Phase 1 NHTSA Driver Distraction Guidelines, NHTSA became aware that the language used in Subsection VI.E.14.a, which describes the maximum number of eye glances longer than 2.0 seconds that may be observed for a conforming task during the driving simulator test procedure, was confusing to some readers. To improve the understandability of Subsection VI.E.14.a, that section has been revised as follows and an illustrative table has been added. Similar clarifying edits have also been made to Subsection VI.E.14.b, which describes the criteria for the mean duration of glances.

The original text of Subsection VI.E.14.a and b. read:

14. Acceptance Criteria. A *testable task* should be locked out from performance by drivers while driving unless the following three criteria are all met:

a. For at least 21 of the 24 test participants, no more than 15 percent (rounded up) of the total number of eye glances away from the forward road scene have durations of greater than 2.0 seconds while performing the testable task one time.

b. For at least 21 of the 24 test participants, the mean duration of all eye glances away from the forward road scene is less than or equal to 2.0 seconds while performing the testable task one time.

The text of Subsections VI.E.14.a and VI.E.14.b have been revised to read as follows:

a. For at least 21 of the 24 test participants, no more than 15 percent (rounded up to the next whole number) of each participant's total number of eye glances away from the forward road scene have durations of greater than 2.0 seconds while performing the testable task one time.

TABLE 3—MAXIMUM ALLOWABLE NUMBER OF EYE GLANCES LONGER THAN 2.0 SECONDS

| Number of eye glances away from the forward road scene made by an individual test participant in performing a task | 15% of the total number of eye glances away from the forward road scene | Maximum number of allowable off-road eye glances longer than 2.0 seconds |
|---|---|---|
| 1 | 0.15 | *0 |
| 2 | 0.30 | 1 |
| 3 | 0.45 | 1 |
| 4 | 0.60 | 1 |
| 5 | 0.75 | 1 |
| 6 | 0.90 | 1 |
| 7 | 1.05 | 2 |
| 8 | 1.20 | 2 |
| 9 | 1.35 | 2 |
| 10 | 1.50 | 2 |
| 11 | 1.65 | 2 |
| 12 | 1.80 | 2 |
| 13 | 1.95 | 2 |
| 14 through 20 | >2.0 | 3 |

* **Note:** See Section VI.E.14.b. If a testable task takes a test participant exactly one glance to perform, that glance must be no longer than 2.0 seconds in order to have a mean duration that does not exceed 2.0 seconds for all eye glances.

b. For at least 21 of the 24 test participants, the mean duration of each participant's eye glances away from the forward road scene is less than or equal to 2.0 seconds while performing the testable task one time.

*4. Typographical Error*

A typographical error was found in Section VI.G.4.b of the Phase 1 NHTSA Driver Distraction Guidelines. The phrase ''How to drive the occlusion apparatus while not performing a testable task,'' should read ''Become familiar with the occlusion apparatus operation while not performing a testable task.'' This change merely corrects the Guidelines language without substantively changing the content.

*5. Inadvertent Omission*

The agency inadvertently neglected to include a recommendation regarding multiple testable task testing in Subsection VI.G., which relates to the occlusion test protocol. As discussed above, a recommendation regarding multiple task testing was included in the section related to driving simulator testing. In order to provide consistent recommendations for both test protocols, the agency has included a recommendation similar to the revised Subsection VI.E.12 in Subsection VI.G.18 that reads as follows:

18. Multiple *Testable Task* Testing. To improve testing efficiency, multiple (different) *testable tasks* may be performed by the same test participant during one or more sessions. There is no limit to the number of *testable tasks* that may be evaluated by a test participant. However, it should be noted that including multiple tasks in a single session may lead to performance degradation due to test participant fatigue or confusion. Additionally, to ensure that the testing of each task reflects the demands of that task alone, all instructions, practice and testing for a single task should be completed before beginning a new task.

Issued in Washington, DC, on September 10, 2014, under authority delegated by 49 CFR 1.95.

**Nathaniel Beuse,**

*Associate Administrator for Vehicle Safety Research.*

[FR Doc. 2014–21991 Filed 9–15–14; 8:45 am]

BILLING CODE 4910–59–P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[STB Docket No. EP 670 (Sub-No. 1)]**

### Notice of Rail Energy Transportation Advisory Committee Meeting

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of Rail Energy Transportation Advisory Committee meeting.

**SUMMARY:** Notice is hereby given of a meeting of the Rail Energy Transportation Advisory Committee (RETAC), pursuant to the Federal Advisory Committee Act (FACA), 5 U.S.C. app. 2 § 10(a)(2).

**DATES:** The meeting will be held on Thursday, October 2, 2014, at 9:00 a.m., E.D.T.

**ADDRESSES:** The meeting will be held in the Hearing Room on the first floor of the Board's headquarters at 395 E Street SW., Washington, DC 20423.

**FOR FURTHER INFORMATION CONTACT:** Michael H. Higgins (202) 245–0284; *Michael.Higgins@stb.dot.gov.* [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877–8339].

**SUPPLEMENTAL INFORMATION:** RETAC arose from a proceeding instituted by the Board, *Establishment of a Rail Energy Transportation Advisory Committee,* Docket No. EP 670. RETAC was formed to provide advice and guidance to the Board, and to serve as a forum for discussion of emerging issues regarding the transportation by rail of energy resources, particularly, but not necessarily limited to, coal, ethanol, and other biofuels. The purpose of this meeting is to continue discussions regarding issues such as rail performance, capacity constraints, infrastructure planning and development, and effective coordination among suppliers, carriers, and users of energy resources. Potential agenda items for this meeting include introduction of new members, a performance measures review, industry segment reports by RETAC members, a presentation on the U.S. domestic energy outlook, a presentation on rail infrastructure and capacity demands going forward, and a roundtable discussion.

The meeting, which is open to the public, will be conducted in accordance with the Federal Advisory Committee Act, 5 U.S.C. app. 2; Federal Advisory Committee Management regulations, 41 CFR pt. 102–3; RETAC's charter; and Board procedures. Further communications about this meeting may be announced through the Board's Web site at *WWW.STB.DOT.GOV.*

Written Comments: Members of the public may submit written comments to RETAC at any time. Comments should be addressed to RETAC, c/o Michael Higgins, Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001 or *Michael.Higgins@stb.dot.gov.*

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

**Authority:** 49 U.S.C. 721, 49 U.S.C. 11101; 49 U.S.C. 11121.

Decided: September 11, 2014.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2014–22028 Filed 9–15–14; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF THE TREASURY

### Treasury Inspector General for Tax Administration; Privacy Act of 1974, as Amended: Computer Matching Program

**AGENCY:** Treasury Inspector General for Tax Administration, Treasury.

**ACTION:** Notice.

**SUMMARY:** Pursuant to 5 U.S.C. 552a, the Privacy Act of 1974, as amended, notice is hereby given of the agreement between the Treasury Inspector General for Tax Administration (TIGTA) and the Internal Revenue Service (IRS) concerning the conduct of TIGTA's computer matching program.

**DATES:** *Effective Date:* September 13, 2014.

**ADDRESSES:** Comments or inquires may be mailed to the Treasury Inspector General for Tax Administration, Attn: Office of Chief Counsel, 1401 H St. NW., Suite 469, Washington, DC 20005, or via electronic mail to *Counsel.Office@tigta.treas.gov.*

**FOR FURTHER INFORMATION CONTACT:** Office of Chief Counsel, Treasury Inspector General for Tax Administration, (202) 622–4068.

**SUPPLEMENTARY INFORMATION:** TIGTA's computer matching program assists in the detection and deterrence of fraud, waste, and abuse in the programs and operations of the IRS and related entities as well as protects against attempts to corrupt or interfere with tax administration. TIGTA's computer matching program is also designed to proactively detect and to deter criminal and administrative misconduct by IRS employees. Computer matching is the most feasible method of performing comprehensive analysis of data.

*Name of Source Agency:* Internal Revenue Service.

*Name of Recipient Agency:* Treasury Inspector General for Tax Administration.

*Beginning and Completion Dates:* This program of computer matches is expected to commence on September 13, 2014, but not earlier than the fortieth day after copies of the Computer Matching Agreement are provided to the Congress and OMB unless comments dictate otherwise. The program of computer matches is expected to conclude on March 14, 2016. Purpose: This program is designed to deter and detect fraud, waste, and abuse in Internal Revenue Service programs and operations, to investigate criminal and administrative misconduct by IRS employees, and to protect against attempts to corrupt or threaten the IRS and/or its employees.

**Authority:** The Inspector General Act of 1978, 5 U.S.C. App. 3, and Treasury Order 115–01.

*Categories of Individuals Covered:* Current and former employees of the Internal Revenue Service as well as individuals and entities about whom information is maintained in the systems of records listed below.

*Categories of Records Covered:* Included in this program of computer matches are records from the following Treasury or Internal Revenue Service systems.

a. Treasury Payroll and Personnel System [Treasury/DO.001]
b. Treasury Child Care Tuition Assistance Records [Treasury/DO.003]
c. Public Transportation Incentive Program Records [Treasury/DO.005]
d. Treasury Financial Management Systems [Treasury/DO.009]
e. Correspondence Files and Correspondence Control Files [Treasury/IRS 00.001]
f. Correspondence Files: Inquiries About Enforcement Activities [Treasury/IRS 00.002]
g. Taxpayer Advocate Service and Customer Feedback and Survey Records System [Treasury/IRS 00.003]
h. Employee Complaint and Allegation Referral Records [Treasury/IRS 00.007]
i. Third Party Contact Records [Treasury/IRS 00.333]
j. Stakeholder Relationship Management and Subject Files, Chief, Communications and Liaison [Treasury/IRS 10.004]
k. Volunteer Records [Treasury/IRS 10.555]
l. Annual Listing of Undelivered Refund Checks [Treasury/IRS 22.003]
m. File of Erroneous Refunds [Treasury/IRS 22.011]
n. Health Coverage Tax Credit (HCTC) Program Records [Treasury/IRS 22.012]
o. Foreign Information System (FIS) [Treasury/IRS 22.027]

p. Individual Microfilm Retention Register [Treasury/IRS 22.032]
q. Subsidiary Accounting Files [Treasury/IRS 22.054]
r. Automated Non-Master File (ANMF) [Treasury/IRS 22.060]
s. Information Return Master File (IRMF) [Treasury/IRS 22.061]
t. Electronic Filing Records [Treasury/IRS 22.062]
u. Customer Account Data Engine (CADE) Individual Master File (IMF) [Treasury/IRS 24.030]
v. CADE Business Master File (BMF) [Treasury/IRS 24.046]
w. Audit Underreported Case File [Treasury/IRS 24.047]
x. Acquired Property Records [Treasury/IRS 26.001]
y. Lien Files [Treasury/IRS 26.009]
z. Offer in Compromise (OIC) File [Treasury/IRS 26.012]
aa. Trust Fund Recovery Cases/One Hundred Percent Penalty Cases [Treasury/IRS 26.013]
bb. Record 21, Record of Seizure and Sale of Real Property [Treasury/IRS 26.014]
cc. Taxpayer Delinquent Account (TDA) Files [Treasury/IRS 26.019]
dd. Taxpayer Delinquency Investigation (TDI) Files [Treasury/IRS 26.020]
ee. Identification Media Files System for Employees and Others Issued IRS Identification [Treasury/IRS 34.013]
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gg. Personnel Security Investigations, National Background Investigations Center [Treasury/IRS 34.021]
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ii. IRS Audit Trail and Security Records System [Treasury/IRS 34.037]
jj. General Personnel and Payroll Records [Treasury/IRS 36.003]
kk. Practitioner Disciplinary Records [Treasury/IRS 37.007]
ll. Enrolled Agent and Enrolled Retirement Plan Agent Records [Treasury/IRS 37.009]
mm. Preparer Tax Identification Number Records [Treasury/IRS 37.111]
nn. Examination Administrative File [Treasury/IRS 42.001]
oo. Audit Information Management System (AIMS) [Treasury/IRS 42.008]
pp. Compliance Programs and Projects Files [Treasury/IRS 42.021]
qq. Anti-Money Laundering/Bank Secrecy Act (BSA) and Form 8300 Records [Treasury/IRS 42.031]
rr. Appeals Centralized Data System [Treasury/IRS 44.003]
ss. Criminal Investigation Management Information System [Treasury/IRS 46.002]
tt. Automated Information Analysis System [Treasury/IRS 46.050]
uu. Tax Exempt/Government Entities (TE/GE) Case Management Records [Treasury/IRS 50.222]
vv. Employee Protection System Records [Treasury/IRS 60.000]
ww. Chief Counsel Management Information System Records [Treasury/IRS 90.001]

Dated: September 11, 2014.

**Helen Goff Foster,**

*Deputy Assistant Secretary for Privacy, Transparency, and Records.*

[FR Doc. 2014–22059 Filed 9–15–14; 8:45 am]

**BILLING CODE 4810–04–P**

# FEDERAL REGISTER

Vol. 79 Tuesday,

No. 179 September 16, 2014


Part II

## Department of Energy

10 CFR Part 431

Energy Conservation Program: Energy Conservation Standards for Packaged Terminal Air Conditioners and Packaged Terminal Heat Pumps; Proposed Rule

**DEPARTMENT OF ENERGY**

**10 CFR Part 431**

**[Docket Number EERE–2012–BT–STD–0029]**

**RIN 1904–AC82**

## Energy Conservation Program: Energy Conservation Standards for Packaged Terminal Air Conditioners and Packaged Terminal Heat Pumps

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

**ACTION:** Notice of proposed rulemaking (NOPR) and public meeting.

**SUMMARY:** The Energy Policy and Conservation Act of 1975 (EPCA), as amended, prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including packaged terminal air conditioners (PTACs) and packaged terminal heat pumps (PTHPs). EPCA also requires the U.S. Department of Energy (DOE) to determine whether more-stringent, amended standards would be technologically feasible and economically justified, and would save a significant amount of energy. In this document, DOE proposes amended energy conservation standards for PTACs and PTHPs. The document also announces a public meeting to receive comment on these proposed standards and associated analyses and results.

**DATES:** DOE will hold a public meeting on Wednesday, October 29, 2014, from 9 a.m. to 4 p.m., in Washington, DC. The meeting will also be broadcast as a webinar. See section VII, ''Public Participation,'' for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.

DOE will accept comments, data, and information regarding this notice of proposed rulemaking (NOPR) before and after the public meeting, but no later than November 17, 2014. See section VII, ''Public Participation'' for details.

**ADDRESSES:** The public meeting will be held at the U.S. Department of Energy, Forrestal Building, Room 8E–089, 1000 Independence Avenue SW., Washington, DC 20585. To attend, please notify Ms. Brenda Edwards at (202) 586–2945. For more information, refer to the Public Participation section near the end of this document.

Any comments submitted must identify the NOPR for Energy Conservation Standards for packaged terminal air conditioners (PTACs) and packaged terminal heat pumps (PTHPs), and provide docket number EERE–2012–BT–STD–0029 and/or regulatory information number (RIN) number 1904–AC82. 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: pkgTerminalAC-HP2012STD0029@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, in which case it is not necessary to include printed copies.

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 Office of Energy Efficiency and Renewable Energy through the methods listed above and by email to *Chad_S_Whiteman@omb.eop.gov.*

For detailed instructions on submitting comments and additional information on the rulemaking process, see section VII 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 *www.regulations.gov.* All documents in the docket are listed in the *www.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://www.regulations.gov/#!docketDetail;D=EERE-2012-BT-STD-0029.* This Web page contains a link to the docket for this document on the *www.regulations.gov* site. The *www.regulations.gov* Web page contains simple instructions on how to access all documents, including public comments, in the docket. See section VII for further information on how to submit comments through *www.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:** Mr. Ronald Majette, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–7935. Email: *PTACs@ee.doe.gov.*

Ms. Jennifer Tiedeman, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–6111. Email: *Jennifer.Tiedeman@hq.doe.gov.*

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## I. Summary of the Proposed Rule

Title III, Part C[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), added by Public Law 95–619, Title IV, section 441(a), established the Energy Conservation Program for Certain Industrial Equipment.[2] This equipment includes packaged terminal air conditioners (PTACs) and packaged terminal heat pumps (PTHPs), the subjects of this document.

Pursuant to EPCA, DOE may prescribe a standard more stringent than the level in American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE)/Illuminating Engineering Society of North America (IESNA) Standard 90.1, after ASHRAE amends the energy conservation standards found in ASHRAE/IESNA Standard 90.1, if DOE can demonstrate ''by clear and convincing evidence,'' that such a more stringent standard ''would result in significant additional conservation of energy and is technologically feasible and economically justified.'' (42 U.S.C. 6313(a)(6)(A)(II)) In accordance with these criteria, DOE proposes to amend the energy conservation standards for standard-sized PTACs and PTHPs by raising the efficiency levels for this equipment to the levels shown in Table I.1, above the efficiency levels specified by ANSI/ASHRAE/IES Standard 90.1–2013. The proposed standards, which prescribe the minimum allowable energy efficiency ratio (EER) and, for packaged terminal heat pumps, coefficient of performance (COP), are shown in Table I.1.

The proposed standards would apply to all covered PTACs and PTHPs manufactured on or after the date four years after publication of the final rule in the **Federal Register**. (42 U.S.C. 6313(a)(6)(D)) The proposed standards for PTACs and PTHPs represent an improvement in energy efficiency of four to seven percent compared to the efficiency levels specified by ANSI/ASHRAE/IES Standard 90.1–2013, depending on the equipment capacity.

TABLE I.1—PROPOSED ENERGY CONSERVATION STANDARDS FOR PTACS AND PTHPS

| Equipment class | | | Proposed energy conservation standards * |
|---|---|---|---|
| Equipment | Category | Cooling capacity | |
| PTAC | Standard Size ** | <7,000 Btu/h | EER = 12.6 |
| | | ≥7,000 Btu/h and ≤15,000 Btu/h | EER = 14.9 − (0.324 × Cap ‡) |

[1] For editorial reasons, upon codification in the U.S. Code, Part C was redesignated Part A–1.

[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).

TABLE I.1—PROPOSED ENERGY CONSERVATION STANDARDS FOR PTACS AND PTHPS—Continued

| Equipment class | | | Proposed energy conservation standards * |
|---|---|---|---|
| Equipment | Category | Cooling capacity | |
| | | >15,000 Btu/h | EER = 10.0 |
| PTHP | Standard Size ** | <7,000 Btu/h | EER = 12.6<br>COP = 3.5 |
| | | ≥7,000 Btu/h and ≤15,000 Btu/h | EER = 14.9 − (0.324 × Cap ‡)<br>COP = 4.0 − (0.064 × Cap ‡) |
| | | >15,000 Btu/h | EER = 10.0<br>COP = 3.0 |

* For equipment rated according to the DOE test procedure (ARI Standard 310/380–2004), all energy efficiency ratio (EER) values must be rated at 95 °F outdoor dry-bulb temperature for air-cooled equipment and evaporatively-cooled equipment and at 85 °F entering water temperature for water cooled equipment. All coefficient of performance (COP) values must be rated at 47 °F outdoor dry-bulb temperature for air-cooled equipment, and at 70 °F entering water temperature for water-source heat pumps.

** Standard size refers to PTAC or PTHP equipment with wall sleeve dimensions greater than or equal to 16 inches high, or greater than or equal to 42 inches wide.

† Non-standard size refers to PTAC or PTHP equipment with wall sleeve dimensions less than 16 inches high and less than 42 inches wide.

‡ Cap means cooling capacity in thousand British thermal units per hour (Btu/h) at 95 °F outdoor dry-bulb temperature.

*A. Benefits and Costs to Customers*

Table I.2 presents DOE's evaluation of the economic impacts of the proposed standards on customers of PTAC and PTHP equipment, as measured by the average life-cycle cost (LCC) savings and the median payback period. LCC savings refers to the additional dollar amount a customer is expected to save (or expend) over the equipment's lifetime when using equipment with higher efficiency compared to baseline efficiency equipment. For the two PTAC equipment classes the customer is expected to face costs, and for the two PTHP equipment classes the customer is expected to observe savings under the amended standards proposed in this document.

TABLE I.2—IMPACTS OF PROPOSED STANDARDS ON CUSTOMERS OF PTACS AND PTHPS

| Cooling capacity | Average LCC savings (2013$) | Median payback period (years) |
|---|---|---|
| <12,000 Btu/h | $0.40 | 8.0 |
| ≥12,000 Btu/h | ($2.11) | 9.9 |

* Numbers in parentheses indicate negative savings.

**Note:** Standard size refers to PTAC or PTHP equipment with wall sleeve dimensions greater than or equal to 16 inches high, or greater than or equal to 42 inches wide.

*B. Impact on Manufacturers*

The industry net present value (INPV) is the sum of the discounted cash flows to the industry from the base year through the end of the analysis period (2014 to 2048). Using a real discount rate of 8.5 percent, DOE estimates that the INPV for manufacturers of PTACs and PTHPs is $58.5 million in 2013$. Under the proposed standards, DOE expects that manufacturers may lose up to 1.3 percent of INPV, which corresponds to approximately $0.7 million.

*C. National Benefits* [3]

DOE's analyses indicate that the proposed standards would save a significant amount of energy. The lifetime savings for PTACs and PTHPs purchased in the 30-year period that begins in the year of expected compliance with amended standards (2019–2048) amount to 0.06 quadrillion British thermal units (quads). The annual energy savings in 2030 (1.49 thousandths of a quad) are equivalent to 0.08 thousandths of a percent of total U.S. commercial primary energy consumption in 2013.[4]

The cumulative net present value (NPV) of total customer costs and savings of the proposed standards for PTACs and PTHPs ranges from $10.7 million (at a 7-percent discount rate) to $69.0 million (at a 3-percent discount rate). This NPV expresses the estimated total value of future operating-cost savings minus the estimated increase in product costs for equipment purchased in 2019–2048.

In addition, the proposed standards would have significant environmental benefits. The energy savings would result in cumulative emission reductions of 4.3 million metric tons (Mt) [5] of carbon dioxide ($CO_2$), 16 thousand tons of methane, 9.7 thousand tons of sulfur dioxide ($SO_2$), and 4.4 thousand tons of nitrogen oxides ($NO_X$).[6] The cumulative reduction in $CO_2$ emissions through 2030 amounts to 0.7 Mt.

The value of the $CO_2$ reductions is calculated using a range of values per metric ton of $CO_2$ (otherwise known as the Social Cost of Carbon, or SCC) developed by a recent Federal interagency process.[7] The derivation of

[3] All monetary values in this section are expressed in 2013 dollars and are discounted to 2013.

[4] Based on U.S. Department of Energy, Energy Information Administration, *Annual Energy Outlook 2013*.

[5] A metric ton is equivalent to 1.1 short tons. Results for $NO_X$ and Hg are presented in short tons.

[6] DOE calculated emissions reductions relative to the *Annual Energy Outlook 2013* (*AEO 2013*) reference case, which generally represents current legislation and environmental regulations for which implementing regulations were available as of December 31, 2012. The reduction in mercury (Hg) emissions is expected to be very small.

[7] *Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866*. Interagency Working Group on Social Cost of Carbon, United States Government, May 2013; revised November 2013. Available online at *www.whitehouse.gov/sites/default/files/omb/assets/*

the SCC values is discussed in section IV.L.1. Using discount rates appropriate for each set of SCC values, DOE estimates that the present monetary value of the $CO_2$ emissions reduction is between $28.1 million and $412.1 million. DOE also estimates that the present monetary value of the $NO_X$ emissions reduction is $2.20 million at a 7-percent discount rate and $5.43 million at a 3-percent discount rate.[8]

Table I.3 summarizes the national economic costs and benefits expected to result from the proposed standards for PTACs and PTHPs.

TABLE I.3—SUMMARY OF NATIONAL ECONOMIC BENEFITS AND COSTS OF PROPOSED ENERGY CONSERVATION STANDARDS FOR PTACS AND PTHPS *

| Category | Present value million 2013$ | Discount rate (percent) |
|---|---|---|
| **Benefits** | | |
| Operating Cost Savings | 101.5 | 7 |
| | 241.9 | 3 |
| $CO_2$ Reduction Monetized Value ($12.0/t case) ** | 28.1 | 5 |
| $CO_2$ Reduction Monetized Value ($40.5/t case) ** | 133.0 | 3 |
| $CO_2$ Reduction Monetized Value ($62.4/t case) ** | 212.3 | 2.5 |
| $CO_2$ Reduction Monetized Value ($119/t case) ** | 412.1 | 3 |
| $NO_X$ Reduction Monetized Value (at $2,684/ton) ** | 2.20 | 7 |
| | 5.43 | 3 |
| Total Benefits † | 236.6 | 7 |
| | 380.2 | 3 |
| **Costs** | | |
| Incremental Installed Costs | 90.8 | 7 |
| | 172.9 | 3 |
| **Total Net Benefits** | | |
| Including Emissions Reduction Monetized Value † | 145.9 | 7 |
| | 207.3 | 3 |

* This table presents the costs and benefits associated with PTACs and PTHPs shipped in 2019–2048. These results include benefits to customers which accrue after 2048 from the equipment purchased in 2019–2048. The results account for the incremental variable and fixed costs incurred by manufacturers due to amended standards, some of which may be incurred in preparation for the rule.

** The $CO_2$ values represent global monetized values of the SCC, in 2013$, in 2015 under several scenarios of the updated SCC values. The first three cases use the averages of SCC distributions calculated using 5%, 3%, and 2.5% discount rates, respectively. The fourth case represents the 95th percentile of the SCC distribution calculated using a 3% discount rate. The SCC time series used by DOE incorporates an escalation factor.

† Total Benefits for both the 3% and 7% cases are derived using the series corresponding to average SCC with 3-percent discount rate ($40.5/t case).

The benefits and costs of the proposed standards, for equipment sold in 2019–2048, can also be expressed in terms of annualized values. The annualized monetary values are the sum of (1) the annualized national economic value of the benefits from customer operation of products that meet the proposed standards (consisting primarily of operating cost savings from using less energy, minus increases in equipment purchase and installation costs, which is another way of representing customer NPV), and (2) the annualized monetary value of the benefits of emission reductions, including $CO_2$ emission reductions.[9]

Although combining the values of operating savings and $CO_2$ emission reductions provides a useful perspective, two issues should be considered. First, the national operating savings are domestic U.S. customer monetary savings that occur as a result of market transactions while the value of $CO_2$ reductions is based on a global value. Second, the assessments of operating cost savings and $CO_2$ savings are performed with different methods that use different time frames for analysis. The national operating cost savings is measured for the lifetime of PTACs and PTHPs shipped in 2019–2048. The SCC values, on the other hand, reflect the present value of some future climate-related impacts resulting from the emission of one ton of carbon dioxide in each year. These impacts continue well beyond 2100.

Estimates of annualized benefits and costs of the proposed standards are shown in Table I.4. The results under the primary estimate are as follows. Using a 7-percent discount rate for benefits and costs other than $CO_2$ reduction, for which DOE used a 3-percent discount rate along with the average SCC series that uses a 3-percent discount rate, the cost of the proposed standards is $8.38 million per year in increased equipment costs, while the benefits are $9.4 million per year in reduced equipment operating costs, $7.2 million in $CO_2$ reductions, and $0.20 million in reduced $NO_X$ emissions. In this case, the net benefit amounts to

*inforeg/technical-update-social-cost-of-carbon-for-regulator-impact-analysis.pdf.*

[8] DOE is currently investigating valuation of avoided Hg and $SO_2$ emissions.

[9] DOE used a two-step calculation process to convert the time-series of costs and benefits into annualized values. First, DOE calculated a present value in 2013, the year used for discounting the NPV of total consumer costs and savings, for the time-series of costs and benefits using discount rates of three and seven percent for all costs and benefits except for the value of $CO_2$ reductions. For the latter, DOE used a range of discount rates, as shown in Table I.3. From the present value, DOE then calculated the fixed annual payment over a 30-year period (2019 through 2048) that yields the same present value. The fixed annual payment is the annualized value. Although DOE calculated annualized values, this does not imply that the time-series of cost and benefits from which the annualized values were determined is a steady stream of payments.

$8.4 million per year. Using a 3-percent discount rate for all benefits and costs and the average SCC series, the estimated cost of the proposed standards is $9.36 million per year in increased equipment costs, while the benefits are $13.1 million per year in reduced operating costs, $7.2 million in $CO_2$ reductions, and $0.29 million in reduced $NO_X$ emissions. In this case, the net benefit amounts to $11.2 million per year.

TABLE I.4—ANNUALIZED BENEFITS AND COSTS OF PROPOSED ENERGY CONSERVATION STANDARDS FOR PTACS AND PTHPS

| TSL 3 | Discount rate (percent) | Million 2013$/year | | |
|---|---|---|---|---|
| | | Primary estimate * | Low net benefits estimate * | High net benefits estimate * |
| **Benefits** | | | | |
| Operating Cost Savings | 7 | 9.4 | 9.0 | 9.9 |
| | 3 | 13.1 | 2.5 | 3.9 |
| $CO_2$ Reduction Monetized Value ($12.0/t case) **. | 5 | 2.0 | 2.0 | 2.0 |
| $CO_2$ Reduction Monetized Value ($40.5/t case) **. | 3 | 7.2 | 7.2 | 7.2 |
| $CO_2$ Reduction Monetized Value ($62.4/t case) **. | 2.5 | 10.7 | 10.7 | 10.7 |
| $CO_2$ Reduction Monetized Value ($119/t case) **. | 3 | 22.3 | 22.3 | 22.3 |
| $NO_X$ Reduction Monetized Value (at $2,684/ton) **. | 7 | 0.20 | 0.20 | 0.20 |
| | 3 | 0.29 | 0.29 | 0.29 |
| Total Benefits † | 7 plus $CO_2$ range | 11.6 to 31.9 | 11.2 to 31.5 | 12.1 to 32.4 |
| | 7 | 16.8 | 16.4 | 17.3 |
| | 3 plus $CO_2$ range | 15.4 to 35.7 | 14.8 to 35.0 | 16.2 to 36.5 |
| | 3 | 20.6 | 19.9 | 21.4 |
| **Costs** | | | | |
| Incremental Product Costs | 7 | 8.38 | 8.18 | 10.61 |
| | 3 | 9.36 | 9.06 | 12.29 |
| **Net Benefits** | | | | |
| Total † | 7 plus $CO_2$ range | 3.2 to 23.5 | 3.0 to 23.3 | 1.5 to 21.8 |
| | 7 | 8.4 | 8.2 | 6.7 |
| | 3 plus $CO_2$ range | 6.0 to 26.3 | 5.7 to 26.0 | 3.9 to 24.2 |
| | 3 | 11.2 | 10.9 | 9.1 |

* This table presents the annualized costs and benefits associated with PTACs and PTHPs shipped in 2019–2048. These results include benefits to customers which accrue after 2048 from the equipment purchased in 2019–2048. The results account for the incremental variable and fixed costs incurred by manufacturers due to amended standards, some of which may be incurred in preparation for the rule. The Primary, Low Benefits, and High Benefits Estimates utilize projections of energy prices from the *AEO 2013* Reference case, Low Estimate, and High Estimate, respectively. All three estimates use a constant rate for projected product price trends.

** The $CO_2$ values represent global monetized values of the SCC, in 2013$, in 2015 under several scenarios of the updated SCC values. The first three cases use the averages of SCC distributions calculated using 5%, 3%, and 2.5% discount rates, respectively. The fourth case represents the 95th percentile of the SCC distribution calculated using a 3% discount rate. The SCC time series used by DOE incorporate an escalation factor.

† Total Benefits for both the 3-percent and 7-percent cases are derived using the series corresponding to average SCC with 3-percent discount rate ($40.5/t case). In the rows labeled ''7% plus $CO_2$ range'' and ''3% plus $CO_2$ range,'' the operating cost and $NO_X$ benefits are calculated using the labeled discount rate, and those values are added to the full range of $CO_2$ values.

DOE has tentatively concluded that the proposed standards represent the maximum improvement in energy efficiency that is technologically feasible and economically justified, and would result in a significant conservation of energy. DOE further notes that products achieving these standard levels are already commercially available for at least some, if not most, equipment classes covered by this proposal. Based on the analyses described above, DOE has tentatively concluded that the benefits of the proposed standards to the Nation (energy savings, positive NPV of customer benefits, customer LCC savings, and emission reductions) would outweigh the burdens (loss of INPV for manufacturers and LCC increases for some customers).

DOE also considered more-stringent energy efficiency levels as trial standard levels, and is still considering them in this rulemaking. However, DOE has tentatively concluded that the potential burdens of the more-stringent energy efficiency levels would outweigh the projected benefits. Based on consideration of the public comments DOE receives in response to this document and related information collected and analyzed during the course of this rulemaking effort, DOE may adopt energy efficiency levels presented in this document that are either higher or lower than the proposed standards, or some combination of level(s) that incorporate the proposed standards in part.

As noted previously, in this rulemaking DOE is required to, at a minimum, adopt the ASHRAE levels as the Federal standard. (42 U.S.C. (a)(6)(A)(ii)(I)) In order to adopt levels above ASHRAE, DOE must determine that such a standard would result in significant additional conservation of

energy and is technologically feasible and economically justified. (42 U.S.C. (a)(6)(A)(ii)(II)) To meet this statutory requirement, in this summary and throughout the NOPR, DOE examined and presents consumer, manufacturer, and economic benefits for the proposed PTAC and PTHP standards as compared to the default automatic adoption of the ASHRAE level, where no models would be available on the market at the current Federal minimum. However, for informational purposes only, in section V.C. DOE also presents summary results for the proposed standards in comparison to a base case including the current Federal minimum standards. This information was not used in the selection of the proposed standard level.

The following section briefly discusses the statutory authority underlying this proposal, as well as some of the relevant historical background related to the establishment of standards for PTACs and PTHPs.

## II. Introduction

### *A. Authority*

Title III, Part C [10] of the Energy Policy and Conservation Act of 1975 (EPCA or the Act), Public Law 94–163 (42 U.S.C. 6311–6317, as codified), added by Public Law 95–619, Title IV, section 441(a), established the Energy Conservation Program for Certain Industrial Equipment, which includes the PTAC and PTHP equipment that is the subject of this document. In general, this program addresses the energy efficiency of certain types of commercial and industrial equipment. Relevant provisions of the Act include definitions (42 U.S.C. 6311), energy conservation standards (42 U.S.C. 6313), test procedures (42 U.S.C. 6314), labelling provisions (42 U.S.C. 6315), and the authority to require information and reports from manufacturers (42 U.S.C. 6316).

EPCA contains mandatory energy conservation standards for commercial heating, air-conditioning, and water-heating equipment. (42 U.S.C. 6313(a)) Specifically, the statute sets standards for small, large, and very large commercial package air-conditioning and heating equipment, PTACs and PTHPs, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, and unfired hot water storage tanks. *Id.* EPCA established Federal energy conservation standards that generally correspond to the levels in ASHRAE Standard 90.1, as in effect on October 24, 1992 (i.e., ASHRAE/IESNA Standard 90.1–1989), for each type of covered equipment listed in 42 U.S.C. 6313(a).

EPCA requires that DOE conduct a rulemaking to consider amended energy conservation standards for a variety of enumerated types of commercial heating, ventilating, and air-conditioning equipment (of which PTACs and PTHPs are a subset) each time ASHRAE Standard 90.1 is updated with respect to such equipment. (42 U.S.C. 6313(a)(6)(A)) Such review is to be conducted in accordance with the procedures established for ASHRAE equipment under 42 U.S.C. 6313(a)(6). According to 42 U.S.C. 6313(a)(6)(A), for each type of equipment, EPCA directs that if ASHRAE Standard 90.1 is amended, DOE must publish in the **Federal Register** an analysis of the energy savings potential of amended energy efficiency standards within 180 days of the amendment of ASHRAE Standard 90.1. (42 U.S.C. 6313(a)(6)(A)(i)) EPCA further directs that DOE must adopt amended standards at the new efficiency level specified in ASHRAE Standard 90.1, unless clear and convincing evidence supports a determination that adoption of a more-stringent level would produce significant additional energy savings and be technologically feasible and economically justified. (42 U.S.C. 6313(a)(6)(A)(ii)) In addition, DOE notes that pursuant to the Energy Independence and Security Act of 2007 (EISA 2007) amendments to EPCA, the agency must periodically review its already-established energy conservation standards for ASHRAE equipment. (42 U.S.C. 6313(a)(6)(C)) In December 2012, this provision was further amended by the American Energy Manufacturing Technical Corrections Act (AEMTCA) to clarify that DOE's periodic review of ASHRAE equipment must occur ''[e]very six years.'' (42 U.S.C. 6313(a)(6)(C)(i))

AEMTCA also modified EPCA to specify that any amendment to the design requirements with respect to the ASHRAE equipment would trigger DOE review of the potential energy savings under U.S.C. 6313(a)(6)(A)(i). Additionally, AEMTCA amended EPCA to require that if DOE proposes an amended standard for ASHRAE equipment at levels more stringent than those in ASHRAE Standard 90.1, DOE, in deciding whether a standard is economically justified, must determine, after receiving comments on the proposed standard, whether the benefits of the standard exceed its burdens by considering, to the maximum extent practicable, the following seven factors:

(1) The economic impact of the standard on manufacturers and consumers of the products subject to the standard;

(2) The savings in operating costs throughout the estimated average life of the product in the type (or class) compared to any increase in the price, initial charges, or maintenance expenses of the products likely to result from the standard;

(3) The total projected amount of energy savings likely to result directly from the standard;

(4) Any lessening of the utility or the performance of the products likely to result from the standard;

(5) The impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the standard;

(6) The need for national energy conservation; and

(7) Other factors the Secretary considers relevant.

(42 U.S.C. 6313(a)(6)(B)(ii))

Because ASHRAE did not update its efficiency levels for PTACs and PTHPs in ANSI/ASHRAE/IES Standard 90.1–2010, DOE began this rulemaking by analyzing amended standards consistent with the procedures defined under 42 U.S.C. 6313(a)(6)(C). Specifically, pursuant to 42 U.S.C. 6313(a)(6)(C)(i)(II), DOE, must use the procedures established under subparagraph (B) when issuing a NOPR. The statutory provision at 42 U.S.C. 6313(a)(6)(B)(ii), recently amended by AEMTCA, states that in deciding whether a standard is economically justified, DOE must determine, after receiving comments on the proposed standard, whether the benefits of the standard exceed its burdens by considering, to the maximum extent practicable, the seven factors stated above.

However, before DOE could finalize this NOPR, ASHRAE acted on October 9, 2013 to adopt ANSI/ASHRAE/IES Standard 90.1–2013, and this revision did contain amended standard levels for PTACs, thereby triggering DOE's statutory obligation under 42 U.S.C. 6313(a)(6)(A) to promulgate an amended uniform national standard at those levels unless DOE determines that there is clear and convincing evidence supporting the adoption of more-stringent energy conservation standards than the ASHRAE levels. Consequently, DOE prepared an analysis of the energy savings potential of amended standards at the ANSI/ASHRAE/IES Standard 90.1–2013 levels (as required by 42 U.S.C. 6313(a)(6)(A)(i)) and updated this NOPR and accompanying analyses to reflect appropriate statutory provisions, timelines, and compliance dates.

EPCA defines a PTHP as ''a packaged terminal air conditioner that utilizes

[10] For editorial reasons, upon codification in the U.S. Code, Part C was re-designated Part A–1.

reverse cycle refrigeration as its prime heat source and should have supplementary heat source available to builders with the choice of hot water, steam, or electric resistant heat.'' (42 U.S.C. 6311(10)(B)) Because PTHPs are defined explicitly as a subset of PTACs, the publication of ANSI/ASHRAE/IES Standard 90.1–2013 also triggered DOE to consider whether clear and convincing evidence supports a more-stringent standard than the ASHRAE levels for PTHPs, though the ASHRAE levels for PTHPs were not explicitly revised in 2013.

DOE is proposing amended standards that are more stringent than those set forth in ANSI/ASHRAE/IES Standard 90.1–2013. DOE has tentatively concluded that this rulemaking provides ''clear and convincing evidence'' that the proposed standards would result in significant conservation of energy and would be technologically feasible and economically justified, as mandated by 42 U.S.C. 6313(a)(6).

EPCA, as codified, also contains what is known as an ''anti-backsliding'' provision, which prevents the Secretary from prescribing any amended standard that either increases the maximum allowable energy use or decreases the minimum required energy efficiency of a covered product. (42 U.S.C. 6313(a)(6)(B)(iii)(I)) Also, the Secretary may not prescribe an amended or new standard if interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States of any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States. (42 U.S.C. 6313(a)(6)(B)(iii)(II))

Further, EPCA, as codified, establishes a rebuttable presumption that a standard is economically justified if the Secretary finds that the additional cost to the customer of purchasing a product complying with an energy conservation standard level will be less than three times the value of the energy (and, as applicable, water) savings during the first year that the customer will receive as a result of the standard, as calculated under the applicable test procedure.

Additionally, when a type or class of covered equipment such as ASHRAE equipment, has two or more subcategories, DOE often specifies more than one standard level. DOE generally will adopt a different standard level than that which applies generally to such type or class of products for any group of covered products that have the same function or intended use if DOE determines that products within such group: (A) Consume a different kind of energy from that consumed by other covered products within such type (or class); or (B) have a capacity or other performance-related feature which other products within such type (or class) do not have and which justifies a higher or lower standard. In determining whether a performance-related feature justifies a different standard for a group of products, DOE generally considers such factors as the utility to the customer of the feature and other factors DOE deems appropriate. In a rule prescribing such a standard, DOE includes an explanation of the basis on which such higher or lower level was established. DOE has followed a similar process in the context of this proposed rulemaking.

DOE has also reviewed this regulation pursuant to Executive Order 13563, issued on January 18, 2011 (76 FR 3281, January 21, 2011). Executive Order 13563 is supplemental to and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866, which provides that significant regulatory actions be submitted for review to the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB). To the extent permitted by law, agencies are required by Executive Order 13563 to: (1) Propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, 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 specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

DOE emphasizes as well that Executive Order 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, OIRA has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. For the reasons stated in the preamble, DOE believes that the NOPR is consistent with these principles, including the requirement that, to the extent permitted by law, benefits justify costs and that net benefits are maximized. Consistent with Executive Order 13563, and the range of impacts analyzed in this rulemaking, the energy efficiency standards proposed herein by DOE achieves maximum net benefits.

*B. Background*

1. Current Standards

In a final rule published on October 7, 2008 (73 FR 58772), DOE prescribed the current energy conservation standards for all standard size PTAC and PTHP equipment manufactured on or after September 30, 2012, and for all non-standard size PTAC and PTHP equipment manufactured on or after September 30, 2010. (42 U.S.C. 6313(a)(3)) The current energy conservation standards align with ANSI/ASHRAE/IES Standard 90.1–2010. These levels are expressed in EER for the cooling mode and in COP for the heating mode. EER is defined as ''the ratio of the produced cooling effect of an air conditioner or heat pump to its net work input, expressed in Btu/watt-hour.'' 10 CFR 431.92. COP is defined as ''the ratio of produced cooling effect of an air conditioner or heat pump (or its produced heating effect, depending on model operation) to its net work input, when both the cooling (or heating) effect and the net work input are expressed in identical units of measurement.'' 10 CFR 431.92.

The current standards for PTACs and PTHPs are set forth in Table II.1.

TABLE II.1—FEDERAL ENERGY EFFICIENCY STANDARDS FOR PTACS AND PTHPS

| Equipment class | | | Efficiency level * |
|---|---|---|---|
| Equipment type | Sub-category | Cooling capacity (Btu/h) | |
| PTAC | Standard Size ** | <7,000 | EER = 11.7 |
| | | ≥7,000 and ≤15,000 | EER = 13.8 − (0.300 × Cap ††) |
| | | >15,000 | EER = 9.3 |
| | Non-Standard Size † | <7,000 | EER = 9.4 |
| | | ≥7,000 and ≤15,000 | EER = 10.9 − (0.213 × Cap ††) |
| | | >15,000 | EER = 7.7 |
| PTHP | Standard Size ** | <7,000 | EER = 11.9<br>COP = 3.3 |
| | | ≥7,000 and ≤15,000 | EER = 14.0 − (0.300 × Cap ††)<br>COP = 3.7 − (0.052 × Cap ††) |
| | | >15,000 | EER = 9.5<br>COP = 2.9 |
| | Non-Standard Size † | <7,000 | EER = 9.3<br>COP = 2.7 |
| | | ≥7,000 and ≤15,000 | EER = 10.8 − (0.213 × Cap ††)<br>COP = 2.9 − (0.026 × Cap ††) |
| | | >15,000 | EER = 7.6<br>COP = 2.5 |

* For equipment rated according to ARI standards, all EER values must be rated at 95 °F outdoor dry-bulb temperature for air-cooled products and evaporatively-cooled products and at 85 °F entering water temperature for water cooled products. All COP values must be rated at 47 °F outdoor dry-bulb temperature for air-cooled products, and at 70 °F entering water temperature for water-source heat pumps.

** Standard size refers to PTAC or PTHP equipment with wall sleeve dimensions greater than or equal to 16 inches high, or greater than or equal to 42 inches wide.

† Non-standard size refers to PTAC or PTHP equipment with wall sleeve dimensions less than 16 inches high and less than 42 inches wide. ASHRAE/IESNA Standard 90.1–1999 also includes a factory labeling requirement for non-standard size PTAC and PTHP equipment as follows: "MANUFACTURED FOR REPLACEMENT APPLICATIONS ONLY; NOT TO BE INSTALLED IN NEW CONSTRUCTION PROJECTS."

†† Cap means cooling capacity in k at 95 °F outdoor dry-bulb temperature.

2. History of Standards Rulemaking for PTACs and PTHPs

On October 29, 1999, ASHRAE adopted ASHRAE/IESNA Standard 90.1–1999, "Energy Standard for Buildings Except Low-Rise Residential Building," which included amended efficiency levels for PTACs and PTHPs. In amending the ASHRAE/IESNA Standard 90.1–1989 levels for PTACs and PTHPs, ASHRAE acknowledged the physical size constraints among the varying sleeve sizes on the market. Specifically, the wall sleeve dimensions of the PTAC and PTHP can limit the attainable energy efficiency of the equipment. Consequently, ASHRAE/IESNA Standard 90.1–1999 used the equipment classes defined by EPCA, which are distinguished by equipment type (i.e., air conditioner or heat pump) and cooling capacity, and further separated these equipment classes by wall sleeve dimensions.[11] Table II.2 shows the efficiency levels in ASHRAE/IESNA Standard 90.1–1999 for PTACs and PTHPs.

TABLE II.2—ASHRAE/IESNA STANDARD 90.1–1999 ENERGY EFFICIENCY LEVELS FOR PTACS AND PTHPS

| Equipment class | | | ASHRAE/IESNA Standard 90.1–1999 efficiency levels * |
|---|---|---|---|
| Equipment | Category | Cooling capacity | |
| PTAC | Standard Size ** | <7,000 Btu/h | EER = 11.0 |
| | | ≥7,000 Btu/h and ≤15,000 Btu/h | EER = 12.5 − (0.213 × Cap ‡) |
| | | >15,000 Btu/h | EER = 9.3 |
| | Non-Standard Size † | <7,000 Btu/h | EER = 9.4 |
| | | ≥7,000 Btu/h and ≤15,000 Btu/h | EER = 10.9 − (0.213 × Cap ‡) |
| | | >15,000 Btu/h | EER = 7.7 |
| PTHP | Standard Size ** | <7,000 Btu/h | EER = 10.8<br>COP = 3.0 |
| | | ≥7,000 Btu/h and ≤15,000 Btu/h | EER = 12.3 − (0.213 × Cap ‡)<br>COP = 3.2 − (0.026 × Cap ‡) |

[11] Prior to 1999, ASHRAE/IESNA Standard 90.1 provided one efficiency standard for all PTAC and PTHP and did not have different standards by dimension. ASHRAE/IESNA Standard 90.1–1999 increased the standards for all classes and established more stringent standards for "new construction" than for "replacements." DOE energy conservation standards for PTACs and PTHPs did not distinguish between standard and non-standard size units until 2010 (for non-standard size) and 2012 (for standard size).

TABLE II.2—ASHRAE/IESNA STANDARD 90.1–1999 ENERGY EFFICIENCY LEVELS FOR PTACS AND PTHPS—Continued

| Equipment class | | | ASHRAE/IESNA Standard 90.1–1999 efficiency levels * |
|---|---|---|---|
| Equipment | Category | Cooling capacity | |
| | | >15,000 Btu/h | EER = 9.1<br>COP = 2.8 |
| | Non-Standard Size † | <7,000 Btu/h | EER = 9.3<br>COP = 2.7 |
| | | ≥7,000 Btu/h and ≤15,000 Btu/h | EER = 10.8 − (0.213 × Cap ‡)<br>COP = 2.9 − (0.026 × Cap ‡) |
| | | >15,000 Btu/h | EER = 7.6<br>COP = 2.5 |

* For equipment rated according to ARI standards, all EER values must be rated at 95 °F outdoor dry-bulb temperature for air-cooled products and evaporatively-cooled products and at 85 °F entering water temperature for water cooled products. All COP values must be rated at 47 °F outdoor dry-bulb temperature for air-cooled products, and at 70 °F entering water temperature for water-source heat pumps.

** Standard size refers to PTAC or PTHP equipment with wall sleeve dimensions greater than or equal to 16 inches high, or greater than or equal to 42 inches wide.

† Non-standard size refers to PTAC or PTHP equipment with wall sleeve dimensions less than 16 inches high and less than 42 inches wide. ASHRAE/IESNA Standard 90.1–1999 also includes a factory labeling requirement for non-standard size PTAC and PTHP equipment as follows: "MANUFACTURED FOR REPLACEMENT APPLICATIONS ONLY; NOT TO BE INSTALLED IN NEW CONSTRUCTION PROJECTS."

†† Cap means cooling capacity in kBtu/h at 95 °F outdoor dry-bulb temperature.

Following the publication of ASHRAE/IESNA Standard 90.1–1999, DOE performed a screening analysis that covered 24 of the 34 categories of equipment addressed in ASHRAE/IESNA Standard 90.1–1999, to determine whether more stringent levels would result in significant additional energy conservation of energy and be technologically feasible and economically justified. The report "Screening Analysis for EPACT-Covered Commercial [Heating, Ventilating and Air-Conditioning] HVAC and Water-Heating Equipment" (commonly referred to as the 2000 Screening Analysis) [12] summarizes this analysis. On January 12, 2001, DOE published a final rule for commercial HVAC and water heating equipment, which concluded that the 2000 Screening Analysis indicated a reasonable possibility of finding "clear and convincing evidence" that more stringent standards for PTACs and PTHPs "would be technologically feasible and economically justified and would result in significant additional conservation of energy." 66 FR 3336, 3349. Under EPCA, these are the criteria for DOE adoption of standards more stringent than those found in ASHRAE/IESNA Standard 90.1. (42 U.S.C. 6313(a)(6)(A)(ii)(II))

In addition, on March 13, 2006, DOE issued a Notice of Availability (NOA), in which DOE revised the energy savings analysis from the 2000 Screening Analysis. 71 FR 12634. DOE stated that, even though the revised analysis reduced the potential energy savings for PTACs and PTHPs that might result from more stringent standards than the efficiency levels specified in ASHRAE/IESNA Standard 90.1–1999, DOE believed that there was a possibility that clear and convincing evidence exists that more stringent standards were warranted. Therefore, DOE stated in the NOA that it was inclined to seek more stringent standard levels than the efficiency levels specified in ASHRAE/IESNA Standard 90.1–1999 for PTACs and PTHPs through a separate rulemaking. 71 FR 12639. On March 7, 2007, DOE issued a final rule stating that DOE had decided to explore more stringent efficiency levels than those in ASHRAE/IESNA Standard 90.1–1999 for PTACs and PTHPs through a separate rulemaking. 72 FR 10038, 10044.

In January 2008, ASHRAE published ANSI/ASHRAE/IESNA Standard 90.1–2007, which reaffirmed the definitions and efficiency levels for PTACs and PTHPs in ASHRAE/IESNA Standard 90.1–1999. On October 7, 2008, DOE published a final rule amending energy conservation standards for PTACs and PTHPs (2008 final rule). 73 FR 58772. This 2008 final rule divided PTACs and PTHPs into two equipment classes—standard size and non-standard size. Prior DOE energy conservation standards for PTACs and PTHPs had not distinguished between standard and non-standard size units. Table II.1 shows the energy conservation standards for PTACs and PTHPs, as amended by the 2008 final rule. Compared to ASHRAE/IESNA Standard 90.1–1999, the standards in the 2008 final rule were identical for non-standard sized PTACs and PTHPs, but had steeper slopes for standard-size PTACs and PTHPs.

In October 2010, ASHRAE published ANSI/ASHRAE/IES Standard 90.1–2010, which reaffirmed the efficiency levels for non-standard size PTACs and PTHPs and increased the efficiency levels for standard size PTACs and PTHPs to match the DOE standards, effective as of October 8, 2012. Hence, DOE did not consider revision of PTAC and PTHP standards at that time.

On February 22, 2013, DOE published a notice of public meeting and availability of the framework document regarding energy conservation standards for PTACs and PTHPs. 78 FR 12252. The public meeting sought input on DOE's planned analytical approach and identified several issues of particular interest to DOE for this rulemaking proceeding.

DOE received a number of comments from interested parties through the public meeting and written submissions. These commenters are summarized in Table II.3. DOE considered these comments in the preparation of the NOPR. Relevant comments, and DOE's responses, are provided in the appropriate sections of this document.

[12] "Energy Conservation Program for Consumer Products: Screening Analysis for EPACT-Covered Commercial HVAC and Water-Heating Equipment Screening Analysis," U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy. April 2000.

TABLE II.3—INTERESTED PARTIES PROVIDING COMMENTS

| Name | Abbreviation | Type * |
|---|---|---|
| Air-Conditioning, Heating and Refrigeration Institute | AHRI | IR |
| Appliance Standards Awareness Project | ASAP | EA |
| Appliance Standards Awareness Project, American Council for an Energy-Efficient Economy. | ASAP, ACEEE (Joint Efficiency Advocates). | EA |
| Troy Abraham | TA | I |
| EBM-Papst Inc. | EBM-Papst | CS |
| General Electric | GE | M |
| Goodman Manufacturing Company, L.P. | Goodman | M |
| Ice Air, LLC | Ice Air | M |
| McQuay International (now Daikin Applied) | McQuay | M |
| Pacific Gas and Electric Company, Southern California Gas Company, San Diego Gas and Electric, Southern California Edison. | PG&E, SCGC, SDG&E, SCE | U |
| Southern Company Services | SCS | U |

* IR: Industry Representative; M: Manufacturer; EA: Efficiency/Environmental Advocate; CS: Component Supplier; I: Individual; U: Utility.

Subsequently, on October 9, 2013, ASHRAE published ANSI/ASHRAE/IES Standard 90.1–2013, which reaffirmed the efficiency levels for standard size PTHPs and for nonstandard size PTACs and PTHPs, and which increased the cooling efficiency levels for standard size PTACs to equalize them with the cooling efficiency levels for standard size PTHPs, effective as of January 1, 2015. The issuance of ANSI/ASHRAE/IES 90.1–2013 triggered DOE's statutory obligation under 42 U.S.C. 6313(a)(6)(A) to promulgate an amended uniform national standard at those levels unless DOE determines that there is clear and convincing evidence supporting the adoption of more-stringent energy conservation standards than the ASHRAE levels. Because PTHPs are defined as a subset of PTACs,[13] the publication of ANSI/ASHRAE/IES Standard 90.1–2013 also triggered DOE to consider whether clear and convincing evidence supports a more-stringent standard than the ASHRAE levels for PTHPs, though the ASHRAE levels for PTHPs were not explicitly revised.

## III. General Discussion

### *A. Compliance Dates*

There are several possible compliance dates for any amended standards for PTACs and PTHPs. These compliance dates vary depending on the triggering mechanism for DOE review (*i.e.,* whether DOE is triggered by a revision to ASHRAE Standard 90.1 or by the ''6-year look back'' requirement), and the action taken (*i.e.,* whether DOE is adopting ASHRAE Standard 90.1 levels or more-stringent levels). The discussion below explains the potential compliance dates as they pertain to the present rulemaking.

DOE performed the analyses in this rulemaking as if all customers were to purchase new equipment in the year that compliance with amended standards is required. Both PTAC and PTHP equipment fall under the EPCA directive that mandates DOE to publish a final rule amending the standard for this equipment not later than 2 years after a notice of proposed rulemaking is issued. (42 U.S.C. 6313(a)(6)(C)(iii)) At the time of preparation of the NOPR analysis, the expected final rule publication date was 2015. EPCA also states that amended standards prescribed under this subsection shall apply to equipment manufactured after a date that is the later of—(I) the date that is 3 years after publication of the final rule establishing a new standard; or (II) the date that is 6 years after the effective date of the current standard for a covered product. (42 U.S.C. 6313(a)(6)(C)(iv)) The date under clause (I) is currently projected to be 2018, and the date under clause (II) is also 2018.

However, ASHRAE adopted a revised ANSI/ASHRAE/IES Standard 90.1–2013, which increases minimum efficiency standards for PTACs and not for PTHPs, before DOE published the NOPR for this rulemaking. This action creates an exception to the aforementioned compliance requirements. The revision of the ANSI/ASHRAE/IES standard requires that the Federal standard for PTAC equipment become effective on or after a date which is two years after the effective date of the applicable minimum energy efficiency requirement in the amended ANSI/ASHRAE/IES standard. (42 U.S.C 6313(a)(6)(D)(i)) The date of issuance of the amended ANSI/ASHRAE/IES standard is currently projected to be January 1, 2015. Therefore, PTAC equipment, only, manufactured on or after January 1, 2017 will be required to meet the amended ANSI/ASHRAE/IES standard. However, if DOE adopts a uniform national standard more stringent than the amended ANSI/ASHRAE/IES Standard 90.1, equipment manufactured on or after a date which is four years after the date of final rule publication in the **Federal Register** must comply with the amended standard. (42 U.S.C 6313(a)(6)(D)) Therefore, both PTAC and PTHP equipment manufactured on or after January 1, 2019 would be required to meet the more stringent Federal standard.

Based on the above considerations, DOE used 2017 as the compliance year for PTAC equipment with a proposed efficiency level at the ANSI/ASHRAE/IES Standard 90.1–2013 minimum, and 2019 as the compliance year for PTAC and PTHP and equipment with proposed efficiency levels more stringent than that specified in ANSI/ASHRAE/IES Standard 90.1–2013.

For each equipment class for which DOE developed a potential energy savings analysis, Table III.1 exhibits the approximate compliance dates of an amended energy conservation standard.

[13] EPCA defines a PTHP as ''a packaged terminal air conditioner that utilizes reverse cycle refrigeration as its prime heat source and should have supplementary heat source available to builders with the choice of hot water, steam, or electric resistant heat.'' (42 U.S.C. 6311(10)(B)) Additionally, in its reverse engineering analysis, DOE observed that PTHPs are derivative designs of PTACs such that similar design changes for PTACs and PTHPs (e.g., more efficient compressors, more efficient motors, increased heat exchanger area, and improved air flow) are used to achieve higher efficiency levels.

TABLE III.1—APPROXIMATE COMPLIANCE DATE OF AN AMENDED ENERGY CONSERVATION STANDARD FOR EACH EQUIPMENT CLASS

| Equipment class | Approximate compliance date for adopting the efficiency levels in ASHRAE standard 90.1–2013 | Approximate compliance date for adopting more stringent efficiency levels than those in ASHRAE standard 90.1–2013 |
|---|---|---|
| PTAC <7,000 Btu/h | 01/2017 | 01/2019 |
| PTAC ≥7,000 to ≤15,000 Btu/h | 01/2017 | 01/2019 |
| PTAC >15,000 Btu/h | 01/2017 | 01/2019 |
| PTHP <7,000 Btu/h | 01/2019 | 01/2019 |
| PTHP ≥7,000 to ≤15,000 Btu/h | 01/2019 | 01/2019 |
| PTHP >15,000 Btu/h | 01/2019 | 01/2019 |

*B. Equipment Classes and Scope of Coverage*

When evaluating and establishing energy conservation standards, DOE divides covered equipment into equipment classes by the type of energy used or by capacity or other performance-related features that justifies a different standard. In making a determination whether a performance-related feature justifies a different standard, DOE must consider such factors as the utility to the customer of the feature and other factors DOE determines are appropriate. (42 U.S.C. 6295(q))

Existing energy conservation standards divide PTACs and PTHPs into twelve equipment classes based whether the equipment is an air conditioner or heat pump; the equipment's cooling capacity; and the equipment's wall sleeve dimensions, which fall into two categories:

- Standard size (PTAC or PTHP equipment with wall sleeve dimensions greater than or equal to 16 inches high, or greater than or equal to 42 inches wide)
- Non-standard size (PTAC or PTHP equipment with wall sleeve dimensions less than 16 inches high and less than 42 inches wide).

DOE is not considering amended energy conservation standards for non-standard size PTAC and PTHP equipment in this rulemaking because this equipment class represents a small and declining portion of the market, and due to a lack of adequate information to analyze non-standard size units. The shipments analysis conducted for the 2008 final rule projected that shipments of non-standard size PTACs and PTHPs would decline from approximately 30,000 units in 2012 (6.6% of the entire PTAC and PTHP market) to approximately 16,000 units in 2042 (2.4% of the entire PTAC and PTHP market).[14] McQuay (now Daikin Applied) commented that the installed base for non-standard PTAC and PTHP products is slowly declining as older buildings are demolished. McQuay also commented that non-standard PTAC and PTHP products are being produced by a very limited number of U.S. manufacturers, exclusively for replacement applications in older buildings. (McQuay, No. 10 at p. 2)[15] DOE believes McQuay's observations of the market are indicative of a steadily decreasing market share for non-standard-size PTACs and PTHPs, and thus bolsters the justification to eliminate analysis of non-standard-size equipment in the present rulemaking.

An analysis of energy savings for the volume of shipments of non-standard size products show that the national energy savings of non-standard size equipment at a reasonable efficiency level adopted is five-thousandths of one quad of savings. Such level of savings DOE considers negligible.

DOE has not been able to analyze and test non-standard sized PTACs and therefore the Department is proposing to maintain the non-standard size product classes but not subject them to amended minimum energy conservation standards.

Ice Air commented that there should be separate equipment categories for PTACs that use hydronic or gas-fired heat sources. Ice Air also commented that PTACs with hydronic heat or gas heat comprise a significant portion of the market for PTACs installed in high-rise buildings, and asked whether DOE is addressing the efficiency impacts of packaged terminal units with central hydronic systems as compared to units heated by electric heat or heat pumps. Ice Air commented that PTACs that use hydronic or gas-fired heat sources should receive a form of efficiency credit. (Ice Air, No. 9 at p. 1)

DOE understands that hydronic heat sources are often more efficient than electric resistance heaters or electric heat pumps, in terms of heat delivered versus primary energy consumed. DOE also understands that hydronic coils impose a pressure drop that may increase fan power consumption and reduce EER. DOE is concerned that this impact may lead manufacturers to eliminate hydronic heating options in PTACs and also lead to sales shifting from hydronic to electric resistance heating, a shift that would lead to increased overall HVAC energy use. Hence, DOE proposes to provide guidance in the future regarding which features (such as hydronic and steam heating systems) may be excluded from products that are tested.

*C. Technological Feasibility*

1. General

In each standards rulemaking, DOE conducts a screening analysis based on information gathered on all current technology options and prototype designs that could improve the efficiency of the products or equipment that are the subject of the rulemaking. As the first step in such an analysis, DOE develops a list of technology options for consideration in consultation with manufacturers, design engineers, and other interested parties. DOE then determines which of those means for improving efficiency are technologically feasible. DOE considers technologies incorporated in commercially available products or in working prototypes to be technologically feasible. 10 CFR part 430, subpart C, appendix A, section 4(a)(4)(i).

[14] See DOE's discussion regarding shipment projections for standard and non-standard PTAC and PTHP equipment and the results of shipment projections in the PTAC and PTHP energy conservation standard technical support document at: *http://www1.eere.energy.gov/buildings/appliance_standards/commercial/pdfs/ptac_pthp_tsd/chapter_10.pdf* (Chapter 10, Section 10.5).

[15] A notation in the form ''McQuay, No. 10 at p. 2'' identifies a written comment: (1) Made by McQuay International (now Daikin Applied) (''McQuay''); (2) recorded in document number 10 that is filed in the docket of the PTAC energy conservation standards rulemaking (Docket No. EERE–2012–BT–STD–0029) and available for review at *www.regulations.gov;* and (3) which appears on page 2 of document number 10.

After DOE has determined that particular technology options are technologically feasible, it further evaluates each technology option in light of the following additional screening criteria: (1) Practicability to manufacture, install, or service; (2) adverse impacts on product utility or availability; and (3) adverse impacts on health or safety. Section IV.B of this document discusses the results of the screening analysis for PTACs and PTHPs, particularly the designs DOE considered, those it screened out, and those that are the basis for the TSLs in this rulemaking. For further details on the screening analysis for this rulemaking, see chapter 4 of the NOPR TSD.

After screening out or otherwise removing from consideration most of the technologies, the following technologies were identified for consideration in the engineering analysis: (1) Improved compressor efficiency; (2) improved fan motor efficiency; (3) increased heat exchanger area; and (4) improved air flow and fan blade efficiency. To adopt standards for PTACs and PTHPs that are more stringent than the efficiency levels in ASHRAE Standard 90.1 as amended, DOE must determine, supported by clear and convincing evidence, that such standards are technologically feasible. (42 U.S.C. 6313(a)(6)(A)(ii)(II)) DOE has determined that the efficiency levels considered in this rulemaking are technologically feasible, because DOE has access to test reports showing the highest efficiency level was attainable in a commercially available model.

2. Maximum Technologically Feasible Levels

When DOE proposes to adopt an amended standard for a type or class of covered product, it must determine the maximum improvement in energy efficiency or maximum reduction in energy use that is technologically feasible for such product. (42 U.S.C. 6295(p)(1)) Accordingly, in the engineering analysis, DOE determined the maximum technologically feasible (''max-tech'') improvements in energy efficiency for PTACs and PTHPs, using the design parameters for the most efficient products available on the market or in working prototypes. (See chapter 5 of the NOPR TSD.) The max-tech levels that DOE determined for this rulemaking are described in section IV.C.5 of this proposed rule.

*D. Energy Savings*

1. Determination of Savings

For each TSL, DOE projected energy savings from the equipment that is the subject of this rulemaking purchased in the 30-year period that begins in the year of expected compliance with amended standards (2019–2048).[16] The savings are measured over the entire lifetime of products purchased in the 30-year period.[17] DOE quantified the energy savings attributable to each TSL as the difference in energy consumption between each standards case and the base case. The base case represents a projection of energy consumption in the absence of amended mandatory energy conservation standards, and it considers market forces and policies that affect demand for more-efficient equipment.

DOE used its national impact analysis (NIA) spreadsheet model to estimate energy savings from amended standards for the equipment that is the subject of this rulemaking. The NIA spreadsheet model (described in section IV.H of this document) calculates energy savings in site energy, which is the energy directly consumed by equipment at the locations where it is used. For electricity, DOE reports national energy savings in terms of the savings in the energy that is used to generate and transmit the site electricity. To calculate this quantity, DOE derives annual conversion factors from the model used to prepare the Energy Information Administration's (EIA) *Annual Energy Outlook* (*AEO*).

DOE has begun to also estimate full-fuel-cycle energy savings, as discussed in DOE's statement of policy and notice of policy amendment. 76 FR 51282 (August 18, 2011), as amended at 77 FR 49701 (August 17, 2012). The full-fuel-cycle (FFC) metric includes the energy consumed in extracting, processing, and transporting primary fuels (i.e., coal, natural gas, petroleum fuels), and thus collectively presents a more complete picture of the impacts of energy efficiency standards. DOE's approach is based on the calculation of an FFC multiplier for each of the energy types used by covered equipment.

For more information on FFC energy savings, see section IV.H.

2. Significance of Savings

Among the criteria that govern DOE's adoption of more stringent standards for PTACs and PTHPs than the amended levels in ASHRAE Standard 90.1, clear and convincing evidence must support a determination that the standards would result in ''significant'' energy savings. (42 U.S.C. 6313(a)(6)(A)(ii)(II)) Although the term ''significant'' is not defined in the Act, the U.S. Court of Appeals, in *Natural Resources Defense Council* v. *Herrington,* 768 F.2d 1355, 1373 (D.C. Cir. 1985), indicated that Congress intended ''significant'' energy savings in the context of EPCA to be savings that were not ''genuinely trivial.'' DOE's estimates of the energy savings for each of the TSLs considered for this proposed rule for PTACs and PTHPs (presented in section V.B.3.a) provide evidence that the additional energy savings each would achieve by exceeding the corresponding efficiency levels in ANSI/ASHRAE/IES Standard 90.1–2013 are nontrivial. Therefore, DOE considers these savings to be ''significant'' as required by 42 U.S.C.6313(a)(6)(A)(ii)(II).

*E. Economic Justification*

1. Specific Criteria

EPCA provides seven factors to be evaluated in determining whether a more stringent standard for PTACs and PTHPs is economically justified. (42 U.S.C. 6313(a)(6)(B)(ii)) The following sections discuss how DOE has addressed each of those seven factors in this rulemaking.

a. Economic Impact on Manufacturers and Customers

In determining the impacts of an amended standard on manufacturers, DOE first uses an annual cash-flow approach to determine the quantitative impacts. This step includes both a short-term assessment—based on the cost and capital requirements during the period between when a regulation is issued and when entities must comply with the regulation—and a long-term assessment over a 30-year period. The industry-wide impacts analyzed include industry net present value (INPV), which values the industry on the basis of expected future cash flows; cash flows by year; changes in revenue and income; and other measures of impact, as appropriate. Second, DOE analyzes and reports the impacts on different types of manufacturers, including impacts on small manufacturers. Third, DOE considers the impact of amended standards on domestic manufacturer employment and manufacturing capacity, as well as the potential for

[16] DOE also presents a sensitivity analysis that considers impacts for equipment shipped in a 9-year period.

[17] In the past, DOE presented energy savings results for only the 30-year period that begins in the year of expected compliance. In the calculation of economic impacts, however, DOE considered operating cost savings measured over the entire lifetime of equipment purchased in the 30-year period. DOE has chosen to modify its presentation of national energy savings to be consistent with the approach used for its national economic analysis.

amended standards to result in plant closures and loss of capital investment. Finally, DOE takes into account cumulative impacts of various DOE regulations and other regulatory requirements on manufacturers.

For individual customers, measures of economic impact include the changes in LCC and payback period (PBP) associated with new or amended standards. These measures are discussed further in the following section. For customers in the aggregate, DOE also calculates the national net present value of the economic impacts applicable to a particular rulemaking. DOE also evaluates the LCC impacts of potential standards on identifiable subgroups of customers that may be affected disproportionately by a national standard.

b. Savings in Operating Costs Compared to Increase in Price

EPCA requires DOE to consider the savings in operating costs throughout the estimated average life of the covered equipment compared to any increase in the price of the covered product that are likely to result from the imposition of the standard. (42 U.S.C. 6295(o)(2)(B)(i)(II)) DOE conducts this comparison in its LCC and PBP analysis.

The LCC is the sum of the purchase price of a product (including its installation) and the operating expense (including energy, maintenance, and repair expenditures) discounted over the lifetime of the equipment. To account for uncertainty and variability in specific inputs, such as equipment lifetime and discount rate, DOE uses a distribution of values, with probabilities attached to each value. For its analysis, DOE assumes that customers will purchase the covered equipment in the first year of compliance with amended standards.

The LCC savings and the PBP for the considered efficiency levels are calculated relative to a base case that reflects projected market trends in the absence of amended standards. DOE identifies the percentage of customers estimated to receive LCC savings or experience an LCC increase, in addition to the average LCC savings associated with a particular standard level. DOE's LCC analysis is discussed in further detail in section IV.F.

c. Energy Savings

Although significant conservation of energy is a separate statutory requirement for imposing an energy conservation standard, EPCA requires DOE, in determining the economic justification of a standard, to consider the total projected energy savings that are expected to result directly from the standard. (42 U.S.C. 6295(o)(2)(B)(i)(III)) As discussed in section IV.H, DOE uses the NIA spreadsheet to project national energy savings.

d. Lessening of Utility or Performance of Equipment

In establishing classes of equipment, and in evaluating design options and the impact of potential standard levels, DOE evaluates standards that would not lessen the utility or performance of the considered equipment. (42 U.S.C. 6295(o)(2)(B)(i)(IV)) The standards proposed in this document will not reduce the utility or performance of the equipment under consideration in this rulemaking.

e. Impact of Any Lessening of Competition

EPCA directs DOE to consider any lessening of competition that is likely to result from energy conservation standards. It also directs the Attorney General of the United States (Attorney General) to determine the impact, if any, of any lessening of competition likely to result from a proposed standard and to transmit such determination to the Secretary within 60 days of the publication of a proposed rule, together with an analysis of the nature and extent of the impact. (42 U.S.C. 6313(a)(6)(B)(ii)(V)) DOE will transmit a copy of this proposed rule to the Attorney General with a request that the Department of Justice (DOJ) provide its determination on this issue. DOE will address the Attorney General's determination in the final rule.

f. Need for National Energy Conservation

In evaluating the need for national energy conservation, DOE expects that the energy savings from the proposed standards are likely to provide improvements to the security and reliability of the nation's energy system. (42 U.S.C. 6313(a)(6)(B)(ii)(VII)) Reductions in the demand for electricity also may result in reduced costs for maintaining the reliability of the nation's electricity system. DOE conducts a utility impact analysis to estimate how standards may affect the nation's needed power generation capacity, as discussed in section IV.M.

The proposed standards also are likely to result in environmental benefits in the form of reduced emissions of air pollutants and greenhouse gases associated with energy production. DOE reports the emissions impacts from the proposed standards, and from each TSL it considered, in section V.B.6 of this document. DOE also reports estimates of the economic value of emissions reductions resulting from the considered TSLs, in section IV.L of this document.

g. Other Factors

EPCA allows the Secretary of Energy, in determining whether a standard is economically justified, to consider any other factors that the Secretary deems to be relevant. (42 U.S.C. 6295(o)(2)(B)(i)(VII)) No other factors were considered in this proposal.

2. Rebuttable Presumption

As set forth in 42 U.S.C. 6295(o)(2)(B)(iii), EPCA creates a rebuttable presumption that an energy conservation standard is economically justified if the additional cost to the customer of a product that meets the standard is less than three times the value of the first year's energy savings resulting from the standard, as calculated under the applicable DOE test procedure. DOE's LCC and PBP analyses generate values used to calculate the effects that proposed energy conservation standards would have on the payback period for customers. These analyses include, but are not limited to, the 3-year payback period contemplated under the rebuttable-presumption test. In addition, DOE routinely conducts an economic analysis that considers the full range of impacts to customers, manufacturers, the nation, and the environment, as required under 42 U.S.C. 6295(o)(2)(B)(i). The results of this analysis serve as the basis for DOE's evaluation of the economic justification for a potential standard level (thereby supporting or rebutting the results of any preliminary determination of economic justification). The rebuttable presumption payback calculation is discussed in section V.B.1.c of this proposed rule.

## IV. Methodology and Discussion of Related Comments

This section addresses the analyses DOE has performed for this rulemaking with regard to PTACs and PTHPs. A separate subsection addresses each component of the analysis.

### *A. Market and Technology Assessment*

For the market and technology assessment, DOE develops information that provides an overall picture of the market for the equipment concerned, including the purpose of the equipment, the industry structure, and market characteristics. This activity includes both quantitative and qualitative assessments, based primarily on publicly available information. The

subjects addressed in the market and technology assessment for this rulemaking include scope of coverage, equipment classes, types of equipment sold and offered for sale, and technology options that could improve the energy efficiency of the equipment under examination. The key findings of DOE's market assessment are summarized below. For additional detail, see chapter 3 of the NOPR TSD.

1. Definitions of a PTAC and a PTHP

Section 340 of EPCA defines a ''packaged terminal air conditioner'' as ''a wall sleeve and a separate unencased combination of heating and cooling assemblies specified by the builder and intended for mounting through the wall. It includes a prime source of refrigeration, separable outdoor louvers, forced ventilation, and heating availability by builder's choice of hot water, steam, or electricity.'' (42 U.S.C. 6311(10)(A)) EPCA defines a ''packaged terminal heat pump'' as ''a packaged terminal air conditioner that utilizes reverse cycle refrigeration as its prime heat source and should have supplementary heat source available to builders with the choice of hot water, steam, or electric resistant heat.'' (42 U.S.C. 6311(10)(B)) DOE codified these definitions in 10 CFR 431.92 in a final rule issued October 21, 2004. 69 FR 61970.

2. Equipment Classes

When evaluating and establishing energy conservation standards, DOE generally divides covered equipment into equipment classes by the type of energy used or by capacity or other performance-related features that affect efficiency. Different energy conservation standards may apply to different equipment classes. (42 U.S.C. 6316(a); 42 U.S.C. 6295(q))

PTACs and PTHPs can be divided into various equipment classes categorized by physical characteristics that affect equipment efficiency. Key characteristics affecting the energy efficiency of the PTAC or PTHP are whether the equipment has reverse cycle heating (i.e., air conditioner or heat pump), the cooling capacity, and the physical dimensions of the unit. The existing Federal energy conservation standards for PTACs and PTHPs correspond to the efficiency levels in ANSI/ASHRAE/IES Standard 90.1–2010, as shown in Tables 4 and 5 of 10 CFR 431.97, dividing PTACs and PTHPs into twelve equipment classes based on these key characteristics. Table IV.1 shows the current equipment class structure.

AHRI and Goodman separately commented that the current equipment classes for PTACs have worked well in the past and do not need to be changed. (Goodman, Framework Public Meeting Transcript, No. 7 at p. 41) (AHRI, Framework Public Meeting Transcript, No. 7 at p. 41) [18] Goodman also commented that the current equipment classes are fair and representative of the market. (Goodman, No. 13 at p. 3) Accordingly, for this rulemaking, DOE is proposing to maintain the same equipment classes, as shown in Table IV.1. As previously described in section III.B, DOE is not considering amending the energy conservation standards of non-standard size PTAC and PTHP equipment in this rulemaking, because this equipment class represents a small and declining portion of the market, and because of a lack of adequate information available to analyze non-standard size units. As described in section III.B, Ice Air commented that there should be separate equipment categories for PTACs that use hydronic or gas-fired heat sources. (Ice Air, No. 9 at p. 1) DOE plans to provide guidance in the future regarding how to address features (such as hydronic or steam heating) which might require special treatment when testing this equipment.

TABLE IV.1—EQUIPMENT CLASSES FOR PTACS AND PTHPS

| Equipment class | | |
|---|---|---|
| Equipment | Category | Cooling capacity |
| PTAC | Standard Size * | < 7,000 Btu/h<br>≥ 7,000 Btu/h and ≤ 15,000 Btu/h<br>> 15,000 Btu/h |
| | Non-Standard Size ** | < 7,000 Btu/h<br>≥ 7,000 Btu/h and ≤ 15,000 Btu/h<br>> 15,000 Btu/h |
| PTHP | Standard Size * | < 7,000 Btu/h<br>≥7 ,000 Btu/h and ≤ 15,000 Btu/h<br>> 15,000 Btu/h |
| | Non-Standard Size ** | < 7,000 Btu/h<br>≥ 7,000 Btu/h and ≤ 15,000 Btu/h<br>> 15,000 Btu/h |

* Standard size refers to PTAC or PTHP equipment with wall sleeve dimensions having an external wall opening greater than or equal to 16 inches high or greater than or equal to 42 inches wide, and a cross-sectional area greater than or equal to 670 square inches.

** Non-standard size refers to PTAC or PTHP equipment with existing wall sleeve dimensions having an external wall opening of less than 16 inches high or less than 42 inches wide, and a cross-sectional area less than 670 square inches.

3. Market Assessment

This market assessment describes the trade associations, manufacturers in the PTAC/PTHP industry, and the quantities and types of PTAC and PTHP equipment sold and offered for sale. The information DOE gathered serves as resource material throughout the rulemaking. The sections below provide

[18] A notation in the form ''Goodman, Framework Public Meeting Transcript, No. 7 at p. 41'' identifies an oral comment that DOE received during the March 18, 2013, PTAC energy conservation standards framework public meeting, that was recorded in the public meeting transcript in the docket for the PTAC energy conservation standards rulemaking (Docket No. EERE–2012–BT–STD–0029), and is maintained in the Resource Room of the Building Technologies Program. This particular notation refers to a comment (1) made by Goodman during the public meeting; (2) recorded in document number 7, which is the public meeting transcript that is filed in the docket of this energy conservation standards rulemaking; and (3) which appears on page 41 of document number 7.

an overview of the PTAC and PTHP market. For more detail on the PTAC and PTHP market, see chapter 3 of the NOPR TSD.

a. Trade Association

The Air-Conditioning, Heating, and Refrigeration Institute (AHRI), formerly referred to as ARI, is the trade association representing PTAC and PTHP manufacturers. ARI and the Gas Appliance Manufacturers Association (GAMA) merged to become AHRI on January 1, 2008.

AHRI develops and publishes technical standards for residential and commercial air-conditioning, heating, and refrigeration equipment using rating criteria and procedures for measuring and certifying equipment performance. The current Federal test procedure for PTACs and PTHPs incorporates by reference an AHRI standard—ANSI/AHRI/CSA 310/380–2004.[19] AHRI has developed a certification program that a number of manufacturers in the PTAC and PTHP industry have used to certify their equipment. Manufacturers certify their own equipment by providing AHRI with test data. Through the AHRI certification program, AHRI evaluates test data, determines if equipment conforms to ANSI/AHRI/CSA 310/380–2004, and verifies that manufacturer-reported ratings are accurate. AHRI also maintains the Directory of Certified Product Performance, which is a database of equipment ratings for all manufacturers who elect to participate in the program. DOE used AHRI's certification data, as summarized by the 2013 AHRI directory of certified PTACs and PTHPs, to examine the population of commercially available units and to screen units for inclusion in the engineering analysis.

AHRI commented that its database is a good source of information, as are the data provided on manufacturers' Web sites. (AHRI, Framework Public Meeting Transcript, No. 7 at p. 56) McQuay (now Daikin Applied) commented that only five of the 19 interested parties are AHRI members and that non-member catalog and Web site performance data are not verified by an independent third party test facility. (McQuay, No. 10 at p. 1) McQuay commented further that DOE should use extreme caution when using non-AHRI member efficiency data. (McQuay, No. 10 at p. 2) DOE notes that the Department used AHRI database and manufacturer-provided data as initial screening criteria, and that an independent third party test facility used test procedure ANSI/AHRI/CSA 310/380–2004 to measure the efficiencies of all units used in the cost assessment analysis.

b. Manufacturers

DOE identified three large manufacturers of standard size PTAC and PTHP that represent more than 80 percent of the standard size market in terms of shipments. These three manufacturers include: General Electric (GE) Company, Amana,[20] and Daikin Applied.[21] Ten other manufacturers represent the remaining 20 percent of the standard size PTAC and PTHP market: Comitale National, Inc.; E-Air, LLC; Electrolux Home Products, Inc.; Friedrich Air Conditioning Company; Gree Electric Appliances of Zhuhai; Haier America; Heat Controller, Inc.; Islandaire; RetroAire; and YMGI Group, LLC.

DOE identified three major manufacturers of non-standard size PTAC and PTHP equipment: Daikin Applied, RetroAire, and Fedders Islandaire, Inc. These three manufacturers share the majority of the non-standard size PTAC and PTHP market. Other manufacturers of non-standard size units include: Air-Con International; Cold Point Corporation; Comitale National, Inc.; E-Air LLC; ECR International; Evergreen LLC; Heat Controller, Inc.; Ice Air LLC; International Refrigeration Products; Prem Sales LLC; Simon-Aire, Inc.; and YMGI Group LLC. All of the major manufacturers certify their standard-size equipment with AHRI and are included in the AHRI directory of certified products.

The standard size PTAC and PTHP market differs from the non-standard size PTAC and PTHP industry in that several of the manufacturers of standard size units are domestically owned with manufacturing facilities located outside of the United States. (In contrast, most non-standard size PTAC and PTHP production occurs in the United States.) Currently, there is only one major manufacturer of standard size PTAC and PTHP equipment manufacturing equipment in the United States. Several foreign-owned companies have recently entered the U.S. market for standard-sized PTACs and PTHPs.

Almost all of the manufacturers of non-standard size PTACs and PTHPs are domestically owned with manufacturing facilities located inside of the United States. The non-standard manufacturers tend to specialize in equipment solely for replacement applications. In addition, non-standard size manufacturers produce PTAC and PTHP equipment on a made-to-order basis. Unlike manufacturers of standard size equipment, there has not been an influx of foreign owned companies to sell non-standard size PTAC and PTHP equipment in the United States.

DOE takes into consideration the impact of amended energy conservation standards on small businesses. At this time, DOE has identified several small businesses in the PTAC and PTHP industry that fall under the Small Business Administration (SBA)'s definition as having 750 employees or fewer. DOE identified at least 12 manufacturers that qualify as small businesses. The PTAC and PTHP small manufacturer subgroup is discussed in chapter 12 of the NOPR TSD and in section V.B.2 of this document.

c. Shipments

DOE reviewed data collected by the U.S. Census Bureau and AHRI to evaluate the annual PTAC and PTHP equipment shipment trends and the value of these shipments. The historical shipments data shown in Table IV.2 provides a picture of the market for PTAC and PTHP equipment. The historical shipments for PTACs and PTHPs are based on data provided by AHRI for the years 2003–2012.

TABLE IV.2—PTAC AND PTHP INDUSTRY ESTIMATED SHIPMENT DATA, 10-YEAR TOTALS FOR 2003–2012, FROM AHRI (STANDARD SIZE EQUIPMENT)

| Year | Total shipments, standard size (thousands of units) | |
|---|---|---|
| | PTAC | PTHP |
| 2003–2012 | 2,458 | 2,055 |

Using information gathered in manufacturer interviews, DOE estimates that about 90 percent of the shipments for PTACs and PTHPs are standard size units, while about 10 percent are non-standard size units.[22] AHRI did not provide a breakdown of shipment data by capacity; however, the cooling capacity with the highest number of models listed in the AHRI Directory of

[19] DOE has incorporated by reference ANSI/AHRI/CSA Standard 310/380–2004 as the DOE test procedure at 10 CFR 431.97.

[20] Amana is a trademark of Maytag Corporation and is used under license to Goodman Global, Inc.

[21] Daikin Applied (formally McQuay International) is a subsidiary of Daikin Industries, Ltd.

[22] This estimated breakdown of 90% standard-size and 10% non-standard-size units is based on information obtained in manufacturer interviews. This updated estimate differs from the shipment projections from the 2008 PTAC rulemaking quoted in section III.B, which projected that non-standard units would comprise 6.6% of the market in 2014.

Certified Product Performance is 9,000 Btu/h.

4. Technology Assessment

In the technology assessment, DOE uses information about existing and past technology options and prototype designs to help identify technologies that manufacturers could use to improve the efficiency of PTACs and PTHPs. This assessment provides the technical background and structure on which DOE bases its screening and engineering analyses. In surveying PTAC and PTHP technology options, DOE considered a wide assortment of equipment literature, information derived from the teardown analysis, information derived from the stakeholder interviews, and the previous DOE energy conservation standards rulemaking for air-conditioning products and equipment.

Table IV.3 presents the technology options that DOE identified in the Framework Document.[23]

TABLE IV.3—FRAMEWORK DOCUMENT TECHNOLOGY OPTIONS

| |
|---|
| Compressor Improvements: |
| • Scroll Compressors |
| • Variable-speed Compressors |
| • Higher Efficiency Compressors |
| Complex Control Boards (fan motor controllers, digital ''energy management'' control interfaces, heat pump controllers) |
| Condenser and evaporator fan and fan motor improvements: |
| • Higher Efficiency Fan Motors |
| • Clutched Fan Motors (allows PTACs with a single motor to reduce power input in recirculation mode by disengaging the condenser fan) |
| Microchannel Heat Exchangers |
| Increased Heat Exchanger Area |
| Hydrophobic Material Treatment of Heat Exchangers (can improve repelling condensed water on evaporator coil) |
| Re-circuiting Heat Exchanger Coils |
| Improved Air Flow and Fan Design |
| Heat Pipes (enhances the evaporator coil dehumidification performance) |
| Corrosion Protection (helps prevent corrosion of coils and the resulting degradation of performance) |
| Thermostatic Expansion Valve |

The framework document sought comment from interested parties on the technologies listed in Table IV.3, as well as other options that DOE had not listed. Several parties commented on the list of technologies. ASAP inquired whether microgroove heat exchangers are being considered as a potential technology. (ASAP, Framework Public Meeting Transcript, No. 7 at p. 42) DOE interpreted ASAP's comment to reference all heat exchangers with rifled interior tube walls. Goodman commented that DOE should add alternative refrigerants (such as HCFC–32), which could have single-digit improvement in efficiency. (Goodman, No. 13 at p. 3)

AHRI, Goodman, and SCS commented that proprietary designs should not be considered in establishing energy efficiency standards. (AHRI, Framework Public Meeting Transcript, No. 7 at p. 61) (Goodman, No. 13 at p. 5) (SCS, Framework Public Meeting Transcript, No. 7 at p. 61) As noted in the framework document, DOE will not consider efficiency levels that can only be reached using proprietary designs. 78 FR 12252 (February 22, 2013). Although DOE does consider technologies that are proprietary, it does not consider efficiency levels that can only be reached through the use of proprietary technologies, which could allow a single manufacturer to monopolize the market (any such technologies are eliminated during the engineering analysis). DOE only considers efficiency levels achieved through the use of proprietary designs in the engineering analysis if they are not part of a unique path to achieve that efficiency level (*i.e.,* if there are other non-proprietary technologies capable of achieving the same efficiency). DOE believes the proposed standards for the equipment covered in this rulemaking would not mandate the use of any proprietary technologies, and that all manufacturers would be able to achieve the proposed levels through the use of non-proprietary designs.

Table IV.4 lists all of the potential technology options considered, including options listed in the Framework Document and options suggested in stakeholder comments, for improving energy efficiency of PTACs and PTHPs.

TABLE IV.4—POTENTIAL TECHNOLOGY OPTIONS FOR IMPROVING ENERGY EFFICIENCY OF PTACS AND PTHPS

| |
|---|
| Compressor Improvements: |
| • Scroll Compressors |
| • Variable-speed Compressors |
| • Higher Efficiency Compressors |
| Complex Control Boards |
| Condenser and evaporator fan and fan motor improvements: |
| • Higher Efficiency Fan Motors |
| • Clutched Motor Fans |
| Microchannel Heat Exchangers |
| Rifled Interior Heat Exchanger Tube Walls |
| Increased Heat Exchanger Area |
| Hydrophobic Material Treatment of Heat Exchangers |

TABLE IV.4—POTENTIAL TECHNOLOGY OPTIONS FOR IMPROVING ENERGY EFFICIENCY OF PTACS AND PTHPS—Continued

| |
|---|
| Re-circuiting Heat Exchanger Coils |
| Improved Air Flow and Fan Design |
| Heat Pipes |
| Corrosion Protection |
| Thermostatic Expansion Valve |
| Alternate Refrigerants (such as HCFC–32) |

*B. Screening Analysis*

After DOE identified the technologies that might improve the energy efficiency of PTACs and PTHPs, DOE conducted a screening analysis. The purpose of the screening analysis is to evaluate the technologies that improve equipment efficiency to determine which technologies to consider further and which to screen out. DOE applied the following four screening criteria to determine which technologies are unsuitable for further consideration in the rulemaking (10 CFR part 430, subpart C, appendix A at 4(a)(4) and 5(b)):

1. *Technological feasibility.* DOE will consider technologies incorporated in commercial equipment or in working prototypes to be technologically feasible.

2. *Practicability to manufacture, install, and service.* If mass production and reliable installation and servicing of a technology in commercial equipment could be achieved on the scale necessary to serve the relevant market at the time the standard comes into effect, then DOE will consider that technology practicable to manufacture, install, and service.

3. *Adverse impacts on product utility or product availability.* If DOE determines a technology would have a significant adverse impact on the utility of the equipment to significant subgroups of customers, or would result in the unavailability of any covered equipment type with performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as equipment generally available in the United States at the time, it will not consider this technology further.

4. *Adverse impacts on health or safety.* If DOE determines that a technology will have significant adverse impacts on health or safety, it will not consider this technology further. (10 CFR part 430, subpart C, appendix A, 4(a)(4) and 5(b))

Technologies that pass through the screening analysis are referred to as ''design options'' in the engineering analysis. These four screening criteria do not include the propriety status of

[23] See DOE's discussion of technology options identified in the rulemaking framework document, available at: *http://www.regulations.gov/#!documentDetail;D=EERE-2012-BT-STD-0029-0002* (Section 3.3).

design options. As noted previously, DOE will only consider efficiency levels achieved through the use of proprietary designs in the engineering analysis if they are not part of a unique path to achieve that efficiency level.

Details of the screening analysis are in chapter 4 of the NOPR TSD. In view of the above factors, DOE screened out the following design options:

Scroll Compressors

Scroll compressors use two interleaved scrolls (with one scroll fixed and one scroll orbiting without rotating) to compress refrigerant, and may operate at higher efficiencies than the rotary compressors typically used in PTAC and PTHP applications. Goodman commented that presently scroll compressors are only available for equipment with capacity over 1.5 tons refrigeration and the largest model of PTAC or PTHP has capacity of 1.25 tons refrigeration. (Goodman, No. 13 at p. 4)

Though scroll compressors are less common in the capacity range associated with PTAC and PTHP equipment (6,000 to 15,000 Btu/h), several companies manufacture scroll compressors from 9,000 Btu/h and up. However, DOE is not aware of scroll compressor models at these lower capacities that would fit in a PTAC cabinet and that are more efficient than the same capacity of rotary compressor. The rotary compressors found in reverse engineering of PTACs and PTHPs in the 15,000 Btu/h class had efficiency ratings from 9.8 to 10.6 EER. By comparison, scroll compressors of similar capacity are rated from 7.2 EER to 11.0 EER, but most are too tall to fit in a 16″ PTAC cabinet.

As a result, DOE does not believe at this time that the use of scroll compressors would improve the efficiency of PTAC and PTHP units, given the size and capacity constraints of these units. For this reason, DOE did not consider scroll compressors further in the NOPR analyses.

Heat Pipes

Under humid ambient conditions, using heat pipes to pre-treat the entering air from the conditioned space can improve the evaporator heat exchanger performance. Heat pipes increase the latent cooling capacity (i.e., moisture removal) of an air-conditioner. They do this by transferring heat from the air entering the evaporator to the air leaving the evaporator. This allows the evaporator air exit temperature to be significantly lower. Since the maximum possible moisture content of air increases with increasing temperature, this also means that the reduced-temperature air at the evaporator exit would have lower moisture content. The temperature of the air is then warmed by the post-evaporator portion of the heat pipe. Heat pipes generally shift some of the cooling capacity of the product from reduction of air temperature to reduction of humidity, but do not increase the cooling capacity of an evaporator. They impose additional pressure drop that the indoor fan must overcome, thus they do not improve EER of the equipment. Therefore, DOE screened out heat pipes as a design option for improving the energy efficiency of PTACs and PTHPs.

Alternate Refrigerants

Nearly all PTAC and PTHP equipment is designed with R–410A as the refrigerant. The Environmental Protection Agency's (EPA's) Significant New Alternatives Policy (SNAP) Program evaluates and regulates substitutes for the ozone-depleting chemicals (such as air conditioning refrigerants) that are being phased out under the stratospheric ozone protection provisions of the Clean Air Act (CAA) (42 U.S.C. 7401 et seq.). The EPA's SNAP Program currently lists 23 acceptable alternatives for refrigerant used in the Household and Light Commercial Air Conditioning class of equipment (which includes PTAC and PTHP equipment). On July 9, 2014, the EPA issued a notice of proposed rulemaking proposing to list three flammable refrigerants as new acceptable substitutes, subject to use conditions, for refrigerant in the Household and Light Commercial Air Conditioning class of equipment. 79 FR 38811 (July 9, 2014)

Table IV.5 presents the list of potential substitute refrigerants (including refrigerants that are already approved and refrigerants that are proposed for approval) for use in new production in the Household and Light Commercial Air Conditioning class of equipment (which includes PTAC and PTHP equipment). DOE is not aware of any SNAP-approved refrigerants, or any refrigerants that have been proposed for SNAP approval, that are known to enable better efficiency than R–410A for PTAC and PTHP equipment.[24] Hence, DOE did not consider alternate refrigerants for further analysis.

TABLE IV.5—POTENTIAL SUBSTITUTES FOR HCFCS IN NEW HOUSEHOLD AND LIGHT COMMERCIAL AIR CONDITIONING EQUIPMENT

| |
|---|
| **Substitutes Approved by EPA SNAP Program** |
| HFC–134a. |
| ISCEON–59, NU–22, R–417A. |
| R–410A. |
| R–410B. |
| R–407C. |
| R–507, R–507A. |
| Ammonia Absorption. |
| Evaporative Cooling. |
| Desiccant Cooling. |
| R–404A. |
| R–125/134a/600a. |
| RS–44. |
| R–421A. |
| R–422D. |
| R–424A. |
| R–125/290/134a/600a. |
| R–422C. |
| R–422B. |
| KDD5, R–438A. |
| R–434A. |
| R–407A. |
| R–437A. |
| R–407F. |
| **Substitutes Proposed by EPA SNAP Program in NOPR issued July 9, 2014** |
| HFC–32. |
| Propane (R–290). |
| R–441A. |

DOE is aware of initial research with drop-in applications (where an alternate refrigerant replaces the existing refrigerant in a system that is optimized for the existing refrigerant) using R–32 in place of R–410A in a residential ducted split-system application. Initial research shows that, in this application, R–32 had a higher capacity and similar efficiency as R–410A, but its discharge temperatures and pressures were significantly higher.[25] This suggests that R–32 might show efficiency comparable to R–410A in PTAC and PTHP applications, and the research is inconclusive regarding whether R–32 will reduce energy use and/or by how much.

DOE is not aware of test results from the use of alternate refrigerants in PTAC- or PTHP-specific applications that have been optimized for alternate refrigerants. DOE requests feedback on the efficacy of alternative refrigerants in PTAC and PTHP equipment. This is identified as issue 1 in section VII.E, ''Issues on Which DOE Seeks Comment.''

[24] Additional information regarding EPA's SNAP Program is available online at: *http://www.epa.gov/ozone/snap/*.

[25] This research was published in the journal *ASHRAE* Transactions, at: Biswas, Auvi; Barve, Atharva; Cremaschi, Lorenzo (2013). ''An Experimental Study of the Performance of New Low Global Warming Potential (LGWP) Refrigerants at Extreme High Temperature Ambient Conditions in Residential AC Ducted Split Systems,'' *ASHRAE Transactions. 119*(1), special section p1.

Other Technologies Not Considered in the Engineering Analysis

Typically, energy-saving technologies that pass the screening analysis are evaluated in the engineering analysis. However, some technologies are not included in the analysis for other reasons, including: (1) Available data suggest that the efficiency benefits of the technology are negligible; (2) data are not available to evaluate the energy efficiency characteristics of the technology; or (3) the test procedure and EER or COP metric would not measure the energy impact of these technologies. Accordingly, DOE eliminated the following technologies from consideration in the engineering analysis based upon these three additional considerations:

(1) Re-circuiting heat exchanger coils;
(2) Rifled interior tube walls;
(3) Microchannel heat exchangers;
(4) Variable speed compressors;
(5) Complex control boards;
(6) Corrosion protection;
(7) Hydrophobic material treatment of heat exchangers;
(8) Clutched motor fans; and
(9) Thermostatic expansion valves.

Of these technologies, numbers 1 and 2 are used in baseline products, so no additional energy savings would be expected from their use. Information indicating efficiency improvement potential in PTACs and PTHPs is not available for technology number 3; DOE is not aware of substantiated performance data for PTAC operation with microchannels. Any potential energy savings of technologies 4 through 9 cannot be measured with the established energy use metrics (EER and COP) because those technologies are associated with part-load performance or long-term performance, which is not captured in the EER or COP metrics used for rating PTACs and PTHPs. AHRI commented that PTACs and PTHPs are generally operated at full load most of the time and that it is not common practice in the field to operate the units at part load. (AHRI, Framework Public Meeting Transcript, No. 7 at p. 36). DOE believes that the existing EER (full load) metric accurately reflects equipment efficiency during the year, and the PTAC test procedure revisions in progress at DOE are not expected to incorporate metrics that would account for part-load performance.

Further details of these eliminations are provided below.

Re-circuiting Heat Exchanger Coils

Manufacturers of PTAC and PTHP heat exchangers may improve the heat transfer efficiency across the heat exchanger by rearranging the refrigerant's path through the various tubes inside the heat exchanger. Manufacturers can rearrange the refrigerant path by ''re-circuiting'' the heat exchanger, either by splitting the refrigerant path into new circuits or re-routing the existing circuits. One objective of re-circuiting is to optimally pair air and refrigerant at every location in the heat exchanger. Goodman commented that PTACs are a very mature industry and that engineers have already optimized the number of circuits for heat transfer. (Goodman, No. 13 at p. 4) DOE agrees with Goodman's comment and has eliminated heat exchanger re-circuiting as a potential avenue for efficiency improvement.

Rifled Interior Tube Walls

Heat exchangers using rifled interior tube walls (also known as ''microgrooves'') to enhance energy efficiency by improving heat transfer across the heat exchanger. With this technology, the internal face of heat exchanger tubes is rifled with small grooves that increase the interior surface area of the tube and induce turbulence in the refrigerant flow. Goodman commented that microgroove technology is currently being used in baseline products today. (Goodman, Framework Public Meeting Transcript, No. 7 at p. 43) Having observed that microgroove technology was used in the majority of baseline units disassembled in the engineering analysis, DOE agrees with Goodman's comment and has eliminated microgroove technology as a potential avenue for efficiency improvement.

Microchannel Heat Exchangers

Microchannel heat exchangers in air conditioning applications are heat exchangers in which refrigerant fluid flows in confinements with typical hydraulic diameter of less than one millimeter. Microchannels may improve unit efficiency by improving the efficiency of heat transfer between refrigerant and air across the heat exchanger. Currently, microchannel heat exchangers are in the development stage for applications in PTACs and PTHPs. Goodman commented that microchannel heat exchangers are not proven for consistent, field installed product performance in PTACs and PTHPs. (Goodman, No. 13 at p. 4) ASAP and ACEEE commented that a 2011 scouting report by ENERGY STAR identified microchannel heat exchangers as technology option for improving efficiency. (ASAP and ACEEE, No. 14 at p. 2) DOE notes that the engineering analysis was based on efficiency levels and, because units with microchannels are not commercially available, DOE cannot estimate the increase manufacturing costs associated with whatever efficiency gains such units may offer.

ASAP and ACEEE also commented that Zess, Inc. Industries indicates that it is developing an integrated microchannel refrigeration system for applications in PTAC units as high as 15 EER. (ASAP and ACEEE, No. 14 at p. 2) DOE does not have information regarding these prototype tests that would allow assessment of the efficiency improvements associated with the specific microchannel technology and/or the costs associated with its implementation in a unit that achieves 15 EER.

Complex Control Boards

Digital energy management control interfaces can reduce annual energy consumption of PTACs or PTHPs by optimizing the operation of the equipment under varying operating conditions. For example, they may allow operation managers in hotels to remotely turn off or change temperature set points of units throughout a building. Goodman commented that it offers controls that turn equipment off when the conditioned room is vacant. (Goodman, Framework Public Meeting Transcript, No. 7 at p. 103) Although this technology can reduce peak energy demand and also reduce overall energy consumption throughout the year, it does not increase the EER under the ARI 310/380–2004 test procedure because of the steady state test conditions.

Ebm-papst commented that some electronic motor speed controllers can cause structure-borne noise, and that a better controller could potentially avoid the need for sound attenuation, which would in turn free up the air path for increased air-side efficiency. (Ebm-papst, No. 8 at p. 1) DOE notes that sound attenuation between the outdoor and indoor sides of the unit is typically put in place to isolate noise originating from the compressor and from airflow across the outdoor heat exchanger. DOE acknowledges that well-designed motor controls can reduce motor noise at low frequencies, but DOE expresses doubt that this noise reduction would decrease the need to insulate against sound transmission from the compressor and outdoor heat exchanger. Goodman commented that complex control boards do not help steady state performance. (Goodman, No. 13 at p. 4) For the reasons noted above, DOE did not consider this technology in the engineering analysis.

Corrosion Protection

Corrosion protection materials used in PTACs and PTHPs also protect the equipment and prolong its use when it is exposed to chemically harsh operating conditions. Goodman commented that corrosion protection has a negative impact on steady state operation to some degree, but that corrosion protection may help improve the overall unit performance over several years of operation. (Goodman, No. 13 at p. 4) Although it is beneficial for the unit to be corrosion protected, corrosion protection does not improve the EER as measured by the test procedure. Therefore, DOE did not consider this technology in the engineering analysis.

Hydrophobic Material Treatment of Heat Exchangers

Material treatment of heat exchangers (also known as ''plasma treatment'') allows the condensate that forms on the fins to be repelled and drained faster than on non-treated heat exchangers. Hydrophobic treatments are used to reduce mineral build up and corrosion on heat exchanger fins, to improve long-term performance of the unit. Although enhanced long term performance is beneficial, this treatment is not shown to improve the EER as per the test procedure.

Thermostatic Expansion Valves

Goodman commented that thermal expansion valves (TXVs) help with seasonal performance but not steady state performance. (Goodman, No. 13 at p. 4) DOE notes that TXVs would not improve the energy efficiency of PTACs or PTHPs, because there is only one condition for which the fixed-orifice expansion device can be optimized. DOE has insufficient information to know whether testing at multiple conditions would make sufficient efficiency improvement to justify the increased test time.

After screening out or otherwise removing from consideration most of the technologies, the technologies that DOE identified for consideration in the engineering analysis are included in Table IV.6. See chapter 3 of the TSD for additional detail on the technology assessment and the technologies analyzed.

TABLE IV.6—DESIGN OPTIONS RETAINED FOR ENGINEERING ANALYSIS

| |
|---|
| Compressor Improvements: |
| • Higher Efficiency Compressors.[26] |
| Condenser and evaporator fan and fan motor improvements: |
| • Higher Efficiency Fan Motors. |
| Increased Heat Exchanger Area. |
| Improved Air Flow and Fan Design. |

These remaining technology options from Table IV.6 are briefly described below.

Higher Efficiency Compressors

Manufacturers can improve the energy efficiency of PTAC and PTHP units by incorporating more efficient components, such as high efficiency compressors, into their designs. Goodman commented that it is not aware of any compressors currently available or in development by its suppliers that are significantly more efficient than what it is are using now. (Goodman, No. 13 at p. 4) In private interviews, other manufacturers indicated that they are already using the most efficient compressor that meets their other design specifications (such as size and noise). DOE observed in reverse engineering analysis that PTAC and PTHP manufacturers use several different compressor models with a wide range of efficiency ratings.

Higher Efficiency Fan Motors

Manufacturers of baseline PTACs and PTHPs use permanent split capacitor (PSC) fan motors due to their modest cost, compact design, and durability. More efficient PSC motor designs applicable to PTACs and PTHPs are an ongoing industry challenge, and there been no substantial gain in efficiency in recent years. PSC manufacturers can improve efficiency by increasing the surface area of rotors, although the overall size of the PSC motor would increase in that case. PTACs and PTHPs have size constraints that do not allow an increase in motor size to a level which would have a significant impact on energy efficiency. DOE believes any further gains in PSC fan motor efficiency will be difficult to achieve, and has thus eliminated improvement of PSC fan motors as a potential avenue for efficiency improvement.

Besides PSC-based fan motors, PTAC and PTHP original equipment manufacturers (OEMs) can choose to implement permanent magnet (PM) motors. Such motors typically offer higher efficiencies than PSC-based fan motors, but these improvements come with increased costs for the motor unit and control hardware. Several manufacturers use DC motors in their higher-efficiency PTAC and PTHP models.

Increased Heat Exchanger Area

Manufacturers of PTACs and PTHPs increase unit efficiency by increasing heat exchanger size, either through elongating the face of the heat exchanger or increasing the number of heat exchanger tube rows. Goodman commented that PTACs (as predominantly a replacement product) are constrained by the dimensions of the equipment that they are replacing. (Goodman, No. 13 at p. 4) Because of these constraints on unit size, there are limits to the efficiency gains that may be had by increasing heat exchanger size. At least one manufacturer has incorporated bent heat exchanger coils to increase the heat exchanger face area while remaining inside the standard size unit constraints.

Improved Air Flow and Fan Design

Manufacturers of PTACs and PTHPs currently use several techniques to shape and direct airflow inside PTAC and PTHP units. Ebm-papst commented that DOE should consider ''optimization of air path to minimize airflow impedance'' as a technology option. Ebm-papst also commented that fine tuning the fan blade design should be considered as a technology option. Ebm-papst further commented that DOE should look into optimization of the fan selection such that the peak fan efficiency is close to the performance demands of the PTAC and enhances the air path in the unit. DOE accepts that manufacturers may improve unit efficiency by selecting appropriate fan and motor combinations. (Ebm-papst, No. 8 at p. 1)

*C. Engineering Analysis*

The engineering analysis establishes the relationship between an increase in energy efficiency of the equipment and the increase in manufacturer selling price (MSP) associated with that efficiency level. This relationship serves as the basis for cost-benefit calculations for individual customers, manufacturers, and the nation. In determining the cost-efficiency relationship, DOE estimates the increase in manufacturer cost associated with increasing the efficiency of equipment above the baseline up to the maximum technologically feasible (''max-tech'') efficiency level for each equipment class.

[26] Currently, all PTAC and PTHP manufacturers incorporate rotary compressors into their equipment designs. DOE is referring to rotary compressors throughout this document unless specifically noted.

1. Methodology

DOE has identified three basic methods for developing cost-efficiency curves: (1) The design-option approach, which provides the incremental costs of adding design options to a baseline model that will improve its efficiency (*i.e.,* lower its energy use); (2) the efficiency-level approach, which provides the incremental costs of moving to higher energy efficiency levels, without regard to the particular design option(s) used to achieve such increases; and (3) the reverse-engineering (or cost-assessment) approach, which provides ''bottom-up'' manufacturing cost assessments for achieving various levels of increased efficiency, based on teardown analyses (or physical teardowns) providing detailed data on costs for parts and material, labor, shipping/packaging, and investment for models that operate at particular efficiency levels.

In the framework document, DOE proposed using an efficiency-level approach combined with a cost-assessment approach to determine the cost-efficiency relationship, and requested comments on this approach. 78 FR 12252 (February 22, 2013). Goodman commented that the process for DOE to calculate manufacturer costs is adequate, but that the cost analysis from previous rulemakings tended to be on the low side (even for a large manufacturer), and that aggressively low cost estimates could impact small businesses. (Goodman, No. 13 at p. 5) To gather information on the particular and unique costs that small businesses face, DOE interviewed a number of small business manufacturers of PTACs and PTHPs. In these interviews, DOE asked questions regarding the component costs, manufacturing costs, and cost of conversion to manufacturing PTAC and PTHP equipment with higher efficiency. Data collected from these interviews with small businesses were used in the engineering analysis and subsequent cost-benefit calculations.

In the absence of recommended alternative approaches, DOE conducted this engineering analysis for PTACs and PTHPs using a combination of the efficiency level and cost-assessment approaches. More specifically, DOE identified the efficiency levels for the analysis based on the range of rated efficiencies of PTAC and PTHP equipment in the AHRI database. DOE selected PTAC and PTHP equipment that was representative of the market at different efficiency levels, then purchased, tested, and reverse engineered the selected equipment. DOE used the cost-assessment approach to determine the manufacturing production costs for PTAC and PTHP equipment across a range of efficiencies from the baseline to max-tech efficiency levels.

Where feasible, DOE selected models for reverse engineering with low and high efficiencies from a given manufacturer, at both representative cooling capacity levels and for both PTACs and PTHPs. The methodology used to perform reverse engineering analysis and derive the cost-efficiency relationship is described in chapter 5 of the TSD.

2. Equipment Classes Analyzed

DOE developed its engineering analysis for the six equipment classes associated with standard-size PTACs and PTHPs listed in Table IV.1. As discussed in section III.B of this NOPR, DOE did not consider amending energy efficiency standards for non-standard size equipment classes because of their low and declining market share and because of a lack of adequate information to analyze these units.

For PTACs and PTHPs, DOE focused its analysis on high-shipment-volume cooling capacities spanning the range of available equipment. Based on manufacturer interviews,[27] DOE found that the majority of shipments are in the classes with cooling capacity between 7,000 Btu/h to 15,000 Btu/h (see chapter 3 of the TSD for more details on the shipments data). In the framework document, DOE indicated that it would analyze units at the representative capacity of 9,000 Btu/h, and requested comments on this approach. 78 FR 12252 (February 22, 2013). Goodman commented that a 15,000 Btu/h model should be included in the comparison, specifically because 15,000 Btu/h is the largest typical capacity for PTAC and PTHP equipment, and which is space-constrained by its standard dimensions. (Goodman, No. 13 at p. 5) Hence, DOE conducted analysis for two representative cooling capacities: 9,000 Btu/h and 15,000 Btu/h. The 9,000 Btu/h cooling capacity represents the greatest number of models available on the market,[28] while the 15,000 Btu/h cooling capacity represents the greater technical hurdles for efficiency improvement, considering the size constraints of standard-size PTACs and PTHPs.

The selection of two cooling capacities for analysis, at 9,000 Btu/h and 15,000 Btu/h, allowed DOE to investigate the slope of the energy efficiency capacity relationship. For the purposes of conducting the analyses, DOE believes that the results from the two representative cooling capacities can be extrapolated to the entire range of cooling capacities for each equipment class. DOE developed the cost-efficiency curves based on these representative cooling capacities of standard-size units. For the PTAC and PTHP equipment classes with a cooling capacity greater than or equal to 7,000 Btu/h and less than or equal to 15,000 Btu/h, the energy efficiency equation characterizes the relationship between the EER of the equipment and cooling capacity (i.e., EER is a function of the cooling capacity of the equipment) in which EER decreases as capacity increases. For all cooling capacities less than 7,000 Btu/h and all cooling capacities greater than 15,000 Btu/h, the EER is calculated based on the energy efficiency equation for 7,000 Btu/h or 15,000 Btu/h, respectively.

3. Cost Model

DOE developed a manufacturing cost model to estimate the manufacturing production cost (MPC) of PTACs and PTHPs. The cost model is a spreadsheet model that converts the materials and components in the bills of materials (BOMs) for PTAC and PTHP equipment into dollar values based on the price of materials, average labor rates associated with fabrication and assembling, and the cost of overhead and depreciation, as determined based on manufacturer interviews and DOE expertise. To convert the information in the BOMs into dollar values, DOE collected information on labor rates, tooling costs, raw material prices, and other factors. For purchased parts, the cost model estimates the purchase price based on volume-variable price quotations and detailed discussions with manufacturers and component suppliers. For fabricated parts, the prices of raw metal materials (*e.g.,* tube, sheet metal) are estimates on the basis of five-year averages (from 2006 to 2011). The cost of transforming the intermediate materials into finished parts is estimated based on current industry pricing. Further details on the manufacturing cost analysis are provided in chapter 5 of the TSD.

Developing the cost model involved disassembling various PTACs and PTHPs, analyzing the materials and manufacturing processes, and estimating the costs of purchased

[27] DOE conducted interviews with high- and low-volume PTAC and PTHP manufacturers, and collected information regarding shipments of PTACs and PTHPs at different cooling capacity levels.

[28] DOE found the cooling capacity of 9,000 Btu/h to have the highest number of models available based on data in the 2013 AHRI Directory and the ACEEE database of equipment.

components. In addition to disassembling various PTACs and PTHPs, manufacturers provided DOE supplemental component cost data for various PTAC and PTHP equipment. DOE reported the MPCs in aggregated form to maintain confidentiality of sensitive component data. DOE obtained input from stakeholders on the MPC estimates and assumptions to confirm accuracy. DOE used the cost model for all of the representative cooling capacities within the PTAC and PTHP equipment classes. Chapter 5 of the TSD provides details and assumptions of the cost model.

4. Baseline Efficiency Level

The engineering analysis estimates the incremental costs for equipment with efficiency levels above the baseline in each equipment class. For the purpose of the engineering analysis, DOE used the engineering baseline EER as the starting point to build the cost efficiency curves. As discussed in section III.A, ANSI/ASHRAE/IES Standard 90.1–2013 was issued in the course of this rulemaking, and this revised Standard 90.1–2013 amended standard levels for PTACs, raising standards by 1.8% above the Federal minimum energy conservation standards for PTACs. DOE is obligated either to adopt those standards developed by ASHRAE or to adopt levels more stringent than the ASHRAE levels if there is clear and convincing evidence in support of doing so. (42 U.S.C. 6313(a)(6)(A)). For the purposes of calculating energy savings over the ANSI/ASHRAE/IES standard, DOE identified the ANSI/ASHRAE/IES Standard 90.1–2013 as the baseline efficiency level.[29]

The baseline efficiency levels for each equipment class are presented below in Table IV.7.

TABLE IV.7—BASELINE EFFICIENCY LEVELS

| Equipment type | Equipment class | Baseline efficiency equation | Cooling capacity | Baseline efficiency level |
|---|---|---|---|---|
| PTAC | Standard Size | EER = 14.0 − (0.300 × Cap †/1000) | 9,000 Btu/h | 11.3 EER |
| | | | 15,000 Btu/h | 9.5 EER |
| PTHP | Standard Size | EER = 14.0 − (0.300 × Cap †/1000) | 9,000 Btu/h | 11.3 EER |
| | | | 15,000 Btu/h | 9.5 EER |

† Cap means cooling capacity in Btu/h at 95 °F outdoor dry-bulb temperature.

5. Incremental Efficiency Levels

DOE examined performance data of standard size PTACs and PTHPs published in the AHRI Directory of Certified Product Performance (AHRI Directory) and on manufacturers' Web sites in order to select efficiency levels for consideration in the rulemaking. AHRI commented that its database is a good source of information as well as data from manufacturers' Web sites. (AHRI, Framework Public Meeting Transcript, No. 7 at p. 56) McQuay commented that Web site performance data are not verified by an independent third party test facility. (McQuay, No. 10 at p. 1) DOE used Web site-published data as an initial screening mechanism to select units for reverse engineering; a third party test facility verified the actual performance of the units selected for analysis.

In the framework document, DOE proposed to analyze levels for standard size PTACs that are 4%, 8%, 12%, 16%, and 20% more efficient than the amended PTAC standards that became effective on October 8, 2012. Goodman commented that the proposed increment of 4% for standard size PTACs is too large because PTAC equipment is space-constrained, and Goodman's opinion, 2% or 3% increments would be more reasonable. (Goodman, No. 13 at p. 5) DOE acknowledges Goodman's comment, but believes that an increment of 4% is appropriate to maintain a manageable number of efficiency levels spanning the range of efficiency from the 2012 PTAC standard to the max-tech level of 20% above the 2012 PTAC standard.

After extensive unit testing, DOE revised the maximum technology level from 20% above 2012 PTAC standard stated in the framework document down to 18% above the 2012 PTAC standard.[30] The maximum efficiency level, at 18% above the standards that became effective on October 8, 2012, coincides with the maximum efficiency level observed in the market for standard size PTACs and PTHPs. DOE has independent test data to verify that one PTHP unit demonstrated a cooling efficiency at this ''max tech'' level. Although the rated efficiencies of PTACs without reverse cycle heating extend only up to the 16% efficiency level, DOE expects that such equipment should be able to attain the same cooling mode efficiencies as PTHPs.

DOE analyzed levels for standard size PTACs that are 1.8%, 4%, 8%, 12%, 16%, and 18% more efficient than the amended PTAC standards that became effective on October 8, 2012. AHRI commented that there is an addendum to ANSI/ASHRAE/IES Standard 90.1–2010 which amends the efficiency standards for standard size PTACs. (AHRI, No. 11 at p. 4) Separately, AHRI commented that the amended efficiency level should be included in DOE's analysis. (AHRI, Framework Public Meeting Transcript, No. 7 at p. 101) Since DOE received these comments, this addendum prescribing new efficiency standards for standard-size PTACs was integrated into ANSI/ASHRAE/IES Standard 90.1–2013. DOE selected the first efficiency level of 1.8% to align with the amended ANSI/ASHRAE/IES Standard 90.1–2013 efficiency level for PTACs. Each of the remaining levels is represented by a percentage increase above the EER value of the PTAC standards that became effective on October 8, 2012.

For the heating efficiency of PTHPs, DOE did not develop a cost-efficiency curve separately to represent the cost of improving COP. Rather, DOE correlated the COP associated with each efficiency level with the efficiency level's EER based on COP and EER ratings from the AHRI database. DOE established a representative curve based on this data to obtain a relationship for COP in terms

[29] DOE's estimates of potential energy savings from an amended energy conservation standard are further discussed in section IV.H.

[30] DOE announced in the framework document for this rulemaking that it planned to consider the maximum efficiency level equal to 20% above the 2012 PTAC standard, because DOE observed a unit rated at that level in the 2013 AHRI Directory of Certified Product Performance. 78 FR 12252. Since issuing the framework document, DOE has acquired and tested many units rated at high efficiency levels. Having completed these observations, DOE believes that a the highest performing standard size PTAC or PTHP unit on the market can achieve an efficiency of 18% above the 2012 PTAC cooling standard.

of EER. DOE used this relationship to select COP values corresponding to each efficiency level. This approach takes into consideration the fact that a PTHP's EER and COP are related and cannot be independently analyzed, while basing the analysis on a representative average relationship between the two efficiency metrics. To determine the typical relationship between EER and COP, DOE examined the entire database of rated equipment and determined a relationship based on the EER and COP ratings of the collective body of certified PTAC and PTHP equipment.

PG&E, SCGC, SDG&E, and SCE commented that DOE should use caution in drawing conclusions based on a relationship between EER and COP ratings, as this may decrease overall efficiency of the unit. Their joint comment states that, depending on the climate zone and operating cycle of a given unit, there may be instances where trading off COP for higher EER results in greater operating efficiency overall. (PG&E, SCGC, SDG&E, SCE, No. 12 at p. 3) DOE did not observe any instances of standard size equipment manufacturers producing different PTHP models for different climate zones. DOE notes that regional standards are not being considered in this rulemaking.

The efficiency levels for each equipment class that DOE considered for the NOPR analyses are presented in Table IV.8. The percentages associated with efficiency levels (ELs) indicate the percentage above the current Federal standard for PTACs.

TABLE IV.8—INCREMENTAL EFFICIENCY LEVELS FOR STANDARD SIZE PTACS AND PTHPS

| Equipment type | Cooling capacity | Efficiency levels (percentages relative to 2012 PTAC ECS) | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | Current federal PTAC ECS * | EL1, baseline, 1.8% ** | EL2, 4% | EL3, 8% | EL4, 12% | EL5, 16% | EL6, 18% (MaxTech) |
| PTAC | All, EER | 13.8 − (0.300 × Cap †). | 14.0 − (0.300 × Cap †). | 14.4 − (0.312 × Cap †). | 14.9 − (0.324 × Cap †). | 15.5 − (0.336 × Cap †). | 16.0 − (0.348 × Cap †). | 16.3 − (0.354 × Cap †). |
| | 9,000 Btu/h | 11.1 EER | 11.3 EER | 11.5 EER | 12.0 EER | 12.4 EER | 12.9 EER | 13.1 EER. |
| | 15,000 Btu/h | 9.3 EER | 9.5 EER | 9.7 EER | 10.0 EER | 10.4 EER | 10.8 EER | 11.0 EER. |
| Equipment type | Cooling capacity | | Baseline, 1.8% ** | EL1, 4% | EL2, 8% | EL3, 12% | EL4, 16% | EL5, 18% (MaxTech) |
| PTHP | All, EER | | 14.0 − (0.300 × Cap †). | 14.4 − (0.312 × Cap †). | 14.9 − (0.324 × Cap †). | 15.5 − (0.336 × Cap †). | 16.0 − (0.348 × Cap †). | 16.3 − (0.354 × Cap †). |
| | All, COP | | 3.7 − (0.052 × Cap †). | 3.8 − (0.058 × Cap †). | 4.0 − (0.064 × Cap †). | 4.1 − (0.068 × Cap †). | 4.2 − (0.070 × Cap †). | 4.3 − (0.073 × Cap †). |
| | 9,000 Btu/h | | 11.3 EER | 11.5 EER | 12.0 EER | 12.4 EER | 12.9 EER | 13.1 EER. |
| | | | 3.2 COP | 3.3 COP | 3.4 COP | 3.5 COP | 3.6 COP | 3.6 COP. |
| | 15,000 Btu/h | | 9.5 EER | 9.7 EER | 10.0 EER | 10.4 EER | 10.8 EER | 11.0 EER. |
| | | | 2.9 COP | 2.9 COP | 3.0 COP | 3.1 COP | 3.2 COP | 3.2 COP. |

* This level represents the current Federal minimum for PTAC equipment.
** This level represents the ANSI/ASHRAE/IES Standard 90.1–2013 minimum for PTAC and PTHP equipment. This level is used as the Baseline for PTAC and PTHP equipment since DOE is required to, at a minimum, adopt the ASHRAE levels as the Federal standard. (42 U.S.C. (a)(6)(A)(ii)(I)). DOE notes that the Baseline level is 1.8% higher than current Federal ECS for PTAC equipment, but is equivalent to current Federal ECS for PTHP equipment. For PTAC equipment, the Baseline level is also termed EL1, and is compared to current Federal ECS in the energy savings analysis in section V.B.3.a.
† Cap means cooling capacity in thousand Btu/h at 95 °F outdoor dry-bulb temperature.

ASAP commented that DOE should evaluate at least one level higher than the current market max efficient unit to arrive a true max-tech unit. (ASAP, Framework Public Meeting Transcript, No. 7 at p. 56–57) Separately, ASAP and ACEEE stated that DOE must capture the ''true max-tech level,'' which they claim would be higher that what is currently represented by the market. (ASAP and ACEEE, No. 14 at p. 3) DOE acknowledges the comments from ASAP and ACEEE and confirms that this analysis tested the most efficient standard size PTAC and PTHP units available. These units include all of the efficiency-improving design options listed in the screening analysis (increased heat exchanger area, high efficiency compressors, and high efficiency fan motors). DOE does not believe it is feasible to include efficiency levels higher than this, as achieving efficiency levels higher than max tech would depend upon design options that have not been demonstrated in the market for PTACs and PTHPs.

6. Equipment Testing and Reverse Engineering

As discussed above, for the engineering analysis, DOE specifically analyzed representative capacities of 9,000 Btu/h and 15,000 Btu/h to develop incremental cost-efficiency relationships. DOE selected twenty different models representing PTAC and PTHP equipment types at 9,000 Btu/h and 15,000 Btu/h capacities. DOE selected the models as a representative sample of the market at different efficiency levels.DOE based the selection of units for testing and reverse engineering on the efficiency data available in the AHRI certification database. Details of the key features of the tested units are presented in chapter 5 of the NOPR TSD.

DOE conducted testing on each unit according to the DOE test procedure outlined at 10 CFR 431.96, which incorporates by reference AHRI Standard 310/380–2004 (which itself incorporates ASHRAE Standard 16 and ASHRAE Standard 58). DOE then conducted physical teardowns on each test unit to develop a manufacturing cost model and to evaluate key design features (e.g., improved heat exchangers, compressors, fans/fan motors).

7. Cost-Efficiency Results

The results of the engineering analysis are reported as a set of cost-efficiency data (or ''curves'') in the form of MPC (in dollars) versus EER, which form the basis for other analyses in the NOPR. DOE created cost-efficiency curves for the two representative cooling capacities within the two standard-size equipment classes of PTACs and PTHPs, as discussed in section IV.C.3, above. DOE developed the incremental cost-efficiency results shown in Table IV.9 for each representative cooling capacity. These cost results are incremented from a baseline efficiency level equivalent to the ANSI/ASHRAE/IES Standard 90.1–2013. Details of the cost-efficiency analysis are presented in chapter 5 of the NOPR TSD.

TABLE IV.9—INCREMENTAL MANUFACTURING PRODUCTION COSTS (MPC) FOR STANDARD SIZE PTACS AND PTHPS

| Equipment type | Cooling capacity | Efficiency levels | | | | | |
|---|---|---|---|---|---|---|---|
| | | EL1, baseline * | EL2 | EL3 | EL4 | EL5 | EL6 |
| PTAC | 9,000 Btu/h | $0.00 | $4.44 | $13.08 | $22.41 | $32.45 | $37.73 |
| | 15,000 Btu/h | 0.00 | 4.26 | 15.93 | 30.97 | 49.38 | 59.86 |
| | | Baseline * | EL1 | EL2 | EL3 | EL4 | EL5 |
| PTHP | 9,000 Btu/h | $0.00 | $4.44 | $13.08 | $22.41 | $32.45 | $37.73 |
| | 15,000 Btu/h | 0.00 | 4.26 | 15.93 | 30.97 | 49.38 | 59.86 |

* This level represents the ANSI/ASHRAE/IES Standard 90.1–2013 minimum for PTAC and PTHP equipment. This level is used as the Baseline since DOE is required to, at a minimum, adopt the ASHRAE levels as the Federal standard. (42 U.S.C. (a)(6)(A)(ii)(I)). DOE notes that the Baseline level is 1.8% higher than current Federal ECS for PTAC equipment, but is equivalent to current Federal ECS for PTHP equipment. For PTAC equipment, the Baseline level is also termed EL1.

*D. Markups To Determine Equipment Price*

The markups analysis develops appropriate markups in the distribution chain to convert the estimates of manufacturer selling price (MSP) derived in the engineering analysis to customer prices. (''Customer'' refers to purchasers of the equipment being regulated.) DOE calculates overall baseline and incremental markups based on the equipment markups at each step in the distribution chain. The incremental markup relates the change in the manufacturer sales price of higher efficiency models (the incremental cost increase) to the change in the customer price.

DOE developed supply chain markups in the form of multipliers that represent increases above MSP and include distribution costs. DOE applied these markups to the MSPs it developed in the engineering analysis, and then added sales taxes to arrive at the equipment prices for baseline and higher efficiency equipment. See chapter 6 of the TSD for additional details on markups.

In the 2008 Final Rule, DOE identified four distribution channels for PTACs and PTHPs, as shown in Table IV.10, to describe how the equipment passes from the manufacturer to the customer. 73 FR 58772. In the new construction market, the manufacturer sells the equipment directly to the customer through a national account. In the replacement market, the manufacturer sells to a wholesaler, who sells to a mechanical contractor, who in turn sells the equipment to the customer or end user. In the third distribution channel, used in both the new construction and replacement markets, the manufacturer sells the equipment to a wholesaler. The wholesaler sells the equipment to a mechanical contractor, who sells it to a general contractor, who in turn sells the equipment to the customer or end user. In the fourth distribution channel, also used in both the new construction and replacement markets, the manufacturer sells the equipment to a wholesaler, who directly sells to the purchaser. DOE used these same distribution channels for the NOPR.

TABLE IV.10—DISTRIBUTION CHANNELS FOR PTAC AND PTHP EQUIPMENT

| Channel 1 | Channel 2 | Channel 3 | Channel 4 |
|---|---|---|---|
| Manufacturer (through national accounts). | Manufacturer | Manufacturer | Manufacturer. |
| | Wholesaler | Wholesaler | Wholesaler. |
| | | Mechanical Contractor | Mechanical Contractor. |
| | | | General Contractor. |
| Customer | Customer | Customer | Customer. |

In the 2008 Final Rule, DOE also estimated percentages of the total sales in the new construction and replacement markets for each of the four distribution channels, as shown in Table IV.11. Commenting on the framework document, Goodman stated that the distribution channels from the 2008 rulemaking are still applicable today. (Goodman, No. 13 at p. 5) Accordingly, DOE used the same shares of the market for the NOPR. However, DOE updated the distribution of equipment to the new construction and replacement markets by using the ratio of projected new construction shipments to total shipments in the compliance year for PTAC equipment. DOE requests comment regarding the selected channels and distribution of shipments through the channels. This is identified as issue 2 in section VII.E, ''Issues on Which DOE Seeks Comment.''

TABLE IV.11—SHARE OF MARKET BY DISTRIBUTION CHANNEL FOR PTAC AND PTHP EQUIPMENT

| Distribution channel | New construction (percent) | Replacement (percent) |
|---|---|---|
| Wholesaler-Customer | 30 | 15 |
| Wholesaler-Mech Contractor-Customer | 0 | 25 |
| Wholesaler-Mech Contractor-General Contractor-Customer | 38 | 60 |
| National Account | 32 | 0 |
| Total | 100 | 100 |

For each of the steps in the distribution channels presented above, DOE estimated a baseline markup and an incremental markup. DOE defines a baseline markup as a multiplier that converts the MSP of equipment with baseline efficiency to the customer purchase price for that equipment. An incremental markup is defined as the multiplier to convert the incremental increase in MSP of higher efficiency equipment to the incremental customer purchase price for that equipment. Both baseline and incremental markups are independent of the efficiency levels of the PTACs and PTHPs.

DOE developed the markups for each step of the distribution channels based on available financial data. DOE utilized updated versions of the following data sources: (1) The Heating, Air Conditioning & Refrigeration Distributors International *2012 Profit Report* [31] to develop wholesaler markups; (2) the Air Conditioning Contractors of America's (ACCA) *2005 Financial Analysis for the HVACR Contracting Industry* [32] and U.S. Census Bureau economic data [33] to develop mechanical contractor markups; and (3) U.S. Census Bureau economic data for the commercial and institutional building construction industry to develop general contractor markups.[34] DOE estimated an average markup for sales through national accounts to be one-half of the markup for the wholesaler-to-customer distribution channel. DOE determined this markup for national accounts on an assumption that the resulting national account equipment price must fall somewhere between the MSP (i.e., a markup of 1.0) and the customer price under a typical chain of distribution (i.e., a markup of wholesaler, mechanical contractor, or general contractor).

The overall markup is the product of all the markups (baseline or incremental markups) for the different steps within a distribution channel. Replacement channels include sales taxes, which were calculated based on State sales tax data reported by the Sales Tax Clearinghouse.

*E. Energy Use Analysis*

The energy use analysis provides estimates of the annual unit energy consumption (UEC) of PTAC and PTHP equipment at the considered equipment classes and efficiency levels. The annual UECs are used in subsequent analyses including the LCC, PBP, and National Energy Savings (NES).

Stakeholders commented on the data sources for UEC data. AHRI stated that the methodology used by the ASHRAE 90.1 Committee to estimate energy savings was satisfactory and should be used in this rulemaking. (AHRI, No. 7 at p. 69) Goodman, however, commented that it does not have significant concerns with the energy use analysis performed in the 2008 rulemaking. (Goodman, No. 13 at p. 5) Since the inputs, software, and methodology of the energy use analysis in the 2008 rulemaking was vetted among the stakeholders and there were no comments on the deficiency of the same, DOE used the results of the whole-building simulation performed in the 2008 rulemaking for the source of UEC data. However, DOE wishes to address certain stakeholder concerns, as described below.

AHRI commented that new requirements for minimum air filter effectiveness finalized in 2013 for ASHRAE Standard 62.1 would increase pressure drop and increase fan power. (AHRI, No. 11 at p. 4) Goodman echoed AHRI's concern. (Goodman, No. 13 at p. 6) In response, DOE notes that a simulation- and field-based study found that the extent of the impact on energy consumption due to the change in filter effectiveness at the levels finalized is less than 1%.[35] DOE does not expect such an improvement to impact outputs significantly enough to warrant a change to the value of the filter pressure drop.

To estimate the UEC for each equipment class of PTAC and PTHP, DOE began with the cooling UECs for PTACs and the combined cooling and heating UECs for PTHPs utilized in the 2008 standards rulemaking. 73 FR 58772. The cooling and heating UECs for PTHPs were split, assuming equal cooling energy use for PTACs and PTHPs. In addition, DOE adjusted the base-year UECs to account for changes in climate (i.e., heating degree-days and cooling degree-days) between 2008 and 2013, based on a typical meteorological year (TMY) hourly weather data set (referred to as TMY2) and an updated TMY3 data set.

Where identical efficiency levels and cooling capacities were available, DOE used the cooling or heating UEC directly from the previous rulemaking. For additional efficiency levels, DOE scaled the cooling UECs based on interpolations between EERs and scaled the heating UECs based on interpolations between COPs, both at a constant cooling capacity. Likewise, for additional cooling capacities, DOE scaled the UECs based on interpolations between cooling capacities at a constant EER.

For the LCC and PBP analyses, UECs were determined for the representative cooling capacities of 9,000 Btu/h and 15,000 Btu/h for which cost-efficiency curves were provided, as discussed in section IV.C.7. For the NES, UECs were determined for the cooling capacities of 7,000 Btu/h, 9,000 Btu/h, and 15,000 Btu/h for which aggregate shipments were provided by AHRI, as highlighted in section IV.G. National UEC estimates for PTACs and PTHPs for the LCC and PBP analyses, and the NES, are described in detail in chapter 8 of the TSD.

*F. Life Cycle Cost and Payback Period Analyses*

The purpose of the LCC and PBP analysis is to analyze the effects of potential amended energy conservation standards on customers of PTAC and PTHP equipment by determining how a potential amended standard affects their operating expenses (usually decreased) and their total installed costs (usually increased).

The LCC is the total customer expense over the life of the equipment, consisting of equipment and installation costs plus operating costs over the lifetime of the equipment (expenses for energy use, maintenance, and repair). DOE discounts future operating costs to the time of purchase using customer discount rates. The PBP is the estimated amount of time (in years) it takes customers to recover the increased total installed cost (including equipment and installation costs) of a more efficient type of equipment through lower operating costs. DOE calculates the PBP by dividing the change in total installed cost (normally higher) due to a standard by the change in annual operating cost (normally lower) that results from the standard.

For any given efficiency level, DOE analyzed these impacts for PTAC and PTHP equipment starting in the compliance years as set for in section V.B.1.a by calculating the change in customers' LCCs likely to result from

[31] "2012 Profit Report," Heating Air Conditioning & Refrigeration Distributors International. February 2012. Available online at: *www.hardinet.org/Profit-Report.*

[32] "2005 Financial Analysis for the HVACR Contracting Industry," Air Conditioning Contractors of America. 2005.

[33] "Plumbing, Heating, and Air-Conditioning Contractors. Sector 23: 238220. Construction: Industry Series, Preliminary Detailed Statistics for Establishments, 2007," U.S. Census Bureau. 2007.

[34] "2007 Economic Census, Construction Industry Series and Wholesale Trade Subject Series," U.S. Census Bureau. Available online at *https://www.census.gov/newsroom/releases/archives/construction_industries/2009–07–27_economic_census.html.*

[35] Walker, I.S., et al., "System Effects of High Efficiency Filters in Homes," Lawrence Berkeley National Laboratory, LBNL–6144E, 2013.

higher efficiency levels compared with the ASHRAE baseline efficiency levels for the PTAC and PTHP equipment classes discussed in the engineering analysis.

DOE conducted the LCC and PBP analyses for the PTAC and PTHP equipment classes using a spreadsheet model developed in Microsoft Excel. When combined with Crystal Ball (a commercially available software program), the LCC and PBP model generates a Monte Carlo simulation to perform the analyses by incorporating uncertainty and variability considerations in certain of the key parameters as discussed below. Inputs to the LCC and PBP analysis are categorized as: (1) Inputs for establishing the total installed cost and (2) inputs for calculating the operating expense. Results of the LCC and PBP analyses were applied to other equipment classes through linear scaling of the results by the cooling capacity of the equipment class.

The following sections contain brief discussions of comments on the inputs and key assumptions of DOE's LCC and PBP analysis and explain how DOE took these comments into consideration. They are also described in detail in chapter 8 of the NOPR TSD.

1. Equipment and Installation Costs

The equipment costs faced by purchasers of PTAC and PTHP equipment are derived from the MSPs estimated in the engineering analysis and the overall markups estimated in the markups analysis.

To develop an equipment price trend for the NOPR, DOE derived an inflation-adjusted index of the producer price index (PPI) for ''all other miscellaneous refrigeration and air-conditioning equipment'' from 1990–2013.[36] Although the inflation-adjusted index shows a declining trend from 1990 to 2004, data since 2008 have shown a flat-to-slightly rising trend. Given the uncertainty as to which of the trends will prevail in coming years, DOE chose to apply a constant price trend (2013 levels) for each efficiency level in each equipment class for the NOPR.

For installation costs, DOE used a specific cost from RS Means [37] for PTACs and PTHPs and linearly scaled the cost according to the cooling capacities of the equipment classes.

2. Unit Energy Consumption

The calculation of annual per-unit energy consumption at each considered efficiency level and capacity is described in section IV.E.

3. Electricity Prices and Electricity Price Trends

DOE determined electricity prices for PTAC and PTHP users based on tariffs from a representative sample of electric utilities. 69 FR 45481–82. Since air-conditioning loads are strongly peak-coincident, regional marginal prices were developed from the tariff data and then scaled to approximate 2013 prices. This approach calculates energy expenses based on actual commercial building marginal electricity prices that customers are paying.[38]

The Commercial Buildings Energy Consumption Survey completed in 1992 (CBECS 1992) and in 1995 (CBECS 1995) provides monthly electricity consumption and demand for a large sample of buildings. DOE used these values to help develop usage patterns associated with various building types. Using these monthly values in conjunction with the tariff data, DOE calculated monthly electricity bills for each building. The average price of electricity is defined as the total electricity bill divided by total electricity consumption. From this average price, the marginal price for electricity consumption was determined by applying a 5 percent decrement to the average CBECS consumption data and recalculating the electricity bill. Using building location and the prices derived from the above method, a marginal price was determined for each region of the U.S.

The tariff-based prices were updated to 2013 using the commercial electricity price index published in the *AEO* (editions 2009 through 2012). An examination of data published by the Edison Electric Institute [39] indicates that the rate of increase of marginal and average prices is not significantly different, so the same factor was used for both pricing estimates. DOE projected future electricity prices using trends in average U.S. commercial electricity price from *AEO 2013.*[40]

Goodman commented on the need to consider the impact of peak loads on various parts of the analyses. (Goodman, No. 13 at p. 5) DOE is aware that cooling loads are peaking loads, which may be subject to demand charges. DOE's tariff-based electricity prices reflect demand charges.

For further discussion of electricity prices, see chapter 8 of the NOPR TSD.

4. Repair Costs

Repair costs are associated with repairing or replacing components that have failed. The cost of the material and labor in each incident is covered by extended warranties, which are service contracts that can be purchased, and the repair cost can be estimated from annualization of a contract's total price. DOE utilized manufacturer- and vendor-provider extended warranty price data to estimate annual repair costs. DOE assumed that any routine or minor repairs are included in the annualized maintenance costs. Repair costs were linearly scaled by cooling capacity to apply to all equipment classes.

Goodman commented that repair costs are dependent on the specific type of equipment. (Goodman, No. 7 at p. 77) The price data were disaggregated by equipment category, enabling determination of specific repair costs for PTACs and PTHPs.

Goodman also commented that repair costs are typically higher for more efficient products. (Goodman, No. 7 at p. 77) DOE incorporated the cost of a major repair as a means of estimating repair costs by efficiency level. This resulted in repair costs that vary in direct proportion with the price of the equipment, which is a reasonable proxy for efficiency.

5. Maintenance Costs

Maintenance costs are costs associated with general maintenance of the equipment (e.g., checking and maintaining refrigerant charge levels and cleaning heat-exchanger coils). Goodman commented that maintenance costs would depend on the specific type of equipment. (Goodman, No. 7 at p. 77) For PTACs, DOE utilized estimates of annual maintenance cost from the previous rulemaking; the values were adjusted to current material and labor rates. For PTHPs, DOE scaled the adjusted estimate of PTAC maintenance costs with the ratio of PTHP to PTAC annualized maintenance costs from RS Means data.[41] Since maintenance tasks do not change with efficiency level,

[36] ''Producer Price Indexes,'' Bureau of Labor Statistics (BLS). 2014. Available online at *www.bls.gov/ppi/*.

[37] RS Means Company, Inc. *RS Means Mechanical Cost Data 2013.* 2013. Kingston, MA.

[38] Coughlin, K., C. Bolduc, R. Van Buskirk, G. Rosenquist and J.E. McMahon, ''Tariff-based Analysis of Commercial Building Electricity Prices.'' Lawrence Berkeley National Laboratory. LBNL–55551. 2008.

[39] ''EEI Typical Bills and Average Rates Report (bi-annual, 2007–2012),'' Edison Electric Institute, Washington, DC 2012.

[40] ''Annual Energy Outlook 2013,'' U.S. Energy Information Administration. May, 2013. Available online at *http://www.eia.gov/forecasts/archive/aeo13/index.cfm.*

[41] RS Means Company, Inc. *RSMeans Online.* (Last accessed March 26, 2013.) *http://www.rsmeansonline.com.*

DOE does not expect maintenance costs to scale with efficiency level. Maintenance costs were linearly scaled by cooling capacity to apply to all equipment classes.

6. Lifetime

Equipment lifetime is the age at which the equipment is retired from service. In the 2008 Final Rule, DOE used a median equipment lifetime of 10 years and a maximum lifetime of 20 years based on a retirement function. 73 FR 58772, 58789 (October 7, 2008). In the framework document, DOE stated its intention to use the same median and maximum equipment lifetime in the present rulemaking. AHRI noted in a comment it submitted prior to the publication of the October 7, 2008 Final Rule that the 11-year payback period from the previous rulemaking was longer than the actual life of the equipment, indicating that the value of the lifetime statistics in the present rulemaking too may be greater than the years of actual operation. (AHRI, No. 11 at p. 3) Likewise, Ice Air commented that the lifespan for PTACs and PTHPs with refrigerant-to-air heat transfer technology commonly purchased for commercial use should be 6–7 years based on its conversations with major hotel chains, and the lifespan for hydronic PTACs is 12–20+ years. (Ice Air, No. 9 at p. 1) SCS similarly commented that while equipment may last 20 years, equipment often will be replaced en masse, such as in hotels where a set of equipment is replaced if failures begin to occur often. (SCS, No. 7 at p. 81)

Since DOE accounted for the vintage of each unit in addition to the average age of the stock, the retirement function was updated to allow the vintage of each unit as an input. Thereby, DOE updated the shape and scale factors so that the retirement function can be used to track individual failures for determination of replacement shipments. The details of utilizing the retirement function can be found in chapter 9 of the NOPR TSD.

Additionally, DOE acknowledges that there is some uncertainty regarding the lifetime of PTAC and PTHP equipment, but in the absence of data to substantiate the statements by the stakeholders, it chose to retain the median equipment lifetime of 10 years with a maximum lifetime of 20 years for this NOPR. DOE will consider any data that may be provided in its preparation of the final rule.

7. Discount Rate

The discount rate is the rate at which future expenditures are discounted to estimate their present value. The cost of capital commonly is used to estimate the present value of cash flows to be derived from a typical company project or investment. Most companies use both debt and equity capital to fund investments, so the cost of capital is the weighted-average cost to the firm of equity and debt financing. DOE uses the capital asset pricing model (CAPM) to calculate the equity capital component, and financial data sources to calculate the cost of debt financing.

DOE estimated the cost of capital of companies that purchase PTAC and PTHP equipment. The types of companies that DOE used are large hotel/motel chains, independent hotel/motel, assisted living/health care, and small office. More details regarding DOE's estimates of customer discount rates are provided in chapter 8 of the NOPR TSD.

SCS suggested that in determining discount rates DOE should focus on franchise owners who are purchasing the equipment. (SCS, No. 7 at p. 81) DOE believes that franchise owners would generally fall into the company categories listed above.

8. Base Case Efficiency Distribution

For the LCC analysis, DOE analyzes the considered efficiency levels relative to a base case (i.e., the case without amended energy efficiency standards). This analysis requires an estimate of the distribution of equipment efficiencies in the base case (i.e., what customers would have purchased in the compliance year in the absence of amended standards). DOE refers to this distribution of equipment energy efficiencies as the base case efficiency distribution.

DOE reviewed the AHRI certified products directory [42] for relevant equipment classes to determine the distribution of efficiency levels for commercially-available models within each equipment class analyzed in this NOPR. DOE bundled the efficiency levels into efficiency ranges and determined the percentage of models within each range. To estimate the change between the present and the compliance year, DOE applied a slightly increasing efficiency trend, as explained in section IV.H.

The distribution of efficiencies in the base case for each equipment class can be found in Table IV.12 and Table IV.13 below.

TABLE IV.12—BASE CASE EFFICIENCY MARKET SHARES FOR PACKAGED TERMINAL AIR CONDITIONING EQUIPMENT (2019)

| PTAC <12,000 Btu/h cooling capacity | | PTAC ≥12,000 Btu/h cooling capacity | |
|---|---|---|---|
| EER | Market share (percent) | EER | Market share (percent) |
| 11.1–11.29 | 0.0 | 9.3–9.49 | 0.0 |
| 11.3–11.49 | 43.6 | 9.5–9.69 | 25.8 |
| 11.5–11.99 | 24.3 | 9.7–9.99 | 34.8 |
| 12.0–12.39 | 29.5 | 10.0–10.39 | 34.7 |
| 12.4–12.89 | 2.1 | 10.4–10.79 | 2.7 |
| 12.9–13.09 | 0.5 | 10.8–10.99 | 1.4 |
| ≥13.1 | 0.0 | ≥11.0 | 0.7 |

[42] See *www.ahridirectory.org/ahriDirectory/pages/home.aspx.*

TABLE IV.13—BASE CASE EFFICIENCY MARKET SHARES FOR PACKAGED TERMINAL HEAT PUMP EQUIPMENT (2019)

| PTHP <12,000 Btu/h cooling capacity | | PTHP ≥12,000 Btu/h cooling capacity | |
|---|---|---|---|
| EER | Market share (percent) | EER | Market share (percent) |
| 11.3–11.49 | 48.5 | 9.5–9.69 | 58.2 |
| 11.5–11.99 | 8.9 | 9.7–9.99 | 0.0 |
| 12.0–12.39 | 30.2 | 10.0–10.39 | 32.5 |
| 12.4–12.89 | 12.4 | 10.4–10.79 | 7.9 |
| 12.9–13.09 | 0.0 | 10.8–10.99 | 1.4 |
| ≥13.1 | 0.0 | ≥11.0 | 0.0 |

9. Payback Period Inputs

The payback period is the amount of time it takes the customer to recover the additional installed cost of more efficient equipment, compared to baseline equipment, through energy cost savings. Payback periods are expressed in years. Payback periods that exceed the life of the equipment mean that the increased total installed cost is not recovered in reduced operating expenses.

The inputs to the PBP calculation are the increase in the total installed cost of the equipment to the customer for each efficiency level and the annual operating cost savings for each efficiency level. The PBP calculation uses the same inputs as the LCC analysis, except that discount rates are not needed.

10. Rebuttable-Presumption Payback Period

EPCA establishes a rebuttable presumption that a standard is economically justified if the Secretary finds that the additional cost to the customer of purchasing a product complying with an energy conservation standard level will be less than three times the value of the energy (and, as applicable, water) savings during the first year that the customer will receive as a result of the standard, as calculated under the test procedure in place for that standard. (42 U.S.C. 6295(o)(2)(B)(iii) and 42 U.S.C. 6316(a)) For each considered efficiency level, DOE determines the value of the first year's energy savings by calculating the quantity of those savings in accordance with the applicable DOE test procedure, and multiplying that amount by the average energy price forecast for the year in which compliance with the amended standards would be required.

*G. Shipments Analysis*

DOE uses projections of equipment shipments for PTACs and PTHPs together to calculate equipment stock over the course of the analysis period, which in turn is used to determine the impacts of amended standards on national energy savings, net present value, and future manufacturer cash flows. DOE developed shipment projections based on historical data and an analysis of key market drivers for each product. Historical shipments data are used to build up an equipment stock and also to calibrate the shipments model. Based off the equipment stock and calibrated model, DOE calculated shipments intended for new construction and replacement applications. The sum of new construction and replacement shipments is the total shipments.

DOE determined the distribution of total shipments among the equipment classes using shipments data by equipment class provided by AHRI for the previous PTAC and PTHP rulemaking. 73 FR 58772.

New construction shipments were calculated using projected new construction floor space of healthcare, lodging, and small office buildings from *AEO 2013* and historical PTAC and PTHP saturation in new buildings, which was calculated by dividing historical shipments by historical new construction floor space. Due to unrepresentative market conditions during the financial crisis of 2008–2010, DOE used historical data from its previous analysis to determine the value for the PTAC and PTHP saturation that was used for each year of the analysis period. DOE then projected shipments based on the product of the historical saturation and AEO's projected floor space.

Replacement shipments equal the number of units that fail in a given year. DOE used a retirement function in the form of a Weibull distribution with inputs based on lifetime values from the LCC analysis to estimate the number of units of a given age that fail in each year. When a unit fails, it is removed from the stock and a new unit is replaced in its stead. Replacement shipments account for the largest portion of total shipments.

McQuay commented that non-AHRI PTAC manufacturers are not subject to report their shipment information, and this missing portion of the market should be calculated. (McQuay, No. 10 at p. 1) DOE is not aware of any data that would allow it to account for shipments by non-AHRI PTAC manufacturers. The Department also believes that such shipments represent a small fraction of total shipments. DOE requests comment regarding and data supporting the expected number of shipments that are unreported. This is identified as issue 3 in section VII.E, ''Issues on Which DOE Seeks Comment.''

Goodman commented that if the annual payback period is not in the low single digits, customers will be more likely to repair equipment rather than replace it with a higher efficiency product. (Goodman, No. 13 at p. 6) DOE recognizes that for any inoperable equipment, there exists a decision to repair or to replace. Given that repair generally would involve a new compressor, which is costly, and could also entail a new coil, DOE believes that equipment replacement would be more financially appealing than a major repair to most decision makers. Thus, for the NOPR DOE used the same shipments projections for the base case (assuming no amended standards) and each standards case.

The details of the shipments analysis can be found in chapter 9 of the NOPR TSD.

*H. National Impact Analysis—National Energy Savings and Net Present Value Analyses*

The purpose of the NIA is to estimate aggregate impacts of potential energy conservation standards from a national perspective, rather than from the customer perspective represented by the LCC and PBP analysis. Impacts that DOE reports include the national energy savings (NES) from potential standards, the net present value (NPV) of the total commercial customer costs, and the savings that are expected to result from amended standards at specific efficiency levels.

To make the analysis more accessible and transparent to all interested parties, DOE used a spreadsheet model to calculate the energy savings and the national commercial customer costs and savings from each TSL.[43] The NIA calculations are based on the annual energy consumption and total installed cost data from the energy use analysis and the LCC analysis. In the NIA, DOE forecasted the lifetime energy savings, energy cost savings, equipment costs, and NPV of commercial customer benefits for each equipment class over the lifetime of equipment sold from 2019 through 2048.

For the NIA, DOE considered the following equipment classes for which DOE received shipments data:

- PTAC: <7,000 Btu/h cooling capacity, ≥7000 and ≤15000 Btu/h cooling capacity, and ≥15000 Btu/h cooling capacity; and
- PTHP: <7,000 Btu/h cooling capacity, ≥7000 and ≤15000 Btu/h cooling capacity, and ≥15000 Btu/h cooling capacity.

To develop the NES, DOE calculates annual energy consumption for the base case and the standards cases. DOE calculates the annual energy consumption using per-unit annual energy use data multiplied by projected shipments. DOE calculated energy savings in each year relative to a base case, defined as DOE adoption of the efficiency levels specified by ANSI/ASHRAE/IES Standard 90.1–2013. DOE also calculated energy savings from adopting efficiency levels specified by ANSI/ASHRAE/IES Standard 90.1–2013 compared to the EPCA base case.

To develop the national NPV of customer benefits from potential energy conservation standards, DOE calculates annual energy expenditures and annual equipment expenditures for the base case and the standards cases. DOE calculated such customer benefits in each year relative to the base case (ANSI/ASHRAE/IES Standard 90.1–2013). DOE calculates annual energy expenditures from annual energy consumption by incorporating forecasted energy prices, using shipment projections and average energy efficiency projections. DOE calculates annual equipment expenditures by multiplying the price per unit times the projected shipments. The aggregate difference each year between energy bill savings and increased equipment expenditures is the net savings or net costs.

Given the uncertainty about future equipment prices, DOE chose to apply a constant price trend (2013 levels) for each efficiency level in each equipment class.

A key component of the NIA is the equipment energy efficiency forecasted over time for the base case and for each of the standards cases. To estimate a base-case efficiency trend, DOE started with the base-case efficiency distribution described in section IV.F.8. For the equipment classes that were not covered in the LCC analysis, DOE used the same source (*i.e.,* the AHRI Directory of Certified Product Performance) to estimate the base-case efficiency distribution. Then, DOE applied the trend from 2012 to 2035 that was used in the commercial unitary air conditioner Advance Notice of Proposed Rulemaking (ANOPR), which estimated an increase of approximately 1 EER every 35 years.[44] 69 FR 45460 (July 29, 2004). DOE used this same trend in the standards-case scenarios, when seeking to ascertain the impact of amended standards. DOE, however, assumed for PTACs that a gradual replacement of equipment at the Federal minimum with equipment at the ASHRAE minimum occurs over 10 years after the first year of expected compliance. DOE requests comment regarding and data supporting the selected efficiency trend. This is identified as issue 4 in section VII.E, ''Issues on Which DOE Seeks Comment.''

The base case efficiency distributions in 2019 for the considered PTAC and PTHP equipment classes can be found in Table IV.14 and Table IV.15.

TABLE IV.14—BASE CASE EFFICIENCY MARKET SHARES IN 2019 FOR PACKAGED TERMINAL AIR CONDITIONING EQUIPMENT

| PTAC <7000 Btu/h cooling capacity | | PTAC ≥7000 to ≤15000 Btu/h cooling capacity | | PTAC ≥15000 Btu/h cooling capacity | |
|---|---|---|---|---|---|
| EER | Market share (percent) | EER | Market share (percent) | EER | Market share (percent) |
| 11.7 | 0 | 11.1 | 0 | 9.3 | 0 |
| 11.9 | 0 | 11.3 | 38 | 9.5 | 65 |
| 12.2 | 63 | 11.5 | 29 | 9.7 | 17 |
| 12.6 | 37 | 12.0 | 29 | 10.0 | 18 |
| 13.1 | 0 | 12.4 | 3 | 10.4 | 0 |
| 13.6 | 0 | 12.9 | 1 | 10.8 | 0 |
| 13.8 | 0 | 13.1 | 0 | 11.0 | 0 |

TABLE IV.15—BASE CASE EFFICIENCY MARKET SHARES IN 2019 FOR PACKAGED TERMINAL HEAT PUMP EQUIPMENT

| PTHP <7000 Btu/h cooling capacity | | PTHP ≥7000 to ≤15000 Btu/h cooling capacity | | PTHP ≥15000 Btu/h cooling capacity | |
|---|---|---|---|---|---|
| EER | Market share (percent) | EER | Market share (percent) | EER | Market share (percent) |
| 11.9 | 0 | 11.3 | 0 | 9.5 | 0 |
| 12.2 | 85 | 11.5 | 64 | 9.7 | 74 |
| 12.6 | 15 | 12.0 | 26 | 10.0 | 26 |
| 13.1 | 0 | 12.4 | 10 | 10.4 | 0 |
| 13.6 | 0 | 12.9 | 1 | 10.8 | 0 |
| 13.8 | 0 | 13.1 | 0 | 11.0 | 0 |

[43] DOE's use of spreadsheet models provides interested parties with access to the models within a familiar context. In addition, the TSD and other documentation that DOE provides during the rulemaking help explain the models and how to use them, and interested parties can review DOE's analyses by changing various input quantities within the spreadsheet.

[44] See DOE's technical support document underlying DOE's July 29, 2004 ANOPR. (Available at: *http://www.regulations.gov/#!documentDetail;D=EERE-2006-STD-0103-0078.*)

To estimate the impact that amended energy conservation standards may have in the first year of compliance, DOE uses a ''roll-up'' scenario in its standards rulemakings. Under the ''roll-up'' scenario, DOE assumes equipment efficiencies in the base case that do not meet the new or amended standard level under consideration would ''roll up'' to meet that standard level, and equipment shipments at efficiencies above the standard level under consideration would not be affected. Tables showing the distribution of efficiencies in the base case and the standards cases for each equipment class can be found in chapter 10 of the NOPR TSD.

Using the distribution of efficiencies in the base case and in the standards cases for each equipment class analyzed in the NOPR, DOE calculated market-weighted average efficiency values. The market-weighted average efficiency value represents the average efficiency of the total units shipped at a specified amended standard level. The market-weighted average efficiency values for the base case and the standards cases for each efficiency level analyzed within the equipment classes is provided in chapter 10 of the NOPR TSD.

DOE converted the site electricity consumption and savings to primary energy (power sector energy consumption) using annual conversion factors derived from the *AEO 2013* version of the National Energy Modeling System (NEMS). Cumulative energy savings are the sum of the NES for each year in which equipment shipped during 2019 to 2048 continues to operate.

DOE has historically presented NES in terms of primary energy savings. On August 18, 2011, DOE published a final statement of policy in the **Federal Register** announcing its intention to use full-fuel-cycle (FFC) measures of energy use and greenhouse gas and other emissions in the national impact analyses and emissions analyses included in future energy conservation standards rulemakings. 76 FR 51281. After evaluating the approaches discussed in the August 18, 2011 document, DOE published a statement of amended policy in the **Federal Register** in which DOE explained its determination that NEMS is the most appropriate tool for its FFC analysis and its intention to use NEMS for that purpose. 77 FR 49701 (August 17, 2012). Therefore, DOE used the NEMS model to conduct the FFC analysis. The approach used for this NOPR, and the FFC multipliers that were applied, are described in appendix 10–B of the NOPR TSD.

*I. Customer Subgroup Analysis*

In analyzing the potential impacts of new or amended standards on commercial customers, DOE evaluates impacts on identifiable groups (*i.e.,* subgroups) of customers that may be disproportionately affected by a national standard. AHRI stated that hotels and motels would be viable candidates for user subgroups. (AHRI, No. 7 at p. 91) For the NOPR, DOE evaluated impacts on a subgroup consisting of independently-operating lodging businesses using the LCC and PBP spreadsheet model. To the extent possible, it utilized inputs appropriate for this subgroup.

The commercial customer subgroup analysis is discussed in detail in chapter 11 of the NOPR TSD.

*J. Manufacturer Impact Analysis*

1. Overview

DOE performed an MIA to estimate the financial impact of amended energy conservation standards on manufacturers of PTACs and PTHPs, and to calculate the potential impact of such standards on employment and manufacturing capacity. The MIA has both quantitative and qualitative aspects. The quantitative part of the MIA primarily relies on the Government Regulatory Impact Model (GRIM), an industry cash-flow model with inputs specific to this rulemaking. The key GRIM inputs are data on the industry cost structure, equipment costs, shipments, and assumptions about markups and conversion expenditures. The key output is the industry net present value (INPV). Different sets of assumptions (markup scenarios) will produce different results. The qualitative part of the MIA addresses factors such as product characteristics, impacts on particular subgroups of firms, and important market and product trends. The complete MIA is outlined in chapter 13 of the NOPR TSD.

DOE conducted the MIA for this rulemaking in three phases. In Phase 1 of the MIA, DOE conducted structured, detailed interviews with a representative cross-section of manufacturers and prepared a profile of the PTAC and PTHP industry. During manufacturer interviews, DOE discussed engineering, manufacturing, procurement, and financial topics to identify key issues or concerns and to inform and validate assumptions used in the GRIM. See section IV.J.2 for a description of the key issues manufacturers raised during the interviews.

DOE used information obtained during these interviews to prepare a profile of the PTAC and PTHP industry, including a manufacturer cost analysis. Drawing on financial analysis performed as part of the 2008 energy conservation standard for PTACs and PTHPs, as well as feedback obtained from manufacturers, DOE derived financial inputs for the GRIM (*e.g.,* sales, general, and administration (SG&A) expenses; research and development (R&D) expenses; and tax rates). DOE also used public sources of information, including company SEC 10–K filings,[45] corporate annual reports, the U.S. Census Bureau's Economic Census,[46] and Hoover's reports,[47] to develop the industry profile.

In Phase 2 of the MIA, DOE prepared an industry cash-flow analysis to quantify the potential impacts of an amended energy conservation standard on manufacturers of PTACs and PTHPs. In general, energy conservation standards can affect manufacturer cash flow in three distinct ways: (1) Create a need for increased investment; (2) raise production costs per unit; and (3) alter revenue due to higher per-unit prices and possible changes in sales volumes. To quantify these impacts, DOE used the GRIM to perform a cash-flow analysis for the PTAC and PTHP industry using financial values derived during Phase 1.

In Phase 3 of the MIA, DOE evaluated subgroups of manufacturers that may be disproportionately impacted by amended energy conservation standards or that may not be represented accurately by the average cost assumptions used to develop the industry cash-flow analysis. For example, small manufacturers, niche players, or manufacturers exhibiting a cost structure that largely differs from the industry average could be more negatively affected. DOE identified two subgroups for separate impact analyses: (1) Manufacturers with production assets; and (2) small businesses.

DOE initially identified 22 companies that sell PTAC and PTHP equipment in the U.S. Most U.S. companies, however, do not own production assets; rather, they import and distribute PTACs and PTHPs manufactured overseas, primarily in China. DOE identified a

[45] U.S. Securities and Exchange Commission. *Annual 10–K Reports.* Various Years. *http://www.sec.gov.*

[46] ''Annual Survey of Manufacturers: General Statistics: Statistics for Industry Groups and Industries.'' U.S. Census Bureau. 2014. Available at: *http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t.*

[47] Hoovers, Inc. *Company Profiles.* Various Companies. *http://www.hoovers.com.*

subgroup of three manufacturers that own production assets. Together, these three manufacturers account for approximately 80 percent of the domestic PTAC and PTHP market. Because manufacturers with production assets will incur different costs to comply with amended energy conservation standards compared to their competitors who do not own production assets, DOE conducted a separate subgroup analysis to evaluate the potential impacts of amended energy conservation standards on manufacturers with production assets. The subgroup analysis of PTAC and PTHP manufacturers with production assets is discussed in chapter 12 of the NOPR TSD and in section VI.B of this document.

For the small businesses subgroup analysis, DOE applied the small business size standards published by the Small Business Administration (SBA) to determine whether a company is considered a small business. 65 FR 30836, 30848 (May 15, 2000), as amended at 65 FR 53533, 53544 (Sept. 5, 2000) and codified at 13 CFR part 121. To be categorized as a small business under North American Industry Classification System (NAICS) code 333415, ''Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing,'' a PTAC and PTHP manufacturer and its affiliates may employ a maximum of 750 employees. The 750-employee threshold includes all employees in a business's parent company and any other subsidiaries. Based on this classification, DOE identified at least 12 manufacturers that qualify as small businesses. The PTAC and PTHP small manufacturer subgroup is discussed in chapter 12 of the NOPR TSD and in section V.B.2 of this document.

2. Government Regulatory Impact Model

DOE uses the GRIM to quantify the changes in cash flow due to amended standards that result in a higher or lower industry value. The GRIM analysis uses a standard, annual cash-flow analysis that incorporates manufacturer costs, markups, shipments, and industry financial information as inputs. The GRIM models changes in costs, distribution of shipments, investments, and manufacturer margins that could result from an amended energy conservation standard. The GRIM spreadsheet uses the inputs to arrive at a series of annual cash flows, beginning in 2014 (the base year of the analysis) and continuing to 2048. DOE calculated INPVs by summing the stream of annual discounted cash flows during this period. For PTAC and PTHP manufacturers, DOE used a real discount rate of 8.5 percent, which was derived from industry financials and then modified according to feedback received during manufacturer interviews.

The GRIM calculates cash flows using standard accounting principles and compares changes in INPV between a base case and each standards case. The difference in INPV between the base case and a standards case represents the financial impact of the amended energy conservation standard on manufacturers. As discussed previously, DOE collected this information on the critical GRIM inputs from a number of sources, including publicly available data and interviews with a number of manufacturers (described in the next section). The GRIM results are shown in section V.B.2. Additional details about the GRIM, the discount rate, and other financial parameters can be found in chapter 12 of the NOPR TSD.

a. Government Regulatory Impact Model Key Inputs

Manufacturer Production Costs

Manufacturing more efficient equipment is typically more expensive than manufacturing baseline equipment due to the use of more complex components, which are typically more costly than baseline components. The changes in the manufacturer production costs (MPCs) of the analyzed equipment can affect the revenues, gross margins, and cash flow of the industry, making these equipment cost data key GRIM inputs for DOE's analysis.

In the MIA, DOE used the MPCs for each considered efficiency level calculated in the engineering analysis, as described in section IV.C and further detailed in chapter 5 of the NOPR TSD. In addition, DOE used information from its teardown analysis, described in chapter 5 of the TSD, to disaggregate the MPCs into material, labor, and overhead costs. To calculate the MPCs for equipment above the baseline, DOE added the incremental material, labor, and overhead costs from the engineering cost-efficiency curves to the baseline MPCs. These cost breakdowns and equipment markups were validated and revised with manufacturers during manufacturer interviews.

Shipments Forecasts

The GRIM estimates manufacturer revenues based on total unit shipment forecasts and the distribution of these values by efficiency level. Changes in sales volumes and efficiency mix over time can significantly affect manufacturer finances. For this analysis, the GRIM uses the NIA's annual shipment forecasts derived from the shipments analysis from 2014 (the base year) to 2048 (the end year of the analysis period). See section IV.G. above and chapter 10 of the NOPR TSD for additional details.

Product and Capital Conversion Costs

An amended energy conservation standard would cause manufacturers to incur one-time conversion costs to bring their production facilities and equipment designs into compliance. DOE evaluated the level of conversion-related expenditures that would be needed to comply with each considered efficiency level in each equipment class. For the MIA, DOE classified these conversion costs into two major groups: (1) Product conversion costs; and (2) capital conversion costs. Product conversion costs are one-time investments in research, development, testing, marketing, and other non-capitalized costs necessary to make equipment designs comply with the amended energy conservation standard. Capital conversion costs are one-time investments in property, plant, and equipment necessary to adapt or change existing production facilities such that new compliant equipment designs can be fabricated and assembled.

To evaluate the level of capital conversion expenditures manufacturers would likely incur to comply with amended energy conservation standards, DOE used manufacturer interviews to gather data on the anticipated level of capital investment that would be required at each efficiency level. DOE validated manufacturer comments through estimates of capital expenditure requirements derived from the product teardown analysis and engineering analysis described in chapter 5 of the TSD.

DOE assessed the product conversion costs at each considered efficiency level by integrating data from quantitative and qualitative sources. DOE considered market-share-weighted feedback regarding the potential costs of each efficiency level from multiple manufacturers to estimate product conversion costs and validated those numbers against engineering estimates of redesign efforts.

In general, DOE assumes that all conversion-related investments occur between the year of publication of the final rule and the year by which manufacturers must comply with the new standard. The conversion cost figures used in the GRIM can be found

in section V.B.2 of this document. For additional information on the estimated product and capital conversion costs, see chapter 13 of the NOPR TSD.

b. Government Regulatory Impact Model Scenarios

Markup Scenarios

Manufacturer selling prices (MSPs) include direct manufacturing production costs (*i.e.,* labor, materials, and overhead estimated in DOE's MPCs) and all non-production costs (*i.e.,* SG&A, R&D, and interest), along with profit. To calculate the MSPs in the GRIM, DOE applied non-production cost markups to the MPCs estimated in the engineering analysis for each equipment class and efficiency level. Modifying these markups in the standards case yields different sets of impacts on manufacturers. For the MIA, DOE modeled two standards-case markup scenarios to represent the uncertainty regarding the potential impacts on prices and profitability for manufacturers following the implementation of amended energy conservation standards: (1) A preservation of gross margin percentage markup scenario; and (2) a preservation of per unit operating profit markup scenario. These scenarios lead to different markup values that, when applied to the inputted MPCs, result in varying revenue and cash flow impacts.

Under the preservation of gross margin percentage scenario, DOE applied a single uniform ''gross margin percentage'' markup across all efficiency levels, which assumes that manufacturers would be able to maintain the same amount of profit as a percentage of revenues at all efficiency levels within an equipment class. As production costs increase with efficiency, this scenario implies that the absolute dollar markup will increase as well. Based on publicly-available financial information for manufacturers of PTACs and PTHPs as well as comments from manufacturer interviews, DOE assumed the average non-production cost markup—which includes SG&A expenses, R&D expenses, interest, and profit—to be 1.27 for all PTAC and PTHP equipment classes.

Because this markup scenario assumes that manufacturers would be able to maintain their gross margin percentage markups as production costs increase in response to an amended energy conservation standard, it represents a high bound to industry profitability.

In the preservation of per unit operating profit scenario, manufacturer markups are set so that operating profit one year after the compliance date of the amended energy conservation standard is the same as in the base case on a per unit basis. Under this scenario, as the costs of production increase under an amended standards case, manufacturers are generally required to reduce their markups to a level that maintains base-case operating profit per unit. The implicit assumption behind this markup scenario is that the industry can only maintain its operating profit in absolute dollars per unit after compliance with the new standard is required. Therefore, operating margin in percentage terms is reduced between the base case and standards case. DOE adjusted the manufacturer markups in the GRIM at each TSL to yield approximately the same earnings before interest and taxes in the standards case as in the base case. This markup scenario represents a low bound to industry profitability under an amended energy conservation standard.

c. Manufacturer Interviews

As part of the MIA, DOE discussed the potential impacts of amended energy conservation standards with manufacturers of PTACs and PTHPs. DOE interviewed manufacturers representing approximately 90 percent of the market by revenue. Information gathered during these interviews enabled DOE to tailor the GRIM to reflect the unique financial characteristics of the industry.

In interviews, DOE asked manufacturers to describe their major concerns regarding this rulemaking. The following section highlights manufacturer concerns that helped to shape DOE's understanding of potential impacts of an amended standard on the industry. Manufacturer interviews are conducted under non-disclosure agreements (NDAs), so DOE does not document these discussions in the same way that it does public comments in the comment summaries and DOE's responses throughout the rest of this document.

d. Size Constraints

Manufacturers expressed concern regarding their ability to maintain the physical dimensions of PTACs and PTHPs while meeting amended energy conservation standards. PTACs and PTHPs are inherently space-constrained equipment. Their value proposition rests in large part on the ability of units to fit into existing wall openings of fixed dimensions: In the case of standard-size equipment impacted by this rulemaking, this means a wall opening of 16″ x 42″. Manufacturers indicated that increasing the efficiency of units given these size constraints poses a significant technical challenge. Specifically, as units become more efficient, they tend to grow in size. Efficiency gains are often achieved by incorporating more efficient system components, including compressors and heat exchangers. Manufacturers noted that as these components become more efficient, they tend to become larger. Yet expanding the size of PTACs and PTHPs to accommodate larger, more efficient components is not an option, as manufacturers must continue to deliver products built to pre-existing dimensions.

Manufacturers also indicated that increasing efficiency without altering product dimensions poses a greater technical challenge for higher-capacity models than for lower-capacity models. For example, redesigning a 15,000 Btu/hour PTAC—the highest capacity offered by many manufacturers—would be more difficult than redesigning a 7,000 Btu/hour model. Some manufacturers stated this could lead them to stop producing their highest-capacity PTAC and PTHP models under an amended standard.

e. Impact on Manufacturer Profitability

Manufacturers also stated that amended energy conservation standards could place downward pressure on profits. Manufacturers noted that consumers typically are unwilling to pay a premium for efficiency and instead purchase PTACs and PTHPs largely on a first-cost basis. Accordingly, manufacturers do not anticipate being able to pass all additional costs of manufacturing more efficient products onto consumers and would expect to see some decline in profitability as a result.

Additionally, manufacturers indicated that higher production and purchase costs could impact profitability by reducing demand for PTACs and PTHPs. Specifically, manufacturers anticipate that higher purchase costs will lead greater numbers of consumers to repair rather than replace existing units. In addition, manufacturers stated higher costs could lead to product switching, as consumers turn to alternative HVAC systems. Presently, the market for PTACs and PTHPs is predominantly a replacement market: Approximately 80 percent of sales go toward replacement compared to 20 percent for new construction. Manufacturers indicated that higher costs could drive the new construction market to seek alternatives. The potential for market contraction in this manner could further impact profitability.

f. Impact on Consumer Utility

Manufacturers stated that amended energy conservation standards could make it difficult to meet consumer needs effectively. Three primary concerns arose in this regard: Concerns surrounding noise; concerns surrounding humidity control; and concerns surrounding loss of specific product lines.

Noise

Several manufacturers stated that there is a tradeoff between higher efficiency in PTACs and PTHPs and noise levels. Design changes that improve the efficiency of airflow systems (e.g., by increasing fan speed) tend to make units noisier. This is especially true among higher capacity models. Because PTACs and PTHPs are widely used in the lodging sector, where noise is a significant consideration, design changes that result in noisier equipment are not a viable option to increase system efficiency.

Humidity Control

Several manufacturers also indicated that as units become more efficient, they tend to raise concerns surrounding humidity control and mold growth. One manufacturer indicated it has received more customer complaints about humidity levels since 2012, when the 2008 energy conservation standard for PTACs and PTHPs took effect. Another manufacturer noted it has designed a PTAC model with a built-in dehumidification function to better control humidity and prevent mold growth, but this reduces the overall system EER, making it more difficult to comply with amended standards.

Loss of Product Lines

In addition, multiple manufacturers stated that certain models may become unavailable in the face of amended energy conservation standards. Within the standard-size market, the difficulty of redesigning higher capacity models (e.g., 15,000 Btu/hour) while maintaining the existing package size could drive manufacturers to discontinue those models, leaving lower-capacity models (e.g., 12,000 Btu/hour) as the maximum capacity offered.

3. Discussion of Comments

Impact of Other Rulemakings

AHRI commented that manufacturers of PTACs and PTHPs may be impacted by other product rulemakings. (AHRI, Framework Public Meeting at p. 93) In response, DOE has performed an analysis of cumulative regulatory burden (CRB) in section V.B.2 of the NOPR document. The CRB analysis includes only completed regulations that take effect within three years of the effective date of the current final rulemaking. Rulemakings addressed include those for: Residential Boilers (78 FR 675, January 4, 2013), Residential Furnaces (76 FR 37408, June 27, 2011) (76 FR 67037, October 31, 2011), Residential Central Air Conditioners and Heat Pumps (76 FR 37408, June 27, 2011) (76 FR 67037, October 31, 2011), Gas Fired and Electric Storage Water Heaters (75 FR 20112, April 16, 2010), Electric Motors (79 FR 30933, May 29, 2014), Walk-in Coolers and Freezers (79 FR 32049, June 3, 2014), Furnace Fans (79 FR 38129, July 3, 2014), Compressors (79 FR 25377, August 5, 2014), and Commercial and Industrial Fans and Blowers. (78 FR 7306, February 1, 2013).

Alternate Refrigerants

Goodman commented that DOE should look into the impacts of alternate refrigerants on manufacturers as well as users in terms of total energy consumption. (Goodman, Framework Public Meeting at p. 94) Nearly all PTAC and PTHP equipment is designed with R–410A as the refrigerant. DOE is not aware of any regulations or pending regulations that would impact manufacturers' ability to continue using the refrigerant R–410A in PTAC and PTHP equipment.

The U.S. EPA SNAP Program evaluates and regulates substitutes for ozone-depleting chemicals (such as air conditioning refrigerants) that are being phased out under the stratospheric ozone protection provisions of the CAA. On July 9, 2014, the EPA Administrator signed a notice of proposed rulemaking document that changes the listing status for certain substitutes under the SNAP Program.[48] This proposal changes the status of several refrigerants used in automotive air conditioning and in food refrigeration systems. However, the proposal does not include delisting R–410A, nor does it mention that EPA may consider any future delisting of R–410A for use in air conditioning applications.

DOE notes that the use of alternate refrigerants by manufacturers of PTACs and PTHPs would not be required as a direct result of this proposed rule. Furthermore, there is no requirement (nor any proposal to adopt requirements) mandating the use of alternate refrigerants at this time. Hence, alternate refrigerants were not considered in this analysis.

Non-Standard Size Equipment

AHRI commented that some manufacturers of non-standard size PTACs and PTHPs would be considered small businesses. (AHRI, Framework Public Meeting at p. 94) DOE has not proposed amended standards for non-standard size PTAC and PTHP equipment in this document. As a result, impacts on manufacturers that exclusively produce non-standard size PTACs and PTHPs are not analyzed. Impacts on small manufacturers that produce standard size PTACs and PTHPs are analyzed in section VI.B, Review Under the Regulatory Flexibility Act.

*K. Emissions Analysis*

In the emissions analysis, DOE estimated the reduction in power sector emissions of carbon dioxide ($CO_2$), nitrogen oxides ($NO_X$), sulfur dioxide ($SO_2$), and mercury (Hg) from potential energy conservation standards for PTAC and PTHP equipment. In addition, DOE estimates emissions impacts in production activities (extracting, processing, and transporting fuels) that provide the energy inputs to power plants. These are referred to as ''upstream'' emissions. Together, these emissions account for the full-fuel-cycle (FFC). In accordance with DOE's FFC Statement of Policy (76 FR 51282 (August 18, 2011)), the FFC analysis includes impacts on emissions of methane ($CH_4$) and nitrous oxide ($N_2O$), both of which are recognized as greenhouse gases.

DOE primarily conducted the emissions analysis using emissions factors for $CO_2$ and most of the other gases derived from data in EIA's *AEO 2013.* Combustion emissions of $CH_4$ and $N_2O$ were estimated using emissions intensity factors published by the Environmental Protection Agency (EPA), GHG Emissions Factors Hub.[49] DOE developed separate emissions factors for power sector emissions and upstream emissions. The method that DOE used to derive emissions factors is described in chapter 13 of the NOPR TSD.

For $CH_4$ and $N_2O$, DOE calculated emissions reduction in tons and also in terms of units of carbon dioxide equivalent ($CO_2$eq). Gases are converted to $CO_2$eq by multiplying by the gas'

[48] The NOPR document for SNAP listing status changes has not yet published in the **Federal Register**. Proposed changes to air conditioning refrigerants status are listed in pp. 132–34 of a pre-publication version of the document, available from the EPA at: *http://www.epa.gov/ozone/downloads/SAN_5750_SNAP_Status_Change_Rule_NPRM_signature_version-signed_7-9-2014.pdf.*

[49] ''GHG Emissions Factors Hub,'' U.S. Environmental Protection Agency. 2014. Available online at *http://www.epa.gov/climateleadership/inventory/ghg-emissions.html.*

global warming potential (GWP) over a 100-year time horizon. Based on the Fifth Assessment Report of the Intergovernmental Panel on Climate Change,[50] DOE used GWP values of 28 for $CH_4$ and 265 for $N_2O$.

EIA prepares the *Annual Energy Outlook* using the NEMS. Each annual version of NEMS incorporates the projected impacts of existing air quality regulations on emissions. *AEO 2013* generally represents current legislation and environmental regulations, including recent government actions, for which implementing regulations were available as of December 31, 2012.

$SO_2$ emissions from affected electric generating units (EGUs) are subject to nationwide and regional emissions cap-and-trade programs. Title IV of the Clean Air Act sets an annual emissions cap on $SO_2$ for affected EGUs in the 48 contiguous States and the District of Columbia (DC). $SO_2$ emissions from 28 eastern states and DC were also limited under the Clean Air Interstate Rule (CAIR; 70 FR 25162 (May 12, 2005)), which created an allowance-based trading program that operates along with the Title IV program. CAIR was remanded to the EPA by the U.S. Court of Appeals for the District of Columbia Circuit but it remained in effect. In 2011 EPA issued a replacement for CAIR, the Cross-State Air Pollution Rule (CSAPR). 76 FR 48208 (August 8, 2011). On August 21, 2012, the D.C. Circuit issued a decision to vacate CSAPR.[51] The court ordered EPA to continue administering CAIR. The emissions factors used for this NOPR, which are based on *AEO 2013,* assume that CAIR remains a binding regulation through 2040.[52]

The attainment of emissions caps is typically flexible among EGUs and is enforced through the use of emissions allowances and tradable permits. Under existing EPA regulations, any excess $SO_2$ emissions allowances resulting from the lower electricity demand caused by the adoption of an efficiency standard could be used to permit offsetting increases in $SO_2$ emissions by any regulated EGU. In past rulemakings, DOE recognized that there was uncertainty about the effects of efficiency standards on $SO_2$ emissions covered by the existing cap-and-trade system, but it concluded that negligible reductions in power sector $SO_2$ emissions would occur as a result of standards.

Beginning in 2016, however, $SO_2$ emissions will fall as a result of the Mercury and Air Toxics Standards (MATS) for power plants, which were announced by EPA on December 21, 2011. 77 FR 9304 (February 16, 2012). In the final MATS rule, EPA established a standard for hydrogen chloride as a surrogate for acid gas hazardous air pollutants (HAP), and also established a standard for $SO_2$ (a non-HAP acid gas) as an alternative equivalent surrogate standard for acid gas HAP. The same controls are used to reduce HAP and non-HAP acid gas; thus, $SO_2$ emissions will be reduced as a result of the control technologies installed on coal-fired power plants to comply with the MATS requirements for acid gas. *AEO 2013* assumes that, in order to continue operating, coal plants must have either flue gas desulfurization or dry sorbent injection systems installed by 2016. Both technologies, which are used to reduce acid gas emissions, also reduce $SO_2$ emissions. Under the MATS, emissions will be far below the cap established by CAIR, so it is unlikely that excess $SO_2$ emissions allowances resulting from the lower electricity demand would be needed or used to permit offsetting increases in $SO_2$ emissions by any regulated EGU. Therefore, DOE believes that efficiency standards will reduce $SO_2$ emissions in 2016 and beyond.

CAIR established a cap on $NO_X$ emissions in 28 eastern States and the District of Columbia. Energy conservation standards are expected to have little effect on $NO_X$ emissions in those States covered by CAIR because excess $NO_X$ emissions allowances resulting from the lower electricity demand could be used to permit offsetting increases in $NO_X$ emissions. However, standards would be expected to reduce $NO_X$ emissions in the States not affected by the caps, so DOE estimated $NO_X$ emissions reductions from the standards considered in this NOPR for these States.

The MATS limit mercury emissions from power plants, but they do not include emissions caps and, as such, DOE's energy conservation standards would likely reduce Hg emissions. DOE estimated mercury emissions reduction using emissions factors based on *AEO 2013,* which incorporates the MATS.

### *L. Monetizing Carbon Dioxide and Other Emissions Impacts*

As part of the development of this proposed rule, DOE considered the estimated monetary benefits from the reduced emissions of $CO_2$ and $NO_X$ that are expected to result from each of the TSLs considered. In order to make this calculation similar to the calculation of the NPV of customer benefit, DOE considered the reduced emissions expected to result over the lifetime of equipment shipped in the forecast period for each TSL. This section summarizes the basis for the monetary values used for each of these emissions and presents the values considered in this rulemaking.

For this NOPR, DOE is relying on a set of values for the social cost of carbon (SCC) that was developed by an interagency process. A summary of the basis for these values is provided below, and a more detailed description of the methodologies used is provided as an appendix to chapter 14 of the NOPR TSD.

#### 1. Social Cost of Carbon

The SCC is an estimate of the monetized damages associated with an incremental increase in carbon emissions in a given year. It is intended to include (but is not limited to) changes in net agricultural productivity, human health, property damages from increased flood risk, and the value of ecosystem services. Estimates of the SCC are provided in dollars per metric ton of carbon dioxide. A domestic SCC value is meant to reflect the value of damages in the United States resulting from a unit change in carbon dioxide emissions, while a global SCC value is meant to reflect the value of damages worldwide.

Under section 1(b)(6) of Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (October 4, 1993), agencies must, to the extent permitted by law, assess both the costs and the benefits of the intended regulation and, recognizing that some costs and benefits are difficult to quantify, propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. The purpose of the SCC estimates presented here is to allow agencies to incorporate the monetized social benefits of

[50] IPCC, 2013: *Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* [Stocker, T.F., D. Qin, G.-K. Plattner, M. Tignor, S.K. Allen, J. Boschung, A. Nauels, Y. Xia, V. Bex and P.M. Midgley (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. Chapter 8.

[51] See *EME Homer City Generation, LP* v. *EPA,* 696 F.3d 7, 38 (D.C. Cir. 2012).

[52] On April 29, 2014, the U.S. Supreme Court reversed the judgment of the D.C. Circuit and remanded the case for further proceedings consistent with the Supreme Court's opinion. The Supreme Court held in part that EPA's methodology for quantifying emissions that must be eliminated in certain states due to their impacts in other downwind states was based on a permissible, workable, and equitable interpretation of the Clean Air Act provision that provides statutory authority for CSAPR. See *EPA* v. *EME Homer City Generation,* No 12–1182, slip op. at 32 (U.S. April 29, 2014). Because DOE is using emissions factors based on AEO 2013 for this NOPR, the analysis assumes that CAIR, not CSAPR, is the regulation in force. The difference between CAIR and CSAPR is not relevant for the purpose of DOE's analysis of $SO_2$ emissions.

reducing $CO_2$ emissions into cost-benefit analyses of regulatory actions. The estimates are presented with an acknowledgement of the many uncertainties involved and with a clear understanding that they should be updated over time to reflect increasing knowledge of the science and economics of climate impacts.

As part of the interagency process that developed the SCC estimates, technical experts from numerous agencies met on a regular basis to consider public comments, explore the technical literature in relevant fields, and discuss key model inputs and assumptions. The main objective of this process was to develop a range of SCC values using a defensible set of input assumptions grounded in the existing scientific and economic literatures. In this way, key uncertainties and model differences transparently and consistently inform the range of SCC estimates used in the rulemaking process.

a. Monetizing Carbon Dioxide Emissions

When attempting to assess the incremental economic impacts of carbon dioxide emissions, the analyst faces a number of challenges. A report from the National Research Council [53] points out that any assessment will suffer from uncertainty, speculation, and lack of information about (1) future emissions of GHGs, (2) the effects of past and future emissions on the climate system, (3) the impact of changes in climate on the physical and biological environment, and (4) the translation of these environmental impacts into economic damages. As a result, any effort to quantify and monetize the harms associated with climate change will raise questions of science, economics, and ethics and should be viewed as provisional.

Despite the limits of both quantification and monetization, SCC estimates can be useful in estimating the social benefits of reducing $CO_2$ emissions. The agency can estimate the benefits from reduced (or costs from increased) emissions in any future year by multiplying the change in emissions in that year by the SCC values appropriate for that year. The net present value of the benefits can then be calculated by multiplying each of these future benefits by an appropriate discount factor and summing across all affected years.

It is important to emphasize that the interagency process is committed to updating these estimates as the science and economic understanding of climate change and its impacts on society improves over time. In the meantime, the interagency group will continue to explore the issues raised by this analysis and consider public comments as part of the ongoing interagency process.

b. Development of Social Cost of Carbon Values

In 2009, an interagency process was initiated to offer a preliminary assessment of how best to quantify the benefits from reducing carbon dioxide emissions. To ensure consistency in how benefits are evaluated across Federal agencies, the Administration sought to develop a transparent and defensible method, specifically designed for the rulemaking process, to quantify avoided climate change damages from reduced $CO_2$ emissions. The interagency group did not undertake any original analysis. Instead, it combined SCC estimates from the existing literature to use as interim values until a more comprehensive analysis could be conducted. The outcome of the preliminary assessment by the interagency group was a set of five interim values: Global SCC estimates for 2007 (in 2006$) of $55, $33, $19, $10, and $5 per metric ton of $CO_2$. These interim values represented the first sustained interagency effort within the U.S. government to develop an SCC for use in regulatory analysis. The results of this preliminary effort were presented in several proposed and final rules.

c. Current Approach and Key Assumptions

After the release of the interim values, the interagency group reconvened on a regular basis to generate improved SCC estimates. Specifically, the group considered public comments and further explored the technical literature in relevant fields. The interagency group relied on three integrated assessment models commonly used to estimate the SCC: The Climate Framework for Uncertainty, Negotiation and Distribution (FUND), Dynamic Integrated Climate Economy (DICE), and Policy Analysis of the Greenhouse Effect (PAGE) models. These models are frequently cited in the peer-reviewed literature and were used in the last assessment of the Intergovernmental Panel on Climate Change (IPCC). Each model was given equal weight in the SCC values that were developed.

Each model takes a slightly different approach to model how changes in emissions result in changes in economic damages. A key objective of the interagency process was to enable a consistent exploration of the three models, while respecting the different approaches to quantifying damages taken by the key modelers in the field. An extensive review of the literature was conducted to select three sets of input parameters for these models: Climate sensitivity, socio-economic and emissions trajectories, and discount rates. A probability distribution for climate sensitivity was specified as an input into all three models. In addition, the interagency group used a range of scenarios for the socio-economic parameters and a range of values for the discount rate. All other model features were left unchanged, relying on the model developers' best estimates and judgments.

The interagency group selected four sets of SCC values for use in regulatory analyses. Three sets of values are based on the average SCC from the three IAMs, at discount rates of 2.5, 3, and 5 percent. The fourth set, which represents the 95th percentile SCC estimate across all three models at a 3-percent discount rate, was included to represent higher than expected impacts from temperature change further out in the tails of the SCC distribution. The values grow in real terms over time. Additionally, the interagency group determined that a range of values from 7 percent to 23 percent should be used to adjust the global SCC to calculate domestic effects,[54] although preference is given to consideration of the global benefits of reducing $CO_2$ emissions. Table IV.16 presents the values in the 2010 interagency group report,[55] which is reproduced in appendix 14A of the NOPR TSD.

[53] National Research Council. *Hidden Costs of Energy: Unpriced Consequences of Energy Production and Use.* 2009. National Academies Press: Washington, DC.

[54] It is recognized that this calculation for domestic values is approximate, provisional, and highly speculative. There is no *a priori* reason why domestic benefits should be a constant fraction of net global damages over time.

[55] ''Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866,'' Interagency Working Group on Social Cost of Carbon, United States Government, February 2010. Available online at *www.whitehouse.gov/sites/default/files/omb/inforeg/for-agencies/Social-Cost-of-Carbon-for-RIA.pdf.*

TABLE IV.16—ANNUAL SCC VALUES FROM 2010 INTERAGENCY REPORT, 2010–2050

[In 2007 dollars per metric ton $CO_2$]

| Year | Discount rate | | | |
|---|---|---|---|---|
| | 5% | 3% | 2.5% | 3% |
| | Average | Average | Average | 95th percentile |
| 2010 | 4.7 | 21.4 | 35.1 | 64.9 |
| 2015 | 5.7 | 23.8 | 38.4 | 72.8 |
| 2020 | 6.8 | 26.3 | 41.7 | 80.7 |
| 2025 | 8.2 | 29.6 | 45.9 | 90.4 |
| 2030 | 9.7 | 32.8 | 50.0 | 100.0 |
| 2035 | 11.2 | 36.0 | 54.2 | 109.7 |
| 2040 | 12.7 | 39.2 | 58.4 | 119.3 |
| 2045 | 14.2 | 42.1 | 61.7 | 127.8 |
| 2050 | 15.7 | 44.9 | 65.0 | 136.2 |

The SCC values used for this document were generated using the most recent versions of the three integrated assessment models that have been published in the peer-reviewed literature. Table IV.17 shows the updated sets of SCC estimates from the 2013 interagency update [56] in five-year increments from 2010 to 2050. The full set of annual SCC estimates between 2010 and 2050 is reported in appendix 14B of the NOPR TSD. The central value that emerges is the average SCC across models at 3-percent discount rate. However, for purposes of capturing the uncertainties involved in regulatory impact analysis, the interagency group emphasizes the importance of including all four sets of SCC values.

TABLE IV.17—ANNUAL SCC VALUES FROM 2013 INTERAGENCY UPDATE, 2010–2050

[In 2007 dollars per metric ton $CO_2$]

| Year | Discount rate | | | |
|---|---|---|---|---|
| | 5% | 3% | 2.5% | 3% |
| | Average | Average | Average | 95th percentile |
| 2010 | 11 | 32 | 51 | 89 |
| 2015 | 11 | 37 | 57 | 109 |
| 2020 | 12 | 43 | 64 | 128 |
| 2025 | 14 | 47 | 69 | 143 |
| 2030 | 16 | 52 | 75 | 159 |
| 2035 | 19 | 56 | 80 | 175 |
| 2040 | 21 | 61 | 86 | 191 |
| 2045 | 24 | 66 | 92 | 206 |
| 2050 | 26 | 71 | 97 | 220 |

It is important to recognize that a number of key uncertainties remain, and that current SCC estimates should be treated as provisional and revisable since they will evolve with improved scientific and economic understanding. The interagency group also recognizes that the existing models are imperfect and incomplete. The National Research Council report mentioned above points out that there is tension between the goal of producing quantified estimates of the economic damages from an incremental ton of carbon and the limits of existing efforts to model these effects. There are a number of analytic challenges that are being addressed by the research community, including research programs housed in many of the Federal agencies participating in the interagency process to estimate the SCC. The interagency group intends to periodically review and reconsider those estimates to reflect increasing knowledge of the science and economics of climate impacts, as well as improvements in modeling.

In summary, in considering the potential global benefits resulting from reduced $CO_2$ emissions resulting from this proposed rule, DOE used the values from the 2013 interagency report, adjusted to 2013$ using the Gross Domestic Product price deflator. For each of the four SCC cases specified, the values used for emissions in 2015 were $12.0, $40.4, $62.2, and $119 per metric ton avoided (values expressed in 2013$). DOE derived values after 2050 using the relevant growth rates for the 2040–2050 period in the interagency update.

DOE multiplied the $CO_2$ emissions reduction estimated for each year by the SCC value for that year in each of the four cases. To calculate a present value of the stream of monetary values, DOE discounted the values in each of the four cases using the specific discount rate that had been used to obtain the SCC values in each case.

2. Valuation of Other Emissions Reductions

As noted above, DOE has taken into account how amended energy conservation standards would reduce site $NO_X$ emissions nationwide and increase power sector $NO_X$ emissions in

[56] *Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866.* Interagency Working Group on Social Cost of Carbon, United States Government, May 2013; revised November 2013. Available online at *www.whitehouse.gov/sites/default/files/omb/assets/inforeg/technical-update-social-cost-of-carbon-for-regulator-impact-analysis.pdf.*

those 22 States not affected by the CAIR. DOE estimated the monetized value of net $NO_X$ emissions reductions resulting from each of the TSLs considered for the NOPR based on estimates found in the relevant scientific literature. Estimates of monetary value for reducing $NO_X$ from stationary sources range from $476 to $4,889 per ton in 2013$.[57] DOE calculated monetary benefits using a medium value for $NO_X$ emissions of $2,683 per short ton (in 2013$), and real discount rates of 3 percent and 7 percent.

DOE is evaluating appropriate monetization of avoided $SO_2$ and Hg emissions in energy conservation standards rulemakings. It has not included monetization in the current analysis.

*M. Utility Impact Analysis*

The utility impact analysis estimates several effects on the power generation industry that would result from the adoption of new or amended energy conservation standards. In the utility impact analysis, DOE analyzes the changes in installed electricity capacity and generation that would result for each trial standard level. The utility impact analysis uses a variant of NEMS,[58] which is a public domain, multi-sectored, partial equilibrium model of the U.S. energy sector. DOE uses a variant of this model, referred to as NEMS–BT,[59] to account for selected utility impacts of new or amended energy conservation standards. DOE's analysis consists of a comparison between model results for the most recent *AEO* Reference Case and for cases in which energy use is decremented to reflect the impact of potential standards. The energy savings inputs associated with each TSL come from the NIA. Chapter 15 of the NOPR TSD describes the utility impact analysis in further detail.

*N. Employment Impact Analysis*

Employment impacts from new or amended energy conservation standards include direct and indirect impacts. Direct employment impacts are any changes in the number of employees of manufacturers of the equipment subject to standards; the MIA addresses those impacts. Indirect employment impacts are changes in national employment that occur due to the shift in expenditures and capital investment caused by the purchase and operation of more-efficient equipment. Indirect employment impacts from standards consist of the jobs created or eliminated in the national economy, other than in the manufacturing sector being regulated, due to: (1) Reduced spending by end users on energy; (2) reduced spending on new energy supply by the utility industry; (3) increased customer spending on the purchase of new equipment; and (4) the effects of those three factors throughout the economy.

One method for assessing the possible effects on the demand for labor of such shifts in economic activity is to compare sector employment statistics developed by the Labor Department's Bureau of Labor Statistics (BLS). BLS regularly publishes its estimates of the number of jobs per million dollars of economic activity in different sectors of the economy, as well as the jobs created elsewhere in the economy by this same economic activity. Data from BLS indicate that expenditures in the utility sector generally create fewer jobs (both directly and indirectly) than expenditures in other sectors of the economy.[60] There are many reasons for these differences, including wage differences and the fact that the utility sector is more capital-intensive and less labor-intensive than other sectors. Energy conservation standards have the effect of reducing customer utility bills. Because reduced customer expenditures for energy likely lead to increased expenditures in other sectors of the economy, the general effect of efficiency standards is to shift economic activity from a less labor-intensive sector (*i.e.,* the utility sector) to more labor-intensive sectors (*e.g.,* the retail and service sectors). Thus, based on the BLS data alone, DOE believes net national employment may increase because of shifts in economic activity resulting from amended standards for PTACs and PTHPs.

For the standard levels considered in this NOPR, DOE estimated indirect national employment impacts using an input/output model of the U.S. economy called Impact of Sector Energy Technologies, Version 3.1.1 (ImSET).[61] ImSET is a special-purpose version of the ''U.S. Benchmark National Input-Output'' (I–O) model, which was designed to estimate the national employment and income effects of energy-saving technologies. The ImSET software includes a computer-based I–O model having structural coefficients that characterize economic flows among the 187 sectors. ImSET's national economic I–O structure is based on a 2002 U.S. benchmark table, specially aggregated to the 187 sectors most relevant to industrial, commercial, and residential building energy use. DOE notes that ImSET is not a general equilibrium forecasting model, and understands the uncertainties involved in projecting employment impacts, especially changes in the later years of the analysis. Because ImSET does not incorporate price changes, the employment effects predicted by ImSET may over-estimate actual job impacts over the long run. For the NOPR, DOE used ImSET only to estimate short-term (through 2023) employment impacts.

For more details on the employment impact analysis, see chapter 16 of the NOPR TSD.

## V. Analytical Results

*A. Trial Standard Levels*

At the NOPR stage, DOE develops trial standard levels (TSLs) for consideration. TSLs are formed by grouping different efficiency levels, which are potential standard levels for each equipment class. DOE analyzed the benefits and burdens of the TSLs developed.

In this proposed rule, DOE considers six efficiency levels for PTACs and five efficiency levels for PTHPs. DOE groups the efficiency levels into trial standard levels to determine the impact the selected trial standard level has on individual equipment classes. DOE may choose to promulgate equal or unequal efficiency levels, and, in the proposed rule, DOE bases its decision to group efficiency levels based on which is most economically justifiable. In the case of unequal efficiency levels, PTHP efficiency levels set higher than those of PTACs leads not only to additional national energy cost savings but also equipment switching from PTHPs to a less expensive PTAC with electric resistance strip heating, which consumes 190 to 280 percent more

[57] ''2006 Report to Congress on the Costs and Benefits of Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities,'' U.S. Office of Management and Budget, Office of Information and Regulatory Affairs. 2006.

[58] For more information on NEMS, refer to the U.S. Department of Energy, Energy Information Administration documentation. A useful summary is *National Energy Modeling System: An Overview 2003,* DOE/EIA–0581(2003) (March 2003).

[59] DOE/EIA approves use of the name NEMS to describe only an official version of the model without any modification to code or data. Because this analysis entails some minor code modifications and the model is run under various policy scenarios that are variations on DOE/EIA assumptions, DOE refers to it by the name ''NEMS–BT'' (''BT'' is DOE's Building Technologies Program, under whose aegis this work has been performed).

[60] See Bureau of Economic Analysis, ''Regional Multipliers: A Handbook for the Regional Input-Output Modeling System (RIMS II),'' U.S. Department of Commerce (1992).

[61] Scott, M.J., O.V. Livingston, P.J. Balducci, J.M. Roop, and R.W. Schultz. *ImSET 3.1: Impact of Sector Energy Technologies.* 2009. Pacific Northwest National Laboratory, Richland, WA. Report No. PNNL–18412. *www.pnl.gov/main/publications/external/technical_reports/PNNL-18412.pdf*

energy than PTHPs for the same amount of heating. The national energy cost savings from unequal efficiency levels are negated by the energy costs from more electric resistance strip heating if 2.8 percent or more of total customers switch. Given that PTHPs cost approximately 10 percent more in terms of total installed price compared to PTACs, DOE expects negative energy cost savings from unequal efficiency levels. DOE does not find the grouping of unequal efficiency levels economically justifiable and therefore groups PTAC and PTHP efficiency levels such that they are equalized for the five TSLs it examined.

Table V.1 presents the baseline efficiency level and the efficiency level of each TSL analyzed for standard size PTACs and PTHPs subject to this proposed rule. The baseline efficiency levels correspond to the efficiency levels specified by the energy efficiency equations in ANSI/ASHRAE/IES Standard 90.1–2013 for PTACs and PTHPs. 10 CFR 431.97(c). The TSL 1, 2, 3, 4 efficiency levels represent matched pairs of efficiency levels at 4%, 8%, 12%, and 16% above the current Federal energy conservation standards for PTACs. TSL 5 is the maximum technologically feasible (''max tech'') level for each class of equipment as discussed in section IV.C.5.

TABLE V.1—STANDARD SIZE PTACS AND PTHPS BASELINE EFFICIENCY LEVELS AND TSLS

| | | Baseline (ANSI/ASHRAE/IES Standard 90.1–2013) * | TSL 1 | TSL 2 | TSL 3 | TSL 4 | TSL 5 Max-Tech |
|---|---|---|---|---|---|---|---|
| PTAC efficiency level | | EL1 | EL2 | EL3 | EL4 | EL5 | EL6 |
| PTHP efficiency level | | Current Federal ECS | EL1 | EL2 | EL3 | EL4 | EL5 |
| Equipment class (cooling capacity) | Efficiency metric | | | | | | |
| Standard Size PTAC 9,000 Btu/h .... | EER ..... | 11.3 | 11.5 | 12.0 | 12.4 | 12.9 | 13.1 |
| Standard Size PTAC 15,000 Btu/h .. | EER ..... | 9.5 | 9.7 | 10.0 | 10.4 | 10.8 | 11.0 |
| Standard Size PTHP 9,000 Btu/h .... | EER ..... | 11.3 | 11.5 | 12.0 | 12.4 | 12.9 | 13.1 |
| | COP ..... | 3.2 | 3.3 | 3.4 | 3.5 | 3.6 | 3.6 |
| Standard Size PTHP 15,000 Btu/h .. | EER ..... | 9.5 | 9.7 | 10.0 | 10.4 | 10.8 | 11.0 |
| | COP ..... | 2.9 | 2.9 | 3.0 | 3.1 | 3.2 | 3.2 |

* This level represents the ANSI/ASHRAE/IES Standard 90.1–2013 minimum for PTAC and PTHP equipment. This level is used as the Baseline since DOE is required to, at a minimum, adopt the ASHRAE levels as the Federal standard. (42 U.S.C. (a)(6)(A)(ii)(I)). DOE notes that the Baseline level is 1.8% higher than current Federal ECS for PTAC equipment, but is equivalent to current Federal ECS for PTHP equipment. For PTAC equipment, the Baseline level is also termed EL1.

As stated in the engineering analysis (see chapter 5 of the NOPR TSD), current Federal energy conservation standards and the efficiency levels specified by ANSI/ASHRAE/IES Standard 90.1–2013 for PTACs and PTHPs are a function of the equipment's cooling capacity. Both the Federal energy conservation standards and the efficiency standards in ANSI/ASHRAE/IES Standard 90.1–2013 are based on equations to calculate the efficiency levels for PTACs and PTHPs with a cooling capacity greater than or equal to 7,000 Btu/h and less than or equal to 15,000 Btu/h for each equipment class. To derive the standards (i.e., efficiency level as a function of cooling capacity), DOE plotted the representative cooling capacities and the corresponding efficiency levels for each TSL. DOE then calculated the equation of the line passing through the EER values for 9,000 Btu/h and 15,000 Btu/h for standard size PTACs and PTHPs. More details describing how DOE determined the energy efficiency equations for each TSL are found in chapter 9 of the TSD. Table V.2 and Table V.3 identify the energy efficiency equations for each TSL for standard size PTACs and PTHPs.

TABLE V.2—ENERGY-EFFICIENCY EQUATIONS (EER AS A FUNCTION OF COOLING CAPACITY) BY TSL FOR STANDARD SIZE PTACS

| Standard size ** PTACs | Energy efficiency equation * |
|---|---|
| Baseline *** (ANSI/ASHRAE/IES Standard 90.1–2013) ..... | EER = 14.0 − (0.300 × Cap †/1000) |
| TSL 1 ..... | EER = 14.4 − (0.312 × Cap †/1000) |
| TSL 2 ..... | EER = 14.9 − (0.324 × Cap †/1000) |
| TSL 3 ..... | EER = 15.5 − (0.336 × Cap †/1000) |
| TSL 4 ..... | EER = 16.0 − (0.348 × Cap †/1000) |
| TSL 5—MaxTech ..... | EER = 16.3 − (0.354 × Cap †/1000) |

* For equipment rated according to the DOE test procedure, all EER values must be rated at 95 °F outdoor dry-bulb temperature for air-cooled products and evaporatively-cooled products and at 85 °F entering water temperature for water cooled products.

** Standard size refers to PTAC or PTHP equipment with wall sleeve dimensions greater than or equal to 16 inches high, or greater than or equal to 42 inches wide.

*** This level represents the ANSI/ASHRAE/IES Standard 90.1–2013 minimum for PTAC and PTHP equipment. This level is used as the Baseline since DOE is required to, at a minimum, adopt the ASHRAE levels as the Federal standard. (42 U.S.C. (a)(6)(A)(ii)(I)).

† Cap means cooling capacity in Btu/h at 95 °F outdoor dry-bulb temperature.

TABLE V.3—ENERGY-EFFICIENCY EQUATIONS (EER AS A FUNCTION OF COOLING CAPACITY) BY TSL FOR STANDARD SIZE PTHPS

| Standard size ** PTHPs | Energy efficiency equation * |
|---|---|
| Baseline *** (ANSI/ASHRAE/IES Standard 90.1–2013) | EER = 14.0 − (0.300 × Cap †/1000)<br>COP = 3.7 − (0.052 × Cap †/1000) |
| TSL 1 | EER = 14.4 − (0.312 × Cap †/1000)<br>COP = 3.8 − (0.058 × Cap †/1000) |
| TSL 2 | EER = 14.9 − (0.324 × Cap †/1000)<br>COP = 4.0 − (0.064 × Cap †/1000) |
| TSL 3 | EER = 15.5 − (0.336 × Cap †/1000)<br>COP = 4.1 − (0.068 × Cap †/1000) |
| TSL 4 | EER = 16.0 − (0.348 × Cap †/1000)<br>COP = 4.2 − (0.070 × Cap †/1000) |
| TSL 5—MaxTech | EER = 16.3 − (0.354 × Cap †/1000)<br>COP = 4.3 − (0.073 × Cap †/1000) |

* For equipment rated according to the DOE test procedure, all EER values must be rated at 95 °F outdoor dry-bulb temperature for air-cooled products and evaporatively-cooled products and at 85 °F entering water temperature for water cooled products. All COP values must be rated at 47 °F outdoor dry-bulb temperature for air-cooled products, and at 70 °F entering water temperature for water-source heat pumps.

** Standard size refers to PTAC or PTHP equipment with wall sleeve dimensions greater than or equal to 16 inches high, or greater than or equal to 42 inches wide.

*** This level represents the ANSI/ASHRAE/IES Standard 90.1–2013 minimum for PTAC and PTHP equipment. This level is used as the Baseline since DOE is required to, at a minimum, adopt the ASHRAE levels as the Federal standard. (42 U.S.C. (a)(6)(A)(ii)(I)).

† Cap means cooling capacity in Btu/h at 95 °F outdoor dry-bulb temperature.

For PTACs and PTHPs with cooling capacity less than 7,000 Btu/h, DOE determined the EERs using a cooling capacity of 7,000 Btu/h in the efficiency-capacity equations. For PTACs and PTHPs with a cooling capacity greater than 15,000 Btu/h cooling capacity, DOE determined the EERs using a cooling capacity of 15,000 Btu/h in the efficiency-capacity equations. This is the same method established in the Energy Policy Act of 1992 and provided in ANSI/ASHRAE/IES Standard 90.1–2013 for calculating the EER and COP of equipment with cooling capacities smaller than 7,000 Btu/h and larger than 15,000 Btu/h. (42 U.S.C. 6313(a)(3)(A))

*B. Economic Justification and Energy Savings*

As discussed in section II.A, EPCA provides seven factors to be evaluated in determining whether a more stringent standard for PTACs and PTHPs is economically justified. (42 U.S.C. 6313(a)(6)(B)(ii)) The following sections generally discuss how DOE has addressed each of those factors in this rulemaking.

1. Economic Impacts on Commercial Customers

DOE analyzed the economic impacts on PTAC and PTHP equipment customers by looking at the effects amended standards would have on the LCC and PBP. DOE also examined the impacts of potential standards on customer subgroups. These analyses are discussed below.

a. Life-Cycle Cost and Payback Period

To evaluate the net economic impact of potential amended energy conservation standards on customers of PTAC and PTHP equipment, DOE conducted LCC and PBP analyses for each TSL. In general, higher-efficiency equipment would affect consumers in two ways: (1) Purchase price would increase, and (2) annual operating costs would decrease. Inputs used for calculating the LCC and PBP include total installed costs (*i.e.,* product price plus installation costs), and operating costs (*i.e.,* annual energy savings, energy prices, energy price trends, repair costs, and maintenance costs). The LCC calculation also uses product lifetime and a discount rate. Chapter 8 of the NOPR TSD provides detailed information on the LCC and PBP analyses.

Table V.4 through Table V.7 show the LCC and PBP results for all efficiency levels considered for PTAC and PTHP equipment less than 12,000 Btu/h cooling capacity and greater than and equal to 12,000 Btu/h cooling capacity. In the first of each pair of tables, the simple payback is measured relative to the baseline product. In the second tables, the LCC savings are measured relative to the base-case efficiency distribution in the compliance year (see section IV.F.8 of this document).

TABLE V.4—AVERAGE LCC AND PBP RESULTS FOR STANDARD SIZE EQUIPMENT <12,000 Btu/h COOLING CAPACITY

[9,000 Btu/h cooling capacity]

| TSL | Efficiency level | Average costs (2013$) | | | | Simple payback (years) | Average lifetime (years) |
|---|---|---|---|---|---|---|---|
| | | Installed cost | First year's operating cost | Lifetime operating cost | LCC | | |
| 1 | 1 | $1,491 | $194 | $1,411 | $2,902 | 6.6 | 10 |
| 2 | 2 | 1,508 | 192 | 1,395 | 2,903 | 7.3 | ..... |
| 3 | 3 | 1,527 | 189 | 1,379 | 2,906 | 7.8 | ..... |
| 4 | 4 | 1,547 | 187 | 1,363 | 2,910 | 8.2 | ..... |
| 5 | 5 | 1,557 | 186 | 1,356 | 2,913 | 8.3 | ..... |

**Note:** The results for each TSL are calculated assuming that all consumers use products with that efficiency level. The PBP is measured relative to the baseline product.

TABLE V.5—LCC SAVINGS RELATIVE TO THE BASE CASE EFFICIENCY DISTRIBUTION FOR STANDARD SIZE EQUIPMENT <12,000 Btu/h COOLING CAPACITY

[9,000 Btu/h cooling capacity]

| TSL | Efficiency level | Life-cycle cost savings | |
|---|---|---|---|
| | | % of Consumers that experience net cost | Average savings (2013$) * |
| 1 | 1 | 20 | $1.23 |
| 2 | 2 | 37 | 0.40 |
| 3 | 3 | 62 | (2.31) |
| 4 | 4 | 70 | (6.66) |
| 5 | 5 | 73 | (9.45) |

* Parentheses indicate negative values.
** The calculation includes households with zero LCC savings (no impact).

TABLE V.6—AVERAGE LCC AND PBP RESULTS FOR STANDARD SIZE EQUIPMENT ≥12,000 Btu/h COOLING CAPACITY

[9,000 Btu/h cooling capacity]

| TSL | Efficiency level | Average costs (2013$) | | | | Simple payback (years) | Average lifetime (years) |
|---|---|---|---|---|---|---|---|
| | | Installed cost | First year's operating cost | Lifetime operating cost | LCC | | |
| 1 | 1 | $1,744 | $252 | $1,832 | $3,575 | 7.8 | 10 |
| 2 | 2 | 1,767 | 249 | 1,812 | 3,579 | 8.6 | ..... |
| 3 | 3 | 1,797 | 246 | 1,793 | 3,590 | 9.8 | ..... |
| 4 | 4 | 1,833 | 244 | 1,776 | 3,609 | 11.1 | ..... |
| 5 | 5 | 1,854 | 243 | 1,767 | 3,621 | 11.7 | ..... |

**Note:** The results for each TSL are calculated assuming that all consumers use products with that efficiency level. The PBP is measured relative to the baseline product.

TABLE V.7—SAVINGS RELATIVE TO THE BASE CASE EFFICIENCY DISTRIBUTION FOR STANDARD SIZE EQUIPMENT ≥12,000 Btu/h COOLING CAPACITY

[15,000 Btu/h Cooling Capacity]

| TSL | Efficiency level | Life-cycle cost savings | |
|---|---|---|---|
| | | % of Consumers that experience net cost | Average savings (2013$) * |
| 1 | 1 | 23 | $0.01 |
| 2 | 2 | 42 | (2.11) |
| 3 | 3 | 77 | (12.64) |
| 4 | 4 | 87 | (31.18) |
| 5 | 5 | 91 | (43.49) |

* Parentheses indicate negative values.
** The calculation includes households with zero LCC savings (no impact).

For PTACs and PTHPs with a cooling capacity less than 7,000 Btu/h, DOE established the proposed energy conservation standards using a cooling capacity of 7,000 Btu/h in the proposed efficiency-capacity equation. DOE believes the LCC and PBP impacts for equipment in this category will be similar to the impacts of the 9,000 Btu/h units because the MSP and usage characteristics are in a similar range. Similarly, for PTACs and PTHPs with a cooling capacity greater than 15,000 Btu/h, DOE established the proposed energy conservation standards using a cooling capacity of 15,000 Btu/h in the proposed efficiency-capacity equation. DOE believes the impacts for equipment in this category will be similar to units with a cooling capacity of 15,000 Btu/h. More details explaining how DOE developed the proposed energy efficiency equations based on the analysis results for the representative cooling capacities are provided in section V.A of this document.

b. Customer Sub-Group Analysis

Using the LCC spreadsheet model, DOE determined the impact of the TSLs on the small businesses customer subgroup. Table V.8 shows the mean LCC savings from proposed energy conservation standards, and Table V.9 shows the median payback period (in years) for this subgroup. More detailed discussion on the LCC subgroup analysis and results can be found in chapter 12 of the TSD.

TABLE V.8—MEAN LIFE-CYCLE COST SAVINGS FOR PTAC AND PTHP EQUIPMENT PURCHASED BY LCC SUB-GROUPS

[2013$]

| Equipment class (cooling capacity) | TSL1 | TSL2 | TSL3 | TSL4 | TSL5 |
|---|---|---|---|---|---|
| Standard Size Equipment (9,000 Btu/h) | $0.81 | ($0.85) | ($4.73) | ($10.32) | ($13.73) |
| Standard Size Equipment (15,000 Btu/h) | (0.27) | (3.34) | (15.24) | (35.16) | (48.14) |

* Parentheses indicate negative values.

**Note:** The LCC savings for each TSL are calculated relative to the base case efficiency distribution. The calculation includes households with zero LCC savings (no impact).

TABLE V.9—MEDIAN PAYBACK PERIOD FOR PTAC AND PTHP EQUIPMENT PURCHASED BY LCC SUB-GROUPS

[Years]

| Equipment class (cooling capacity) | TSL1 | TSL2 | TSL3 | TSL4 | TSL5 |
|---|---|---|---|---|---|
| Standard Size Equipment (9,000 Btu/h) | 7.1 | 8.0 | 8.9 | 9.5 | 9.7 |
| Standard Size Equipment (15,000 Btu/h) | 8.4 | 9.9 | 12.4 | 14.7 | 15.9 |

**Note:** The median payback period is calculated only for affected establishments. Establishments with no impact have an undefined payback period, and are therefore not included in calculating the median PBP.

For PTACs and PTHPs with a cooling capacity less than 7,000 Btu/h, DOE believes that the LCC and PBP impacts for equipment in this category will be similar to the impacts of the 9,000 Btu/h units because the MSP and usage characteristics are in a similar range. Similarly, for PTACs and PTHPs with a cooling capacity greater than 15,000 Btu/h, DOE believes the impacts will be similar to units with a cooling capacity of 15,000 Btu/h. See chapter 5 of the TSD for how DOE selected the representative capacities that were analyzed.

c. Rebuttable Presumption Payback

As discussed in section IV.F.10, EPCA establishes a rebuttable presumption that an energy conservation standard is economically justified if the increased purchase cost for equipment that meets the standard is less than three times the value of the first-year energy savings resulting from the standard. DOE calculated a rebuttable-presumption PBP for each TSL to determine whether DOE could presume that a standard at that level is economically justified.

DOE based the calculations on average usage profiles. As a result, DOE calculated a single rebuttable-presumption payback value, and not a distribution of PBPs, for each TSL. Table V.10 shows the rebuttable-presumption PBPs for the considered TSLs. The rebuttable presumption is fulfilled in those cases where the PBP is three years or less. However, DOE routinely conducts an economic analysis that considers the full range of impacts to the customer, manufacturer, Nation, and environment, as required by EPCA. The results of that analysis serve as the basis for DOE to evaluate definitively the economic justification for a potential standard level (thereby supporting or rebutting the results of any three-year PBP analysis). Section V.C addresses how DOE considered the range of impacts to select this proposed standards.

TABLE V.10—REBUTTABLE-PRESUMPTION PAYBACK PERIOD (YEARS) FOR PTAC OR PTHP EQUIPMENT

| | Trial standard level | | | | |
|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 |
| Standard Size Equipment (9,000 Btu/h) | 6.6 | 7.3 | 7.8 | 8.2 | 8.3 |
| Standard Size Equipment (15,000 Btu/h) | 7.8 | 8.6 | 9.8 | 11.1 | 11.7 |

2. Economic Impacts on Manufacturers

DOE performed a manufacturer impact analysis (MIA) to estimate the impact of amended energy conservation standards on PTAC and PTHP manufacturers. The following section describes the expected impacts on manufacturers at each considered TSL. Chapter 13 of the TSD explains the analysis in further detail.

a. Industry Cash Flow Analysis Results

Table V.11 depicts the estimated financial impacts (represented by changes in industry net present value, or INPV) of amended energy conservation standards on manufacturers of PTACs and PTHPs, as well as the conversion costs that DOE expects manufacturers would incur for all equipment classes at each TSL.

As discussed in section IV.J.2, DOE modeled two different markup scenarios to evaluate the range of cash flow impacts on the PTAC and PTHP industry: (1) The preservation of gross margin percentage markup scenario; and (2) the preservation of per unit operating profit markup scenario.

To assess the less severe end of the range of potential impacts, DOE modeled a preservation of gross margin percentage markup scenario, in which a uniform ''gross margin percentage'' markup is applied across all potential efficiency levels. In this scenario, DOE assumed that a manufacturer's absolute dollar markup would increase as production costs increase in the standards case.

To assess the more severe end of the range of potential impacts, DOE modeled the preservation of per unit operating profit markup scenario, which reflects manufacturer concerns surrounding their inability to maintain margins as manufacturing production costs increase to meet more stringent

efficiency levels. In this scenario, as manufacturers make the necessary investments required to convert their facilities to produce new standards-compliant products and incur higher costs of goods sold, their percentage markup decreases. Operating profit does not change in absolute dollars but decreases as a percentage of revenue.

Each of the modeled scenarios results in a unique set of cash flows and corresponding industry values at each TSL. In the following discussion, the INPV results refer to the difference in industry value between the base case and each standards case that result from the sum of discounted cash flows from the base year 2014 through 2048, the end of the analysis period. To provide perspective on the short-run cash flow impact, DOE includes in the discussion of the results a comparison of free cash flow between the base case and the standards case at each TSL in the year before amended standards would take effect. This figure provides an understanding of the magnitude of the required conversion costs relative to the cash flow generated by the industry in the base case.

The table below presents a range of results reflecting both the preservation of gross margin percentage markup scenario and the preservation of per-unit operating profit markup scenario. As noted, the preservation of operating profit scenario accounts for the more severe impacts presented. Estimated conversion costs and free cash flow in the year prior to the effective date of amended standards do not vary with markup scenario.

TABLE V.11—MANUFACTURER IMPACT ANALYSIS RESULTS FOR PTACS AND PTHPS*

| | Units | Base case | Trial standard level | | | | |
|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 |
| INPV | 2013$M | 58.5 | 57.1 to 57.4 | 57.7 to 58.8 | 55.4 to 57.5 | 55.0 to 58.5 | 51.8 to 55.9. |
| Change in INPV | 2013$M | | (1.4) to (1.1) | (0.7) to 0.3 | (3.1) to (0.9) | (3.5) to 0.0 | (6.7) to (2.6). |
| | % Change | | (2.4) to (1.9) | (1.3) to 0.5 | (5.3) to (1.6) | (5.9) to 0.0 | (11.4) to (4.4). |
| Product Conversion Costs. | 2013$M | | 2.2 | 4.7 | 7.2 | 8.5 | 13.5. |
| Capital Conversion Costs. | 2013$M | | 2.3 | 2.9 | 7.1 | 7.1 | 7.4. |
| Total Conversion Costs. | 2013$M | | 4.5 | 7.6 | 14.3 | 15.6 | 20.9. |
| Free Cash Flow | 2013$M | 3.8 | 2.2 | 1.2 | (1.5) | (1.8) | (3.4). |
| | % Change | | (43.5) | (69.9) | (138.6) | (148.2) | (190.3) |

* Parentheses indicate negative values.

TSL 1 represents a 4 percent increase above current federal minimum efficiency standards for PTACs. At TSL 1, DOE estimates the impacts on INPV to range from −$1.4 million to −$1.1 million, or a change of −2.4 percent to −1.9 percent. Industry free cash flow is estimated to decrease by $1.7 million, or a change of 43.5 percent compared to the base-case value of $3.8 million in the year before the compliance date (2018).

DOE estimates that in the year of compliance (2019), 51 percent of all PTAC and PTHP shipments in the base case would already meet or exceed the standard levels at TSL 1. The capital and product conversion costs required to bring the balance of shipments into compliance with amended standards drive the negative INPV results at this level. DOE estimates industry conversion costs of $4.5 million at TSL 1.

TSL 2 represents an 8 percent increase above current federal minimum efficiency standards for PTACs. At TSL 2, DOE estimates impacts on INPV to range from −$0.7 million to $0.3 million, or a change in INPV of −1.3 percent to 0.5 percent. At this level, industry free cash flow is estimated to decrease by $2.7 million, or a change of 69.9 percent compared to the base-case value of $3.8 million in the year before the compliance date (2018).

The INPV impacts at TSL 2 are slightly less severe than those at TSL 1 due to the interplay of conversion costs, manufacturer selling prices, and shipments. DOE estimates that in the year of compliance (2019), 37 percent of all PTAC and PTHP base case shipments would meet efficiency levels at TSL 2 or higher. DOE expects conversion costs required to bring the balance of shipments into compliance would increase to $7.6 million, reflecting the need for additional motor and control changes as well as a more significant R&D and testing burden. However, an anticipated increase in per-unit purchase price at this level combined with steady shipments could dampen the effects of conversion costs on INPV.

TSL 3 represents a 12 percent increase above current federal minimum efficiency standards for PTACs. At TSL 3, DOE estimates impacts on INPV to range from −$3.1 million to −$0.9 million, or a change in INPV of −5.3 percent to −1.6 percent. At this level, industry free cash flow is estimated to decrease by $5.3 million, or a change of 138.6 percent compared to the base-case value of $3.8 million in the year before the compliance date (2018).

DOE estimates that in the year of compliance (2019), only 6 percent of all PTAC and PTHP base case shipments would already meet efficiency levels at TSL 3 or higher. DOE also estimates conversion costs would nearly double relative to conversion costs at TSL 2, increasing to $14.3 million. Anticipated conversion costs at this level include investing in new tooling and redesigning equipment to incorporate additional coils and/or formed coils.

TSL 4 represents a 16 percent increase above current federal minimum efficiency standards for PTACs. At TSL 4, DOE estimates impacts on INPV to range from −$3.5 million to $0.0 million, or a change in INPV of −5.9 percent to 0.0 percent. At this level, industry free cash flow is estimated to decrease by $5.7 million, or a change of 148.2 percent compared to the base-case value of $3.8 million in the year before the compliance date (2018).

DOE estimates that in the year of compliance (2019), less than 1 percent of all PTAC and PTHP base case shipments would already meet efficiency levels at TSL 4 or higher. Conversion costs required to bring nearly 100 percent of equipment into compliance would increase to an estimated $15.6 million. At this level, however, DOE does not anticipate capital conversion costs beyond those required at TSL 3. Rather, equipment

conversion costs account for the full increase.

TSL 5 represents the use of max-tech design options for each equipment class. At this level, DOE estimates impacts on INPV to range from −$6.7 million to −$2.6 million, or a change in INPV of −11.4 percent to −4.4 percent. Industry free cash flow is estimated to decrease by $7.3 million, or a change of 190.3 percent compared to the base-case value of $3.8 million in the year before the compliance date (2018).

DOE estimates that in the year of compliance (2019), less than 1 percent of all PTAC and PTHP base case shipments would already meet efficiency levels at TSL 5. At this level, conversion costs required to bring nearly 100 percent of equipment into compliance would increase to an estimated $20.9 million.

At all TSLs, INPV impacts could prove more severe if consumer demand falls in the face of higher per-unit purchase prices.

DOE requests feedback on the expected total conversion costs for the industry at the evaluated TSLs. This is identified as issue 5 in section VII.E, ''Issues on Which DOE Seeks Comment.''

b. Direct Impacts on Employment

To quantitatively assess the potential impacts of amended energy conservation standards on direct employment, DOE used the GRIM to estimate the domestic labor expenditures and number of direct employees in the base case and at each TSL from 2014 through 2048. DOE used statistical data from the U.S. Census Bureau's 2011 Annual Survey of Manufacturers,[62] the results of the engineering analysis, and interviews with manufacturers to determine the inputs necessary to calculate industry-wide labor expenditures and domestic direct employment levels. Labor expenditures related to producing the equipment are a function of the labor intensity of producing the equipment, the sales volume, and an assumption that wages remain fixed in real terms over time. The total labor expenditures in each year are calculated by multiplying the MPCs by the labor percentage of MPCs. DOE estimates that 50 percent of PTAC and PTHP units are produced domestically.

The total labor expenditures in the GRIM were then converted to domestic production employment levels by dividing production labor expenditures by the annual payment per production worker (production worker hours times the labor rate found in the U.S. Census Bureau's 2011 Annual Survey of Manufacturers). The production worker estimates in this section only cover workers up to the line-supervisor level who are directly involved in fabricating and assembling a product within an OEM facility. Workers performing services that are closely associated with production operations, such as materials handling tasks using forklifts, are also included as production labor. DOE's estimates only account for production workers who manufacture the specific products covered by this rulemaking.

To estimate an upper bound to employment change, DOE assumes all domestic manufacturers would choose to continue producing products in the U.S. and would not move production to foreign countries. To estimate a lower bound to employment, DOE estimates the maximum portion of the industry that would choose to leave the industry or relocate production overseas rather than make the necessary conversions at domestic production facilities. A complete description of the assumptions used to generate these upper and lower bounds can be found in chapter 12 of the NOPR TSD.

As noted above, DOE estimates that 50 percent of PTAC and PTHP units sold in the United States are manufactured domestically. In the absence of amended energy conservation standards, DOE estimates that the PTAC and PTHP industry would employ 170 domestic production workers in 2019.

Table V.12 below shows the range of impacts of potential amended energy conservation standards on U.S. production workers of PTACs and PTHPs. The potential changes to direct employment presented suggest that the PTAC and PTHP industry could experience anything from a slight gain in domestic direct employment to a loss of all domestic direct employment.

TABLE V.12—POTENTIAL CHANGES IN THE TOTAL NUMBER OF STANDARD SIZE PTAC AND PTHP PRODUCTION WORKERS IN 2019

| | Trial standard level * | | | | | |
|---|---|---|---|---|---|---|
| | Base case† | 1 | 2 | 3 | 4 | 5 |
| Potential Changes in Domestic Production Workers in 2019 ..... | ..... | (170) to 4 | (170) to 10 | (170) to 17 | (170) to 22 | (170) to 24 |

* Parentheses indicate negative values.
† Base case assumes 170 domestic production workers in the PTAC and PTHP industry in 2019.

The upper end of the range estimates the maximum increase in the number of production workers in the PTAC and PTHP industry after implementation of an amended energy conservation standard. It assumes manufacturers would continue to produce the same scope of covered equipment within the United States and would require some additional labor to produce more efficient equipment.

The lower end of the range represents the maximum decrease in total number of U.S. production workers that could result from an amended energy conservation standard. Throughout interviews, manufacturers stated their concerns about increasing offshore competition entering the market. If the cost of complying with amended standards significantly erodes the profitability of domestic manufacturers relative to their competitors who manufacture and/or import PTACs and PTHPs from overseas, manufacturers with domestic production could decide to exit the PTAC and PTHP market and/or shift their production facilities offshore. The lower bound of direct employment impacts therefore assumes domestic production of PTACs and PTHPs ceases, as domestic manufacturers either exit the market or shift production overseas in search of reduced manufacturing costs.

This conclusion is independent of any conclusions regarding indirect employment impacts in the broader

[62] ''Annual Survey of Manufacturers: General Statistics: Statistics for Industry Groups and Industries,'' U.S. Census Bureau, 2011. Available at *www.census.gov/manufacturing/asm/index.html.*

United States economy, which are documented in chapter 15 of the TSD.

DOE requests comments on the total annual direct employment levels in the industry for PTAC production. This is identified as issue 6 in section VII.E, ''Issues on Which DOE Seeks Comment.''

c. Impacts on Manufacturing Capacity

According to PTAC and PTHP manufacturers interviewed, amended energy conservation standards will not significantly constrain manufacturing production capacity. Among manufacturers with production assets, some indicated that more stringent energy conservation standards could reduce sales volumes, thereby resulting in excess capacity. Among importers and distributors, amended energy conservation standards would not likely impact capacity. Accordingly, DOE believes manufacturers will be able to maintain production capacity levels sufficient to meet market demand under the proposed levels.

d. Impacts on Subgroups of Manufacturers

As discussed above, using average cost assumptions to develop an industry cash flow estimate is not adequate for assessing differential impacts among subgroups of manufacturers. Small manufacturers, niche players, or manufacturers exhibiting a cost structure that differs largely from the industry average could be affected differently. DOE used the results of the industry characterization to group manufacturers exhibiting similar characteristics. Specifically, DOE identified two subgroups of manufacturers for separate impact analyses: Manufacturers with production assets and small business manufacturers.

DOE initially identified 22 companies that sell PTAC and PTHP equipment in the U.S. Among U.S. companies, few own production assets; rather, they import and distribute PTACs and PTHPs manufactured overseas, primarily in China. DOE identified a subgroup of three manufacturers that own production assets. These manufacturers own tooling or production assets either in the U.S. or in foreign countries. Together, these three manufacturers account for approximately 80 percent of the domestic PTAC and PTHP market. Because manufacturers with production assets will incur different conversion costs to comply with amended energy conservation standards compared to their competitors who do not own production assets, DOE conducted a separate analysis to evaluate the impact of an amended standard on the subgroup of manufacturers with production assets.

As with the overall industry analysis, DOE modeled two different markup scenarios to evaluate the range of cash flow impacts on manufacturers with production assets: (1) The preservation of gross margin percentage markup scenario; and (2) the preservation of per unit operating profit markup scenario. See Section IV.J.2 for a complete description of markup scenarios.

Each of the modeled scenarios results in a unique set of cash flows and corresponding INPV values at each TSL. In the following discussion, the INPV results refer to the difference in value of manufacturers with production assets between the base case and standards cases as represented by the sum of discounted cash flows from the base year 2014 through 2048, the end of the analysis period. To provide perspective on the short-run cash flow impact, DOE includes in the discussion of results a comparison of free cash flow between the base case and the standards case at each TSL in the year before amended standards would take effect. This figure provides an understanding of the magnitude of the required conversion costs relative to the cash flow generated by manufacturers with production assets in the base case.

The table below presents a range of results reflecting both the preservation of gross margin percentage markup scenario and the preservation of per unit operating profit markup scenario. As discussed in section IV.J.B, the preservation of operating profit scenario accounts for the more severe impacts presented. Estimated conversion costs and free cash flow in the year prior to the effective date of amended standards do not vary with markup scenario.

TABLE V.13—MANUFACTURER IMPACT ANALYSIS RESULTS FOR THE SUBGROUP OF PTAC AND PTHP MANUFACTURERS WITH PRODUCTION ASSETS

| | Units | Base case | Trial standard level* | | | | |
|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 |
| INPV | 2013$M | 46.8 | 45.5 to 45.8 | 45.7 to 46.5 | 43.0 to 44.7 | 42.6 to 45.3 | 39.4 to 42.7 |
| Change in INPV | 2013$M | | (1.3) to (1.0) | (1.1) to (0.3) | (3.8) to (2.1) | (4.2) to (1.5) | (7.3) to (4.1) |
| | % Change | | (2.7) to (2.2) | (2.3) to (0.5) | (8.2) to (4.5) | (9.0) to (3.1) | (15.7) to (8.7) |
| Product Conversion Costs. | 2013$M | | 1.4 | 3.9 | 6.4 | 7.7 | 12.7 |
| Capital Conversion Costs. | 2013$M | | 2.3 | 2.9 | 7.1 | 7.1 | 7.4 |
| Total Conversion Costs. | 2013$M | | 3.7 | 6.8 | 13.5 | 14.7 | 20.1 |
| Free Cash Flow | 2013$M | 3.1 | 1.6 | 0.6 | (2.0) | (2.4) | (4.0) |
| | % Change | | (46.7) | (79.7) | (165.5) | (177.5) | (230.1) |

* Parentheses indicate negative values.

As the results above demonstrate, manufacturers with production assets will experience financial impacts more negative than those facing the industry as a whole, discussed earlier in section V.B.2. These differential impacts derive primarily from the conversion costs manufacturers with production assets will incur in order to comply with an amended standard. In particular, manufacturers with production assets will face capital conversion costs not shared by their competitors who import and distribute PTACs and PTHPs and do not require tooling investments. In interviews, manufacturers with production assets indicated that more stringent standards could require significant investment in new tooling to support new coil designs. In addition, manufacturers with production assets would face product conversion costs in the form of design engineering, product development, testing, certification, marketing, and related costs.

At the standard proposed in this document, DOE estimates the PTAC and

PTHP industry as a whole would face $7.6 million in conversion costs; of this, the subgroup of manufacturers with production assets would incur $6.8 million in conversion costs, or 89 percent of the industry total. At this level, manufacturers with production assets would also face an estimated loss in INPV of up to 2.3 percent compared to 1.3 percent for the industry as a whole.

For the small business subgroup analysis, DOE applied the small business size standards published by the Small Business Administration (SBA) to determine whether a company is considered a small business. 65 FR 30836, 30848 (May 15, 2000), as amended at 65 FR 53533, 53544 (Sept. 5, 2000) and codified at 13 CFR part 121. To be categorized as a small business under North American Industry Classification System (NAICS) code 333415, ''Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing,'' a PTAC and PTHP manufacturer and its affiliates may employ a maximum of 750 employees. The 750-employee threshold includes all employees in a business's parent company and any other subsidiaries. Based on this classification, DOE identified at least 12 manufacturers that qualify as small businesses. The PTAC and PTHP small business subgroup analysis is discussed in chapter 12 of the NOPR TSD and in section VI.B of this document.

e. Cumulative Regulatory Burden

While any one regulation may not impose a significant burden on manufacturers, the combined effects of several impending regulations may have serious consequences for some manufacturers, groups of manufacturers, or an entire industry. Assessing the impact of a single regulation may overlook this cumulative regulatory burden. Multiple regulations affecting the same manufacturer can strain profits and can lead companies to abandon product lines or markets with lower expected future returns than competing products. For these reasons, DOE conducts an analysis of cumulative regulatory burden as part of its rulemakings pertaining to appliance efficiency.

For the cumulative regulatory burden analysis, DOE looks at other regulations that could affect PTAC and PTHP manufacturers that will take effect approximately three years before or after the 2019 compliance date of amended energy conservation standards for standard-sized PTACs and PTHPs. In interviews, manufacturers cited federal regulations on equipment other than PTACs and PTHPs that contribute to their cumulative regulatory burden. The compliance years and expected industry conversion costs of relevant amended energy conservation standards are indicated in the table below:

TABLE V.14—COMPLIANCE DATES AND EXPECTED CONVERSION EXPENSES OF FEDERAL ENERGY CONSERVATION STANDARDS AFFECTING PTAC AND PTHP MANUFACTURERS

| Federal energy conservation standards | Approximate compliance date | Estimated total industry conversion expense |
|---|---|---|
| 2011 Room Air Conditioners 76 FR 22454 (April 21, 2011); 76 FR 52854 (August 24, 2011) | 2014 | $171M (2009$) |
| 2007 Residential Furnaces & Boilers 72 FR 65136 (Nov. 19, 2007) | 2015 | $88M (2006$) * |
| 2011 Residential Furnaces 76 FR 37408 (June 27, 2011); 76 FR 67037 (Oct. 31, 2011) | 2015 | $2.5M (2009$) ** |
| 2011 Residential Central Air Conditioners and Heat Pumps 76 FR 37408 (June 27, 2011); 76 FR 67037 (Oct. 31, 2011). | 2015 | $26.0M (2009$) ** |
| 2010 Gas Fired and Electric Storage Water Heaters 75 FR 20112 (April 16, 2010) | 2015 | $95.4M (2009$) |
| Dishwashers *** | 2018 | TBD |
| Commercial Packaged Air Conditioners and Heat Pumps *** | 2018 | TBD |
| Commercial Warm-Air Furnaces *** | 2018 | TBD |
| Furnace Fans 79 FR 38129 (July 3, 2014) | 2019 | $40.6M (2013$) |
| Miscellaneous Residential Refrigeration *** | 2019 | TBD |
| Single Packaged Vertical Units *** | 2019 | TBD |
| Commercial Water Heaters *** | 2019 | TBD |
| Commercial Packaged Boilers *** | 2020 | TBD |
| Residential Water Heaters *** | 2021 | TBD |
| Clothes Dryers *** | 2022 | TBD |
| Central Air Conditioners *** | 2022 | TBD |
| Room Air Conditioners *** | 2022 | TBD |

* Conversion expenses for manufacturers of oil-fired furnaces and gas-fired and oil-fired boilers associated with the November 2007 final rule for residential furnaces and boilers are excluded from this figure. The 2011 direct final rule for residential furnaces sets a higher standard and earlier compliance date for oil-fired furnaces than the 2007 final rule. As a result, manufacturers will be required to design to the 2011 direct final rule standard. The conversion costs associated with the 2011 direct final rule are listed separately in this table. EISA 2007 legislated more stringent standards and earlier compliance dates for residential boilers than were required by the November 2007 final rule. As a result, gas-fired and oil-fired boiler manufacturers were required to design to the EISA 2007 standard beginning in 2012. The conversion costs listed for residential gas-fired and oil-fired boilers in the November 2007 residential furnaces and boilers final rule analysis are not included in this figure.

** Estimated industry conversion expense and approximate compliance date reflect a court-ordered April 24, 2014 remand of the residential non-weatherized and mobile home gas furnaces standards set in the 2011 Energy Conservation Standards for Residential Furnaces and Residential Central Air Conditioners and Heat Pumps. The costs associated with this rule reflect implementation of the amended standards for the remaining furnace product classes (*i.e.,* oil-fired furnaces).

*** The final rule for this energy conservation standard has not been published. The compliance date and analysis of conversion costs have not been finalized at this time. (If a value is provided for total industry conversion expense, this value represents an estimate from the NOPR.)

Additionally, manufacturers cited increasing ENERGY STAR [63] standards for room air conditioners and ductless heating and cooling systems as a source of regulatory burden. In response, DOE does not consider ENERGY STAR in its presentation of cumulative regulatory burden, because ENERGY STAR is a voluntary program and is not Federally mandated.

[63] ENERGY STAR is a U.S. EPA voluntary program designed to identify and promote energy-efficient products to reduce greenhouse gas emissions. For more information on the ENERGY STAR program, please visit *www.energystar.gov.*

3. National Impact Analysis

a. Amount and Significance of Energy Savings

For each TSL, DOE projected energy savings for PTAC and PTHP equipment purchased in the 30-year period that begins in the year of anticipated compliance with amended standards (2019–2048). The savings are measured over the entire lifetime of equipment purchased in the 30-year period. DOE quantified the energy savings attributable to each TSL as the difference in energy consumption between each standards case and the base case. DOE also determined energy savings for PTAC equipment with the ANSI/ASHRAE/IES Standard 90.1–2013 minimum efficiency level by comparing with the energy consumption of PTAC equipment meeting the Federal minimum efficiency level. Table V.15 shows the estimated primary energy savings for all the equipment classes of PTACs and PTHPs at each of the TSLs, and Table V.16 presents the estimated full-fuel-cycle energy savings for each TSL. The approach for estimating national energy savings is further described in section IV.H.

TABLE V.15—CUMULATIVE PRIMARY ENERGY SAVINGS FOR PTACS AND PTHPS

[Units sold from 2019 to 2048]

| | ASHRAE Standard 90.1–2013 * | Trial standard level (quads) | | | | |
|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 |
| Standard Size Equipment, 7,000 Btu/h ... | 0.000 | 0.000 | 0.003 | 0.005 | 0.006 | 0.006 |
| Standard Size Equipment, 9,000 Btu/h ... | 0.000 | 0.013 | 0.050 | 0.100 | 0.129 | 0.132 |
| Standard Size Equipment, 15,000 Btu/h | 0.001 | 0.002 | 0.005 | 0.010 | 0.012 | 0.013 |
| Total all classes ..... | 0.001 | 0.015 | 0.058 | 0.116 | 0.148 | 0.152 |

* Energy savings determined from comparing PTAC energy consumption at the ANSI/ASHRAE/IES Standard 90.1–2013 efficiency level to that at the Federal minimum efficiency level.

TABLE V.16—CUMULATIVE FULL-FUEL-CYCLE ENERGY SAVINGS FOR PTACS AND PTHPS

[Units sold from 2019 to 2048]

| | ASHRAE Standard 90.1–2013 * | Trial standard level (quads) | | | | |
|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 |
| Standard Size Equipment, 7,000 Btu/h ... | 0.000 | 0.000 | 0.003 | 0.005 | 0.006 | 0.007 |
| Standard Size Equipment, 9,000 Btu/h ... | 0.000 | 0.013 | 0.051 | 0.102 | 0.131 | 0.134 |
| Standard Size Equipment, 15,000 Btu/h | 0.001 | 0.002 | 0.005 | 0.010 | 0.013 | 0.014 |
| Total all classes ..... | 0.001 | 0.015 | 0.059 | 0.118 | 0.150 | 0.155 |

* Energy savings determined from comparing PTAC energy consumption at the ANSI/ASHRAE/IES Standard 90.1–2013 efficiency level to that at the Federal minimum efficiency level.

The results indicate that each TSL that is more stringent than the corresponding level in ANSI/ASHRAE/IES Standard 90.1–2013 results in additional energy savings. The primary national energy savings from adopting the ANSI/ASHRAE/IES Standard 90.1–2013 minimum for PTACs saves 0.079 thousandths of a quad over the Federal minimum.

OMB Circular A–4 [64] requires agencies to present analytical results, including separate schedules of the monetized benefits and costs that show the type and timing of benefits and costs. Circular A–4 also directs agencies to consider the variability of key elements underlying the estimates of benefits and costs. For this rulemaking, DOE also undertook a sensitivity analysis using nine rather than 30 years of equipment shipments. The choice of a nine-year period is a proxy for the timeline in EPCA for the review of certain energy conservation standards and potential revision of and compliance with such revised standards.[65] The review timeframe established in EPCA is generally not synchronized with the equipment lifetime, equipment manufacturing cycles, or other factors specific to PTACs and PTHPs. Thus, such results are presented for informational purposes only and are not indicative of any change in DOE's analytical methodology. The NES results based on a 9-year analytical period are presented in Table V.17. The impacts are counted over the lifetime of PTAC and PTHP equipment purchased in 2019–2027.

[64] ''Circular A–4: Regulatory Analysis,'' U.S. Office of Management and Budget, September, 2003. Available at: *www.whitehouse.gov/omb/circulars_a004_a-4/*.

[65] EPCA requires DOE to review its standards at least once every 6 years, and requires, for certain equipment, a 3-year period after any new standard is promulgated before compliance is required, except that in no case may any new standards be required within 6 years of the compliance date of the previous standards. (42 U.S.C. 6313(a)(6)(C)(i)) While adding a 6-year review to the 3-year compliance period adds up to 9 years, DOE notes that it may undertake reviews at any time within the 6 year period and that the 3-year compliance date may yield to the 6-year backstop.

TABLE V.17—CUMULATIVE PRIMARY ENERGY SAVINGS FOR PTAC AND PTHP EQUIPMENT TRIAL STANDARD LEVELS FOR UNITS SOLD IN 2019–2027

| Equipment class | ASHRAE Standard 90.1–2013 * | Trial standard level (quads) | | | | |
|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 |
| Standard Size Equipment, 7,000 Btu/h | 0.000 | 0.000 | 0.000 | 0.002 | 0.002 | 0.002 |
| Standard Size Equipment, 9,000 Btu/h | 0.000 | 0.005 | 0.014 | 0.028 | 0.044 | 0.047 |
| Standard Size Equipment, 15,000 Btu/h | 0.000 | 0.000 | 0.002 | 0.004 | 0.005 | 0.005 |
| Total all classes | 0.000 | 0.005 | 0.017 | 0.033 | 0.050 | 0.055 |

* Energy savings determined from comparing PTAC energy consumption at the ANSI/ASHRAE/IES Standard 90.1–2013 efficiency level to that at the Federal minimum efficiency level.

b. Net Present Value of Customer Costs and Benefits

DOE estimated the cumulative NPV of the total costs and savings for customers that would result from the TSLs considered for PTAC and PTHP equipment. In accordance with OMB's guidelines on regulatory analysis,[66] DOE calculated the NPV using both a 7-percent and a 3-percent real discount rate. The 7-percent rate is an estimate of the average before-tax rate of return on private capital in the U.S. economy, and reflects the returns on real estate and small business capital as well as corporate capital. This discount rate approximates the opportunity cost of capital in the private sector (OMB analysis has found the average rate of return on capital to be near this rate). The 3-percent rate reflects the potential effects of standards on private consumption (*e.g.,* through higher prices for equipment and reduced purchases of energy). This rate represents the rate at which society discounts future consumption flows to their present value. It can be approximated by the real rate of return on long-term government debt (*i.e.,* yield on United States Treasury notes), which has averaged about 3 percent for the past 30 years.

Table V.18 shows the customer NPV results for each TSL considered for PTAC and PTHP equipment. In each case, the impacts cover the lifetime of equipment purchased in 2019–2048.

TABLE V.18—NET PRESENT VALUE OF CUSTOMER BENEFITS FOR PACKAGED TERMINAL AIR CONDITIONING AND HEAT PUMP EQUIPMENT TRIAL STANDARD LEVELS FOR UNITS SOLD IN 2019–2048

| Product class | Discount rate (percent) | Trial standard level * (millions 2013$) | | | | |
|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 |
| <7,000 Btu/h | 3 | 0.7 | 1.8 | 2.4 | 2.2 | 2.1 |
| 7,000–15,000 Btu/h | | 22.3 | 65.9 | 113.8 | 134.6 | 136.4 |
| >15,000 Btu/h | | 1.0 | 1.2 | (2.4) | (6.7) | (7.6) |
| Total—all classes | | 23.9 | 69.0 | 113.8 | 130.2 | 131.0 |
| <7,000 Btu/h | 7 | 0.1 | (0.2) | (1.2) | (2.2) | (2.5) |
| 7,000–15,000 Btu/h | | 6.3 | 12.3 | 14.5 | 10.5 | 9.0 |
| >15,000 Btu/h | | | (1.5) | (5.4) | (9.5) | (10.4) |
| Total—all classes | | 6.5 | 10.7 | 7.9 | (1.1) | (3.8) |

* Parentheses indicate negative values. **Note:** Values of 0.0 represent a non-zero NPV that cannot be displayed due to rounding. Numbers may not sum to total due to rounding.

The NPV results based on the aforementioned nine-year analytical period are presented in Table V.19. The impacts are counted over the lifetime of equipment purchased in 2019–2027. As mentioned previously, this information is presented for informational purposes only and is not indicative of any change in DOE's analytical methodology or decision criteria.

TABLE V.19—NET PRESENT VALUE OF CUSTOMER BENEFITS FOR PACKAGED TERMINAL AIR CONDITIONING AND HEATING EQUIPMENT TRIAL STANDARD LEVELS FOR UNITS SOLD IN 2019–2027

| Product class | Discount rate (percent) | Trial standard level * (millions 2013$) | | | | |
|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 |
| <7,000 Btu/h | 3 | 0.2 | 0.7 | 0.6 | 0.4 | 0.3 |
| 7,000—15,000 Btu/h | | 10.5 | 24.2 | 39.0 | 49.9 | 51.8 |

[66] "OMB Circular A–4, section E," U.S. Office of Management and Budget, September, 2003. Available online at *http://www.whitehouse.gov/omb/circulars_a004_a-4.*

TABLE V.19—NET PRESENT VALUE OF CUSTOMER BENEFITS FOR PACKAGED TERMINAL AIR CONDITIONING AND HEATING EQUIPMENT TRIAL STANDARD LEVELS FOR UNITS SOLD IN 2019–2027—Continued

| Product class | Discount rate (percent) | Trial standard level * (millions 2013$) | | | | |
|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 |
| >15,000 Btu/h | | 0.5 | 1.2 | 0.2 | (2.6) | (3.5) |
| Total—all classes | | 11.2 | 26.0 | 39.8 | 47.8 | 48.6 |
| <7,000 Btu/h | 7 | 0.1 | | (0.7) | (1.4) | (1.6) |
| 7,000—15,000 Btu/h | | 4.3 | 6.7 | 6.8 | 3.5 | 2.0 |
| >15,000 Btu/h | | | (0.4) | (2.1) | (5.1) | (6.0) |
| Total—all classes | | 4.4 | 6.2 | 4.0 | (2.9) | (5.6) |

* Parentheses indicate negative values.
**Note:** Values of 0.0 represent a non-zero NPV that cannot be displayed due to rounding. Numbers may not sum to total due to rounding.

c. Indirect Impacts on Employment

DOE expects amended energy conservation standards for PTAC and PTHP equipment to reduce energy costs for equipment owners, and the resulting net savings to be redirected to other forms of economic activity. Those shifts in spending and economic activity could affect the demand for labor. As described in section IV.N, DOE used an input/output model of the U.S. economy to estimate indirect employment impacts of the TSLs that DOE considered in this rulemaking. DOE understands that there are uncertainties involved in projecting employment impacts, especially changes in the later years of the analysis. Therefore, DOE generated results for near-term time frames, where these uncertainties are reduced.

The results suggest that the proposed standards are likely to have negligible impact on the net demand for labor in the economy. The net change in jobs is so small that it would be imperceptible in national labor statistics and might be offset by other, unanticipated effects on employment. Chapter 16 of the NOPR TSD presents detailed results.

4. Impact on Utility or Performance of Equipment

In performing the engineering analysis, DOE considered efficiency levels that may be achieved using design options that would not lessen the utility or performance of the individual classes of equipment. (42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(2)(B)(i)(IV)) As presented in section III.C of this document, DOE concluded that the efficiency levels proposed for standard size equipment in this document are technologically feasible and would not reduce the utility or performance of PTACs and PTHPs. PTAC and PTHP manufacturers currently offer equipment that meet or exceed the proposed standard levels.

5. Impact of Any Lessening of Competition

DOE considers any lessening of competition that is likely to result from amended standards. The Attorney General determines the impact, if any, of any lessening of competition likely to result from a proposed standard, and transmits such determination to the Secretary, together with an analysis of the nature and extent of such impact.

To assist the Attorney General in making such determination, DOE will provide the Department of Justice (DOJ) with copies of this NOPR and the TSD for review. DOE will consider DOJ's comments on the proposed rule in preparing the final rule, and DOE will publish and respond to DOJ's comments in that document.

6. Need of the Nation To Conserve Energy

Enhanced energy efficiency, where economically justified, improves the Nation's energy security, strengthens the economy, and reduces the environmental impacts or costs of energy production. Reduced electricity demand due to energy conservation standards is also likely to reduce the cost of maintaining the reliability of the electricity system, particularly during peak-load periods. As a measure of this reduced demand, chapter 15 of the TSD presents the estimated reduction in generating capacity for the TSLs that DOE considered in this rulemaking.

The expected energy savings from amended PTAC and PTHP standards could also produce environmental benefits in the form of reduced emissions of air pollutants and greenhouse gases associated with electricity production. Table V.20 provides DOE's estimate of cumulative emissions reductions projected to result from the TSLs considered in this rulemaking. DOE reports annual emissions reductions for each TSL in chapter 13 of the NOPR TSD.

TABLE V.20—SUMMARY OF EMISSIONS REDUCTIONS FOR PTAC AND PTHP

[Units sold from 2019 to 2048]

| | Trial standard level | | | | |
|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 |
| **Power Sector Emissions** | | | | | |
| $CO_2$ (million metric tons) | 1.06 | 4.15 | 8.23 | 10.52 | 10.81 |
| $SO_2$ (thousand tons) | 2.46 | 9.70 | 19.22 | 24.07 | 24.60 |
| $NO_X$ (thousand tons) | 0.48 | 1.90 | 3.76 | 4.63 | 4.69 |
| Hg (tons) | 0.00 | 0.01 | 0.02 | 0.03 | 0.03 |
| $N_2O$ (thousand tons) | 0.02 | 0.07 | 0.14 | 0.17 | 0.17 |

TABLE V.20—SUMMARY OF EMISSIONS REDUCTIONS FOR PTAC AND PTHP—Continued

[Units sold from 2019 to 2048]

| | Trial standard level | | | | |
|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 |
| $CH_4$ (thousand tons) | 0.10 | 0.39 | 0.77 | 0.98 | 1.01 |
| **Upstream Emissions** | | | | | |
| $CO_2$ (million metric tons) | 0.05 | 0.18 | 0.36 | 0.47 | 0.48 |
| $SO_2$ (thousand tons) | 0.01 | 0.04 | 0.08 | 0.10 | 0.10 |
| $NO_X$ (thousand tons) | 0.65 | 2.53 | 5.02 | 6.43 | 6.62 |
| Hg (tons) | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| $N_2O$ (thousand tons) | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| $CH_4$ (thousand tons) | 3.92 | 15.36 | 30.51 | 39.10 | 40.22 |
| **Total FFC Emissions** | | | | | |
| $CO_2$ (million metric tons) | 1.10 | 4.33 | 8.60 | 10.98 | 11.29 |
| $SO_2$ (thousand tons) | 2.47 | 9.74 | 19.30 | 24.17 | 24.70 |
| $NO_X$ (thousand tons) | 1.12 | 4.42 | 8.78 | 11.06 | 11.31 |
| Hg (tons) | 0.00 | 0.01 | 0.02 | 0.03 | 0.03 |
| $N_2O$ (thousand tons) | 0.02 | 0.07 | 0.14 | 0.18 | 0.18 |
| $N_2O$ (thousand tons $CO_2$eq)* | 5.43 | 21.37 | 42.19 | 52.32 | 53.53 |
| $CH_4$ (thousand tons) | 4.02 | 15.75 | 31.28 | 40.08 | 41.22 |
| $CH_4$ (million tons $CO_2$eq)* | 100.53 | 393.72 | 782.02 | 1001.97 | 1030.54 |

* $CO_2$eq is the quantity of $CO_2$ that would have the same global warming potential (GWP) as the subject emission.

As part of the analysis for this rule, DOE estimated monetary benefits likely to result from the reduced emissions of $CO_2$ and $NO_X$ that DOE estimated for each of the TSLs considered. As discussed in section IV.L.1, DOE used the most recent values for the SCC developed by an interagency process. The four sets of SCC values resulting from that process (expressed in 2013$) are represented by $12.0/metric ton (the average value from a distribution that uses a 5-percent discount rate), $40.5/metric ton (the average value from a distribution that uses a 3-percent discount rate), $62.4/metric ton (the average value from a distribution that uses a 2.5-percent discount rate), and $119/metric ton (the 95th-percentile value from a distribution that uses a 3-percent discount rate). These values correspond to the value of emission reductions in 2015; the values for later years are higher due to increasing damages as the projected magnitude of climate change increases.

Table V.21 presents the global value of $CO_2$ emissions reductions at each TSL. For each of the four cases, DOE calculated a present value of the stream of annual values using the same discount rate as was used in the studies upon which the dollar-per-ton values are based. DOE calculated domestic values as a range from 7 percent to 23 percent of the global values, and these results are presented in chapter 14 of the NOPR TSD.

TABLE V.21—ESTIMATES OF GLOBAL PRESENT VALUE OF $CO_2$ EMISSIONS REDUCTION UNDER PACKAGED TERMINAL AIR CONDITIONING AND HEAT PUMP EQUIPMENT TRIAL STANDARD LEVELS

| TSL | Social cost of carbon case* (million 2013$) | | | |
|---|---|---|---|---|
| | 5% discount rate, average* | 3% discount rate, average* | 2.5% discount rate, average* | 3% discount rate, 95th percentile* |
| **Power Sector Emissions** | | | | |
| 1 | 6.90 | 32.60 | 52.04 | 101.01 |
| 2 | 26.86 | 127.30 | 203.32 | 394.56 |
| 3 | 53.64 | 253.57 | 404.84 | 786.02 |
| 4 | 70.70 | 329.56 | 524.84 | 1021.08 |
| 5 | 73.17 | 339.99 | 541.12 | 1053.04 |
| **Upstream Emissions** | | | | |
| 1 | 0.31 | 1.45 | 2.31 | 4.49 |
| 2 | 1.20 | 5.66 | 9.03 | 17.53 |
| 3 | 2.39 | 11.27 | 17.98 | 34.93 |
| 4 | 3.16 | 14.70 | 23.40 | 45.54 |
| 5 | 3.28 | 15.18 | 24.15 | 47.01 |
| **Total FFC Emissions** | | | | |
| 1 | 7.21 | 34.05 | 54.35 | 105.50 |
| 2 | 28.06 | 132.95 | 212.35 | 412.08 |

TABLE V.21—ESTIMATES OF GLOBAL PRESENT VALUE OF $CO_2$ EMISSIONS REDUCTION UNDER PACKAGED TERMINAL AIR CONDITIONING AND HEAT PUMP EQUIPMENT TRIAL STANDARD LEVELS—Continued

| TSL | Social cost of carbon case * (million 2013$) | | | |
|---|---|---|---|---|
| | 5% discount rate, average * | 3% discount rate, average * | 2.5% discount rate, average * | 3% discount rate, 95th percentile * |
| 3 | 56.03 | 264.84 | 422.82 | 820.95 |
| 4 | 73.86 | 344.26 | 548.24 | 1066.62 |
| 5 | 76.45 | 355.18 | 565.28 | 1100.06 |

* For each of the four cases, the corresponding SCC value for emissions in 2015 is $12.0, $40.5, $62.4, and $119 per metric ton (2013$).

DOE is well aware that scientific and economic knowledge about the contribution of $CO_2$ and other greenhouse gas (GHG) emissions to changes in the future global climate and the potential resulting damages to the world economy continues to evolve rapidly. Thus, any value placed on reducing $CO_2$ emissions in this rulemaking is subject to change. DOE, together with other Federal agencies, will continue to review various methodologies for estimating the monetary value of reductions in $CO_2$ and other GHG emissions. This ongoing review will consider the comments on this subject that are part of the public record for this and other rulemakings, as well as other methodological assumptions and issues. However, consistent with DOE's legal obligations, and taking into account the uncertainty involved with this particular issue, DOE has included in this proposed rule the most recent values and analyses resulting from the interagency process.

DOE also estimated the cumulative monetary value of the economic benefits associated with $NO_X$ emissions reductions anticipated to result from amended standards for PTACs and PTHPs. The dollar-per-ton values that DOE used are discussed in section IV.L.1. Table V.22 presents the cumulative present values for each TSL calculated using seven-percent and three-percent discount rates.

TABLE V.22—ESTIMATES OF PRESENT VALUE OF $NO_X$ EMISSIONS REDUCTION UNDER PACKAGED TERMINAL AIR CONDITIONING AND HEAT PUMP EQUIPMENT TRIAL STANDARD LEVELS

| TSL | Million 2013$ | |
|---|---|---|
| | 3% discount rate | 7% discount rate |
| **Power Sector Emissions** | | |
| 1 | 0.56 | 0.21 |
| 2 | 2.20 | 0.81 |
| 3 | 4.39 | 1.62 |
| 4 | 5.57 | 2.13 |
| 5 | 5.67 | 2.18 |
| **Upstream Emissions** | | |
| 1 | 0.83 | 0.36 |
| 2 | 3.23 | 1.39 |
| 3 | 6.46 | 2.80 |
| 4 | 8.59 | 3.89 |
| 5 | 8.92 | 4.09 |
| **Total FFC Emissions** | | |
| 1 | 1.39 | 0.57 |
| 2 | 5.43 | 2.20 |
| 3 | 10.85 | 4.42 |
| 4 | 14.16 | 6.02 |
| 5 | 14.59 | 6.27 |

7. Summary of National Economic Impacts

The NPV of the monetized benefits associated with emissions reductions can be viewed as a complement to the NPV of the customer savings calculated for each TSL considered in this rulemaking. Table V.23. presents the NPV values that result from adding the estimates of the potential economic benefits resulting from reduced $CO_2$ and $NO_X$ emissions in each of four valuation scenarios to the NPV of customer savings calculated for each TSL considered in this rulemaking, at both a seven-percent and three-percent discount rate. The $CO_2$ values used in the columns of each table correspond to the four sets of SCC values discussed above.

TABLE V.23—NET PRESENT VALUE OF CUSTOMER SAVINGS COMBINED WITH PRESENT VALUE OF MONETIZED BENEFITS FROM $CO_2$ AND $NO_X$ EMISSIONS REDUCTIONS

| TSL | Customer NPV at 3% discount rate added with: (million 2013$) | | | |
|---|---|---|---|---|
| | SCC case $12.0/ metric ton $CO_2$* and medium value for $NO_X$ | SCC case $40.5/ metric ton $CO_2$* and medium value for $NO_X$ | SCC case $62.4/ metric ton $CO_2$* and medium value for $NO_X$ | SCC case $119/ metric ton $CO_2$* and medium value for $NO_X$ |
| 1 | 32.5 | 59.4 | 79.7 | 130.8 |
| 2 | 102.5 | 207.3 | 286.7 | 486.5 |
| 3 | 180.6 | 389.4 | 547.4 | 945.5 |
| 4 | 218.2 | 488.6 | 692.6 | 1211.0 |
| 5 | 222.1 | 500.8 | 710.9 | 1245.7 |
| TSL | Customer NPV at 7% discount rate added with: (million 2013$) | | | |
| | SCC case $12.0/ metric ton $CO_2$* and medium value for $NO_X$ | SCC case $40.5/ metric ton $CO_2$* and medium value for $NO_X$ | SCC case $62.4/ metric ton $CO_2$* and medium value for $NO_X$ | SCC case $119/ metric ton $CO_2$* and medium value for $NO_X$ |
| 1 | 14.3 | 41.1 | 61.4 | 112.6 |
| 2 | 41.0 | 145.9 | 225.2 | 425.0 |
| 3 | 68.3 | 277.1 | 435.1 | 833.3 |
| 4 | 78.7 | 349.1 | 553.1 | 1071.5 |
| 5 | 78.9 | 357.6 | 567.7 | 1102.5 |

* These label values represent the global SCC in 2015, in 2013$.

Although adding the value of customer savings to the values of emission reductions provides a valuable perspective, two issues should be considered. First, the national operating cost savings are domestic U.S. customer monetary savings that occur as a result of market transactions, while the value of $CO_2$ reductions is based on a global value. Second, the assessments of operating cost savings and the SCC are performed with different methods that use different time frames for analysis. The national operating cost savings is measured for the lifetime of equipment shipped in 2019–2048. The SCC values, on the other hand, reflect the present value of future climate-related impacts resulting from the emission of one metric ton of $CO_2$ in each year. These impacts continue well beyond 2100.

8. Other Factors

The Secretary of Energy, in determining whether a standard is economically justified, may consider any other factors that he/she deems to be relevant. (42 U.S.C. 6316 (a); 42 U.S.C. 6295(o)(2)(B)(i)(VI)) No other factors were considered in this analysis.

*C. Proposed Standard*

EPCA, at 42 U.S.C. 6313(a)(6)(A)(ii)(II), specifies that, for any commercial and industrial equipment addressed in section 342(a)(6)(A)(i) of EPCA, 42 U.S.C. 6313(a), DOE may prescribe an energy conservation standard more stringent than the level for such equipment in ANSI/ASHRAE/IES Standard 90.1, as amended, only if ''clear and convincing evidence'' shows that a more stringent standard ''would result in significant additional conservation of energy and is technologically feasible and economically justified.'' (42 U.S.C. 6313(a)(6)(A)(ii)(II))

In selecting the proposed energy conservation standards for PTACs and PTHPs for consideration in this notice of proposed rulemaking, DOE started by examining the maximum technologically feasible levels, and determined whether those levels were economically justified. Upon finding the maximum technologically feasible levels not to be justified, DOE analyzed the next lower TSL to determine whether that level was economically justified. DOE repeated this procedure until it reached the highest efficiency level that is technologically feasible, economically justified and saves a significant amount of energy.

To aid the reader as DOE discusses the benefits and/or burdens of each TSL, tables in this section summarize the quantitative analytical results for each TSL, based on the assumptions and methodology discussed herein. The efficiency levels contained in each TSL are described in section V.A. In addition to the quantitative results presented in the tables, DOE also considers other burdens and benefits that affect economic justification. These include the impacts on identifiable subgroups of customers that may be disproportionately affected by a national standard (see section V.B.1.b), and impacts on employment. DOE discusses the impacts on employment in PTAC and PTHP manufacturing in section V.B.2, and discusses the indirect employment impacts in section V.B.3.c.

1. Benefits and Burdens of Trial Standard Levels Considered for Packaged Terminal Air Conditioners and Packaged Terminal Heat Pumps

Table V.24 and Table V.25 summarize the quantitative impacts estimated for each TSL for packaged terminal air conditioners and packaged terminal heat pumps.

TABLE V.24—SUMMARY OF ANALYTICAL RESULTS FOR PACKAGED TERMINAL AIR CONDITIONING AND HEAT PUMP EQUIPMENT: NATIONAL IMPACTS

| Category | TSL 1 | TSL 2 | TSL 3 | TSL 4 | TSL 5 |
|---|---|---|---|---|---|
| **National FFC Energy Savings *quads*** | | | | | |
| | 0.015 | 0.059 | 0.118 | 0.150 | 0.155 |
| **NPV of Customer Benefits *** *2013$ million*** | | | | | |
| 3% discount rate | 23.9 | 69.0 | 113.8 | 130.2 | 131.0 |
| 7% discount rate | 6.5 | 10.7 | 7.9 | (1.1) | (3.8) |
| **Cumulative Emissions Reduction (Total FFC Emissions)** | | | | | |
| $CO_2$ *million metric tons* | 1.10 | 4.33 | 8.60 | 10.98 | 11.29 |
| $SO_2$ *thousand tons* | 2.47 | 9.74 | 19.30 | 24.17 | 24.70 |
| $NO_X$ *thousand tons* | 1.12 | 4.42 | 8.78 | 11.06 | 11.31 |
| Hg *tons* | 0.00 | 0.01 | 0.02 | 0.03 | 0.03 |
| $N_2O$ *thousand tons* | 0.02 | 0.07 | 0.14 | 0.18 | 0.18 |
| $N_2O$ *thousand tons* $CO_2eq$* | 5.43 | 21.37 | 42.19 | 52.32 | 53.53 |
| $CH_4$ *thousand tons* | 4.02 | 15.75 | 31.28 | 40.08 | 41.22 |
| $CH_4$ *thousand tons* $CO_2eq$* | 100.53 | 393.72 | 782.02 | 1001.97 | 1030.54 |
| **Value of Emissions Reduction (Total FFC Emissions)** | | | | | |
| $CO_2$ *2013$ million*** | 7.2 to 105.5 | 28.1 to 412.1 | 56.0 to 820.9 | 73.9 to 1066.6 | 76.4 to 1100.1 |
| $NO_X$—3% discount rate *2013$ million* | 1.39 | 5.43 | 10.85 | 14.16 | 14.59 |
| $NO_X$—7% discount rate *2013$ million* | 0.57 | 2.20 | 4.42 | 6.02 | 6.27 |

* $CO_2eq$ is the quantity of $CO_2$ that would have the same global warming potential (GWP) as the subject emission.
** Range of the economic value of $CO_2$ reductions is based on estimates of the global benefit of reduced $CO_2$ emissions.
*** Parentheses indicate negative values.

TABLE V.25—SUMMARY OF ANALYTICAL RESULTS FOR PACKAGED TERMINAL AIR CONDITIONING AND HEAT PUMP EQUIPMENT: MANUFACTURER AND CUSTOMER IMPACTS

| Category | TSL 1 | TSL 2 | TSL 3 | TSL 4 | TSL 5 |
|---|---|---|---|---|---|
| **Industry Impacts ***** | | | | | |
| Change in Industry NPV (2013$M) | (1.4) to (1.1) | (0.7) to 0.3 | (3.1) to (0.9) | (3.5) to 0.0 | (6.7) to (2.6) |
| Industry NPV (% Change) | (2.4) to (1.9) | (1.3) to 0.5 | (5.3) to (1.6) | (5.9) to 0.0 | (11.4) to (4.4) |
| **Customer Mean LCC Savings *** *2013$*** | | | | | |
| Standard Size Equipment, 9,000 Btu/h | 1.23 | 0.40 | (2.31) | (6.66) | (9.45) |
| Standard Size Equipment, 15,000 Btu/h | 0.01 | (2.11) | (12.64) | (31.18) | (43.48) |
| Weighted Average * | 1.14 | 0.21 | (3.05) | (8.41) | (11.89) |
| **Customer Median PBP *years*** | | | | | |
| Standard Size Equipment, 9,000 Btu/h | 7.1 | 8.0 | 8.9 | 9.5 | 9.8 |
| Standard Size Equipment, 15,000 Btu/h | 8.4 | 9.9 | 12.4 | 14.8 | 15.9 |
| Weighted Average * | 7.2 | 8.2 | 9.2 | 9.9 | 10.2 |
| **Standard Size Equipment 9,000 Btu/h **** | | | | | |
| Customers with Net Cost % | 20% | 37% | 63% | 71% | 73% |
| Customers with No Impact % | 54% | 37% | 7% | 0% | 0% |
| Customers with Net Benefit % | 26% | 27% | 31% | 29% | 27% |
| **Standard Size Equipment 15,000 Btu/h **** | | | | | |
| Customers with Net Cost % | 23% | 42% | 77% | 87% | 91% |
| Customers with No Impact % | 61% | 41% | 7% | 2% | 1% |
| Customers with Net Benefit % | 17% | 17% | 16% | 10% | 9% |
| **Weighted Average **** | | | | | |
| Customers with Net Cost % | 20% | 37% | 63% | 72% | 74% |
| Customers with No Impact % | 54% | 37% | 7% | 0% | 0% |
| Customers with Net Benefit % | 26% | 26% | 30% | 28% | 26% |

* Weighted by shares of each equipment class in total projected shipments in 2019.
** Rounding may cause some items to not total 100 percent.
*** Parentheses indicate negative values.

First, DOE considered TSL 5, the most efficient level (max tech), which would save an estimated total of 0.155 quads of energy, an amount DOE considers significant. TSL 5 has an estimated NPV of customer cost of $3.8 million using a 7 percent discount rate, and an estimated NPV of customer savings of $131.0 million using a 3 percent discount rate.

The cumulative emissions reductions at TSL 5 are 11.29 million metric tons of $CO_2$, 11.31 thousand tons of $NO_X$, 24.70 thousand tons of $SO_2$, 41.22 thousand tons of $CH_4$, and 0.03 tons of Hg. The estimated monetary value of the $CO_2$ emissions reductions at TSL 5 ranges from $76.4 million to $1,100.1 million.

At TSL 5, DOE projects that the average PTAC customer or PTHP customer will experience an increase in LCC. Purchasers are projected to lose on average $11.89 over the life of the equipment. DOE estimates LCC increases for 74 percent of customers that purchase a standard size PTAC or PTHP. The median payback period for a standard size PTAC or PTHP at TSL 5 is projected to be longer than the mean lifetime of the equipment.

At TSL 5, the projected change in INPV ranges from a decrease of $6.7 million to a decrease of $2.6 million. If the more severe range of impacts is reached, TSL 5 could result in a net loss of up to 11.4 percent of INPV for manufacturers. Currently, there is only one equipment line being manufactured at TSL 5 efficiency levels, and the equipment is a PTHP. DOE believes that PTAC and PTHP manufacturers will be able to design and produce equipment at TSL 5, based on the existence of a unit that achieves TSL 5 levels without the use of proprietary technologies.

In view of the foregoing, DOE concludes that, at TSL 5 for PTACs and PTHPs, the benefits of energy savings and emissions reductions would be outweighed by the potential multi-million dollar negative net economic cost to the Nation, the economic burden on customers, and the large capital conversion costs that could result in a reduction in INPV for manufacturers. Consequently, DOE has concluded that TSL 5 is not economically justified.

Next, DOE considered TSL 4, which would save an estimated total of 0.150 quads of energy, an amount DOE considers significant. TSL 4 has an estimated NPV of customer cost of $1.1 million using a 7 percent discount rate, and an estimated NPV of customer savings of $130.2 million using a 3 percent discount rate.

The cumulative emissions reductions at TSL 4 are 10.98 million metric tons of $CO_2$, 11.06 thousand tons of $NO_X$, 24.17 thousand tons of $SO_2$, 40.08 thousand tons of $CH_4$, and 0.03 tons of Hg. The estimated monetary value of the $CO_2$ emissions reductions at TSL 4 ranges from $73.9 million to $1066.6 million.

At TSL 4, DOE projects that the average PTAC customer or PTHP customer will experience an increase in LCC. Purchasers are projected to lose on average $8.41 over the life of the equipment. DOE estimates LCC increases for 72 percent of customers that purchase a standard size PTAC or PTHP. The median payback period for a standard size PTAC or PTHP at TSL 4 is projected to be shorter than the mean lifetime of the equipment.

At TSL 4, the projected change in INPV ranges from a decrease of $3.5 million to a decrease of $0.0 million. If the lower bound of the range of impacts is reached, TSL 4 could result in a net loss of up to 5.9 percent of INPV for manufacturers.

After carefully considering the analysis and weighing the benefits and burdens of TSL 4, the Secretary has tentatively concluded that at TSL 4, the benefits of energy savings and emissions reductions would be outweighed by the potential multi-million dollar negative net economic cost to the Nation, the economic burden on customers, and the large capital conversion costs that could result in a reduction in INPV for manufacturers.

Next, DOE considered TSL 3, which would save an estimated total of 0.118 quads of energy, an amount DOE considers significant. TSL 3 has an estimated NPV of customer savings of $7.9 million using a 7 percent discount rate, and $113.8 million using a 3 percent discount rate.

The cumulative emissions reductions at TSL 3 are 8.60 million metric tons of $CO_2$, 8.78 thousand tons of $NO_X$, 19.30 thousand tons of $SO_2$, 31.28 thousand tons of $CH_4$, 0.02 tons of Hg. The estimated monetary value of the $CO_2$ emissions reductions at TSL 3 ranges from $56.0 million to $820.9 million.

At TSL 3, DOE projects that the average PTAC customer or PTHP customer will experience an increase in LCC. Purchasers are projected to lose on average $3.05 over the life of the product. DOE estimates LCC increases for 63 percent of customers that purchase a standard size PTAC or PTHP. The median payback period for a standard size PTAC or PTHP at TSL 3 is projected to be shorter than the mean lifetime of the equipment.

At TSL 3, the projected change in INPV ranges from a decrease of $3.1 million to a decrease of $0.9 million. If the lower bound of the range of impacts is reached, TSL 3 could result in a net loss of up to 5.3 percent of INPV for manufacturers.

After carefully considering the analysis and weighing the benefits and burdens of TSL 3, the Secretary has tentatively concluded that at TSL 3, the benefits of energy savings, emissions reductions, and net economic savings to the Nation would be outweighed by the potential economic burden on the majority of customers of PTAC and PTHP equipment and the capital conversion costs that could result in a reduction in INPV for manufacturers.

Next, DOE considered TSL 2, which would save an estimated total of 0.059 quads of energy, an amount DOE considers significant. TSL 2 has an estimated NPV of customer savings of $10.7 million using a 7 percent discount rate, and $69.0 million using a 3 percent discount rate.

The cumulative emissions reductions at TSL 2 are 4.33 million metric tons of $CO_2$, 4.42 thousand tons of $NO_X$, 9.74 thousand tons of $SO_2$, 15.75 thousand tons of $CH_4$, and 0.01 tons of Hg. The estimated monetary value of the $CO_2$ emissions reductions at TSL 2 ranges from $28.1 million to $412.1 million.

At TSL 2, DOE projects that the average PTAC or PTHP customer will experience an decrease in LCC. Purchasers are projected to save on average $0.21 over the life of the equipment. DOE estimates LCC increases for 37 percent of customers that purchase a standard size PTAC or PTHP. The median payback period for a standard size PTAC or PTHP at TSL 2 is projected to be shorter than the mean lifetime of the equipment.

At TSL 2, the projected change in INPV ranges from a decrease of $0.7 million to an increase of $0.3 million. If the lower bound of the range of impacts is reached, TSL 3 could result in a net loss of up to 1.3 percent of INPV for manufacturers.

After carefully considering the analysis and weighing the benefits and burdens of TSL 2, the Secretary has tentatively concluded that at TSL 2, the benefits of energy savings, emissions reductions, net economic benefits to the Nation and the potential economic savings to customers of PTAC and PTHP equipment outweigh the potential economic burden on customers and the capital conversion costs that could result in a reduction in INPV for manufacturers. Accordingly, the Secretary concludes that TSL 2 saves a significant amount of energy and is technologically feasible and economically justified. Therefore, DOE proposes to adopt the energy

conservation standards for PTACs and PTHPs at TSL 2.

Although DOE proposed this level based on examining energy savings and economic justification as compared to adoption of the ANSI/ASHRAE/IES Standard 90.1–2013 level (i.e., the ASHRAE Standard 90.1–2013 baseline) as required by statute (42 U.S.C. 6313(a)(6)(A)(ii)), DOE presents in Table V.26 to Table V.31, for informational purposes only, the benefits and burdens on the customer, the manufacturer, and the Nation in comparison to a base case including the current Federal standards. The results compared to the ASHRAE Standard 90.1–2013 baseline are also included for comparison.

TABLE V.26—AVERAGE LCC AND PBP RESULTS FOR PTACS AND PTHPS AT THE PROPOSED TRIAL STANDARD LEVEL FOR UNITS SOLD IN 2019–2048 COMPARED TO THE CURRENT FEDERAL STANDARDS

| | Equipment class | Average Life-Cycle Costs (2013$) | | | | Simple payback (years) † | Average lifetime (years) |
|---|---|---|---|---|---|---|---|
| | | Installed cost | First year's operating cost | Lifetime operating cost | LCC | | |
| ASHRAE baseline | <12,000 Btu/h | $1,508 | $192 | $1,395 | $2,903 | 7.3 | 10 |
| | ≥12,000 Btu/h | 1,767 | 249 | 1,812 | 3,579 | 8.6 | |
| | Total—All Classes. | 1,527 | 196 | 1,425 | 2,952 | 7.4 | |
| Current Federal standards. | <12,000 Btu/h | 1,506 | 192 | 1,395 | 2,901 | 7.2 | |
| | ≥12,000 Btu/h | 1,764 | 249 | 1,812 | 3,576 | 8.1 | |
| | Total—All Classes. | 1,525 | 196 | 1,425 | 2,950 | 7.3 | |

† **Note**: The results for each TSL are calculated assuming that all consumers use products with that efficiency level. The PBP is measured relative to the baseline product.

TABLE V.27—LCC SAVINGS RELATIVE TO THE BASE CASE EFFICIENCY DISTRIBUTION FOR PTACS AND PTHPS AT THE PROPOSED TRIAL STANDARD LEVEL FOR UNITS SOLD IN 2019–2048 COMPARED TO THE CURRENT FEDERAL STANDARDS

| | Equipment class | Life-Cycle Cost Savings | |
|---|---|---|---|
| | | % of Consumers that experience net cost | Avg. savings (2013$)* |
| ASHRAE baseline | <12,000 Btu/h | 37 | $0.40 |
| | ≥12,000 Btu/h | 42 | ($2.11) |
| | Total—All Classes | 37 | 0.21 |
| Current Federal standards | <12,000 Btu/h | 36 | 0.47 |
| | ≥12,000 Btu/h | 41 | ($2.02) |
| | Total—All Classes | 36 | 0.29 |

* Parentheses indicate negative values.
** The calculation includes households with zero LCC savings (no impact).

TABLE V.28—MANUFACTURER IMPACT ANALYSIS RESULTS FOR PTACS AND PTHPS AT THE PROPOSED TRIAL STANDARD LEVEL FOR UNITS SOLD IN 2019–2048 COMPARED TO THE CURRENT FEDERAL STANDARDS

| | ASHRAE standard 90.1–2013 baseline | Current Federal standards |
|---|---|---|
| Base Case INPV (2013$ millions) | 58.47 | 58.46 |
| Standards Case INPV (2013$ millions) | 57.73 to 58.76 | 57.68 to 58.75 |
| Change in INPV (% Change) | (1.26) to 0.49 | (1.34) to 0.50 |

* Numbers in parentheses indicate negative savings.

TABLE V.29—CUMULATIVE NATIONAL PRIMARY AND FULL-FUEL-CYCLE ENERGY SAVINGS AND NET PRESENT VALUE OF CUSTOMER BENEFIT FOR PTACS AND PTHPS AT THE PROPOSED TRIAL STANDARD LEVEL FOR UNITS SOLD IN 2019–2048 COMPARED TO CURRENT FEDERAL STANDARDS *

| | National primary energy savings (quads) | | National FFC energy savings (quads) | | NPV at 3% (million 2013$) | | NPV at 7% (million 2013$) | |
|---|---|---|---|---|---|---|---|---|
| | ASHRAE standard 90.1–2013 baseline | Current Federal standards | ASHRAE standard 90.1–2013 baseline | Current Federal Standards | ASHRAE standard 90.1–2013 baseline | Current Federal standards | ASHRAE standard 90.1–2013 baseline | Current Federal standards |
| Standard Size Equipment, 7,000 Btu/h | 0.003 | 0.003 | 0.003 | 0.003 | 1.8 | 1.8 | (0.2) | (0.2) |

TABLE V.29—CUMULATIVE NATIONAL PRIMARY AND FULL-FUEL-CYCLE ENERGY SAVINGS AND NET PRESENT VALUE OF CUSTOMER BENEFIT FOR PTACS AND PTHPS AT THE PROPOSED TRIAL STANDARD LEVEL FOR UNITS SOLD IN 2019–2048 COMPARED TO CURRENT FEDERAL STANDARDS *—Continued

| | National primary energy savings (quads) | | National FFC energy savings (quads) | | NPV at 3% (million 2013$) | | NPV at 7% (million 2013$) | |
|---|---|---|---|---|---|---|---|---|
| | ASHRAE standard 90.1–2013 baseline | Current Federal standards | ASHRAE standard 90.1–2013 baseline | Current Federal Standards | ASHRAE standard 90.1–2013 baseline | Current Federal standards | ASHRAE standard 90.1–2013 baseline | Current Federal standards |
| Standard Size Equipment, 9,000 Btu/h | 0.05 | 0.05 | 0.051 | 0.051 | 65.9 | 65.8 | 12.3 | 12.3 |
| Standard Size Equipment, 15,000 Btu/h | 0.005 | 0.006 | 0.005 | 0.006 | 1.2 | 1.1 | (1.5) | (1.7) |
| Total—All Classes | 0.058 | 0.059 | 0.059 | 0.060 | 69.0 | 68.8 | 10.7 | 10.5 |

* Parentheses indicate negative values.
**Note**: Components may not sum to total due to rounding.

TABLE V.30—CUMULATIVE EMISSIONS REDUCTION, GLOBAL PRESENT VALUE OF $CO_2$ EMISSIONS REDUCTION, AND PRESENT VALUE OF $NO_X$ EMISSIONS REDUCTION FOR PTACS AND PTHPS AT THE PROPOSED TRIAL STANDARD LEVEL COMPARED TO THE CURRENT FEDERAL STANDARDS

| | Power sector and site emissions | | Upstream emissions | | Total emissions | |
|---|---|---|---|---|---|---|
| | ASHRAE standard 90.1–2013 baseline | Current Federal standards | ASHRAE standard 90.1–2013 baseline | Current Federal standards | ASHRAE standard 90.1–2013 baseline | Current Federal standards |
| **Cumulative Emissions Reductions** | | | | | | |
| $CO_2$ *(million metric tons)* | 4.15 | 4.17 | 0.18 | 0.18 | 4.33 | 4.35 |
| $SO_2$ (*thousand tons*) | 9.70 | 9.76 | 0.04 | 0.04 | 9.74 | 9.80 |
| $NO_X$ *(thousand tons)* | 1.90 | 1.91 | 2.53 | 2.54 | 4.42 | 4.45 |
| Hg (*tons)* | 0.01 | 0.01 | 0.00 | 0.00 | 0.01 | 0.01 |
| $N_2O$ (*thousand tons*) | 0.07 | 0.07 | 0.00 | 0.00 | 0.07 | 0.07 |
| $CH_4$ (*thousand tons*) | 0.39 | 0.39 | 15.36 | 15.45 | 15.75 | 15.84 |
| **Global Present Value of $CO_2$ Emissions Reduction, SCC Scenario * (million 2013$)** | | | | | | |
| 5% discount rate, average | 26.86 | 27.02 | 1.20 | 1.20 | 28.06 | 28.23 |
| 3% discount rate, average | 127.30 | 128.04 | 5.66 | 5.69 | 132.95 | 133.73 |
| 2.5% discount rate, average | 203.32 | 204.51 | 9.03 | 9.08 | 212.35 | 213.59 |
| 3% discount rate, 95th percentile | 394.56 | 396.87 | 17.53 | 17.63 | 412.08 | 414.50 |
| **Present Value of $NO_X$ Emissions Reduction (million 2013$)** | | | | | | |
| 3% discount rate | 2.20 | 2.22 | 3.23 | 3.25 | 5.43 | 5.46 |
| 7% discount rate | 0.81 | 0.81 | 1.39 | 1.40 | 2.20 | 2.22 |

* For each of the four cases, the corresponding SCC value for emissions in 2015 is $12.0, $40.5, $62.4 and $119 per metric ton (2013$).
** Values of ''0.00'' represent rounded non-zero emissions reductions.

TABLE V.31—PTACS AND PTHPS AT THE PROPOSED TSL: NET PRESENT VALUE OF CONSUMER SAVINGS COMBINED WITH NET PRESENT VALUE OF MONETIZED BENEFITS FROM $CO_2$ AND $NO_X$ EMISSIONS REDUCTIONS COMPARED TO THE CURRENT FEDERAL STANDARDS

| | SCC Value of $12.0/metric ton $CO_2$* and medium value for $NO_X$** | | SCC Value of $40.5/metric ton $CO_2$* and Medium Value for $NO_X$** | | SCC Value of $62.4/metric ton $CO_2$* and Medium Value for $NO_X$** | | SCC Value of $119/metric ton $CO_2$* and Medium Value for $NO_X$** | |
|---|---|---|---|---|---|---|---|---|
| | ASHRAE standard 90.1–2013 baseline | Current Federal standards | ASHRAE Standard 90.1–2013 baseline | Current Federal standards | ASHRAE Standard 90.1–2013 baseline | Current Federal standards | ASHRAE Standard 90.1–2013 baseline | Current Federal standards |
| | million 2013$ | | | | | | | |
| Consumer NPV at 3% Discount Rate added with each SCC and $NO_X$ value | 102.5 | 102.5 | 207.3 | 208.0 | 286.7 | 287.8 | 486.5 | 488.7 |
| Consumer NPV at 7% Discount Rate added with each SCC and $NO_X$ value | 41.0 | 40.9 | 145.9 | 146.4 | 225.2 | 226.3 | 425.0 | 427.2 |

* These label values represent the global SCC in 2015, in 2013$. The present values have been calculated with scenario-consistent discount rates.
** Medium Value corresponds to $2,684 per ton of $NO_X$ emissions.

Table V.32 shows the proposed energy conservation standards for all equipment classes of PTACs and PTHPs, including all cooling capacities.

TABLE V.32—PROPOSED ENERGY CONSERVATION STANDARDS FOR PTACS AND PTHPS

| Equipment Class | | | Proposed energy conservation standards* |
|---|---|---|---|
| Equipment | Category | Cooling capacity | |
| PTAC | Standard Size** | <7,000 Btu/h | EER = 12.6. |
| | | ≥7,000 Btu/h and ≤15,000 Btu/h | EER = 14.9 − (0.324 × Cap††). |
| | | >15,000 Btu/h | EER = 10.0. |
| PTHP | Standard Size** | <7,000 Btu/h | EER = 12.6<br>COP = 3.5. |
| | | ≥7,000 Btu/h and ≤15,000 Btu/h | EER = 14.9 − (0.324 × Cap††)<br>COP = 4.0 − (0.064 × Cap††). |
| | | >15,000 Btu/h | EER = 10.0<br>COP = 3.0. |

* For equipment rated according to the DOE test procedure (ARI Standard 310/380–2004), all energy efficiency ratio (EER) values must be rated at 95 °F outdoor dry-bulb temperature for air-cooled equipment and evaporatively-cooled equipment and at 85 °F entering water temperature for water cooled equipment. All coefficient of performance (COP) values must be rated at 47 °F outdoor dry-bulb temperature for air-cooled equipment, and at 70 °F entering water temperature for water-source heat pumps.

** Standard size refers to PTAC or PTHP equipment with wall sleeve dimensions greater than or equal to 16 inches high, or greater than or equal to 42 inches wide.

† Non-standard size refers to PTAC or PTHP equipment with wall sleeve dimensions less than 16 inches high and less than 42 inches wide.

†† Cap means cooling capacity in thousand British thermal units per hour (Btu/h) at 95 °F outdoor dry-bulb temperature.

2. Summary of Benefits and Costs (Annualized) of the Proposed Standards

The benefits and costs of the proposed standards, for equipment sold in 2019–2048, can also be expressed in terms of annualized values. The annualized monetary values are the sum of (1) the annualized national economic value of the benefits from customer operation of equipment that meet the proposed standards (consisting primarily of operating cost savings from using less energy, minus increases in equipment purchase and installation costs, which is another way of representing customer NPV), and (2) the annualized monetary value of the benefits of emission reductions, including $CO_2$ emission reductions.[67]

Although combining the values of operating savings and $CO_2$ emission reductions provides a useful perspective, two issues should be considered. First, the national operating savings are domestic U.S. customer monetary savings that occur as a result of market transactions while the value of $CO_2$ reductions is based on a global value. Second, the assessments of operating cost savings and $CO_2$ savings are performed with different methods that use different time frames for analysis. The national operating cost savings is measured for the lifetime of PTACs and PTHPs shipped in 2019–2048. The SCC values, on the other hand, reflect the present value of some future climate-related impacts resulting from the emission of one ton of carbon dioxide in each year. These impacts continue well beyond 2100.

Estimates of annualized benefits and costs of the proposed standards PTACs and PTHPs are shown in Table V.33. The results under the primary estimate are as follows. Using a 7-percent discount rate for benefits and costs other than $CO_2$ reduction, for which DOE used a 3-percent discount rate along with the average SCC series that uses a 3-percent discount rate, the cost of the amended standards proposed in this rule is $8.38 million per year in increased equipment costs; while the estimated benefits are $9.4 million per year in reduced equipment operating costs, $7.2 million in $CO_2$ reductions, and $0.20 million in reduced $NO_X$ emissions. In this case, the net benefit would amount to $8.4 million per year. Using a 3-percent discount rate for all benefits and costs and the average SCC series, the estimated cost of the standards proposed in this rule is $9.36 million per year in increased equipment costs; while the estimated benefits are $13.1 million per year in reduced operating costs, $7.2 million in $CO_2$ reductions, and $0.29 million in reduced $NO_X$ emissions. In this case, the net benefit would amount to approximately $11.2 million per year.

TABLE V.33—ANNUALIZED BENEFITS AND COSTS OF PROPOSED STANDARDS FOR PACKAGED TERMINAL AIR CONDITIONERS AND PACKAGED TERMINAL HEAT PUMPS

[Million 2013$/year]

| | Discount rate | Primary estimate * | Low net benefits estimate * | High net benefits estimate * |
|---|---|---|---|---|
| Benefits: | | | | |
| Operating Cost Savings | 7% | 9.4 | 9.0 | 9.9 |
| | 3% | 13.1 | 12.5 | 13.9 |
| $CO_2$ Reduction Monetized Value ($12.0/t case) ** | 5% | 2.0 | 2.0 | 2.0 |
| $CO_2$ Reduction Monetized Value ($40.5/t case) ** | 3% | 7.2 | 7.2 | 7.2 |

[67] DOE used a two-step calculation process to convert the time-series of costs and benefits into annualized values. First, DOE calculated a present value in 2013, the year used for discounting the NPV of total customer costs and savings, for the time-series of costs and benefits using discount rates of three and seven percent for all costs and benefits except for the value of $CO_2$ reductions. For the latter, DOE used a range of discount rates. From the present value, DOE then calculated the fixed annual payment over a 30-year period (2019 through 2048) that yields the same present value. The fixed annual payment is the annualized value. Although DOE calculated annualized values, this does not imply that the time-series of cost and benefits from which the annualized values were determined is a steady stream of payments.

TABLE V.33—ANNUALIZED BENEFITS AND COSTS OF PROPOSED STANDARDS FOR PACKAGED TERMINAL AIR CONDITIONERS AND PACKAGED TERMINAL HEAT PUMPS—Continued

[Million 2013$/year]

| | Discount rate | Primary estimate * | Low net benefits estimate * | High net benefits estimate * |
|---|---|---|---|---|
| $CO_2$ Reduction Monetized Value ($62.4/t case) ** | 2.5% | 10.7 | 10.7 | 10.7 |
| $CO_2$ Reduction Monetized Value ($119/t case) ** | 3% | 22.3 | 22.3 | 22.3 |
| $NO_X$ Reduction Monetized Value (at $2,684/ton) ** | 7% | 0.20 | 0.20 | 0.20 |
| | 3% | 0.29 | 0.29 | 0.29 |
| Total Benefits † | 7% plus $CO_2$ range | 11.6 to 31.9 | 11.2 to 31.5 | 12.1 to 32.4 |
| | 7% | 16.8 | 16.4 | 17.3 |
| | 3% plus $CO_2$ range | 15.4 to 35.7 | 14.8 to 35.0 | 16.2 to 36.5 |
| | 3% | 20.6 | 19.9 | 21.4 |
| Costs: | | | | |
| Incremental Product Costs | 7% | 8.38 | 8.18 | 10.61 |
| | 3% | 9.36 | 9.06 | 12.29 |
| Net Benefits: | | | | |
| Total † | 7% plus $CO_2$ range | 3.2 to 23.5 | 3.0 to 23.3 | 1.5 to 21.8 |
| | 7% | 8.4 | 8.2 | 6.7 |
| | 3% plus $CO_2$ range | 6.0 to 26.3 | 5.7 to 26.0 | 3.9 to 24.2 |
| | 3% | 11.2 | 10.9 | 9.1 |

* This table presents the annualized costs and benefits associated with PTAC and PTHP shipped in 2019–2048. These results include benefits to customers which accrue after 2048 from the equipment purchased in 2019–2048. The results account for the incremental variable and fixed costs incurred by manufacturers due to the standard, some of which may be incurred in preparation for the rule. The Primary, Low Benefits, and High Benefits Estimates utilize projections of energy prices from the *AEO 2013* Reference case, Low Economic Growth case, and High Economic Growth case, respectively. In addition, incremental equipment costs reflect no change for projected product price trends in the Primary Estimate, an increasing trend for projected product prices in the Low Benefits Estimate, and a decreasing trend for projected product prices in the High Benefits Estimate. The methods used to derive projected price trends are explained in section IV.F.

** The $CO_2$ values represent global monetized values of the SCC, in 2013$, in 2015 under several scenarios of the updated SCC values. The first three cases use the averages of SCC distributions calculated using 5%, 3%, and 2.5% discount rates, respectively. The fourth case represents the 95th percentile of the SCC distribution calculated using a 3% discount rate. The SCC time series incorporate an escalation factor. The value for $NO_X$ is the average of the low and high values used in DOE's analysis.

† Total Benefits for both the 3-percent and 7-percent cases are derived using the series corresponding to average SCC with 3-percent discount rate. In the rows labeled "7% plus $CO_2$ range" and "3% plus $CO_2$ range," the operating cost and $NO_X$ benefits are calculated using the labeled discount rate, and those values are added to the full range of $CO_2$ values.

The annualized values of benefits and burdens of the proposed trial standard level compared to a base case including the Federal baseline are shown in Table V.34.

TABLE V.34—ANNUALIZED BENEFITS AND COSTS OF PROPOSED STANDARDS FOR PTACS AND PTHPS AT THE PROPOSED TRIAL STANDARD LEVEL FOR UNITS SOLD IN 2019–2048 COMPARED TO THE CURRENT FEDERAL STANDARDS

[Million 2013$/year]

| | Discount rate | Primary estimate * | Low net benefits estimate * | High net benefits estimate * |
|---|---|---|---|---|
| Benefits: | | | | |
| Operating Cost Savings | 7% | 9.4 | 9.0 | 9.9 |
| | 3% | 13.2 | 12.5 | 14.0 |
| $CO_2$ Reduction Monetized Value ($12.0/t case) ** | 5% | 2.0 | 2.0 | 2.0 |
| $CO_2$ Reduction Monetized Value ($40.5/t case) ** | 3% | 7.2 | 7.2 | 7.2 |
| $CO_2$ Reduction Monetized Value ($62.4/t case) ** | 2.5% | 10.7 | 10.7 | 10.7 |
| $CO_2$ Reduction Monetized Value ($119/t case) ** | 3% | 22.4 | 22.4 | 22.4 |
| $NO_X$ Reduction Monetized Value (at $2,684/ton) ** | 7% | 0.20 | 0.20 | 0.20 |
| | 3% | 0.30 | 0.30 | 0.30 |
| Total Benefits † | 7% plus $CO_2$ range | 11.6 to 32.1 | 11.3 to 31.7 | 12.2 to 32.6 |
| | 7% | 16.9 | 16.5 | 17.4 |
| | 3% plus $CO_2$ range | 15.5 to 35.9 | 14.8 to 35.3 | 16.3 to 36.7 |
| | 3% | 20.7 | 20.1 | 21.5 |
| Costs: | | | | |
| Incremental Product Costs | 7% | 8.45 | 8.25 | 10.71 |
| | 3% | 9.44 | 9.14 | 12.39 |
| Net Benefits: | | | | |
| Total † | 7% plus $CO_2$ range | 3.2 to 23.6 | 3.0 to 23.4 | 1.5 to 21.9 |
| | 7% | 8.4 | 8.2 | 6.7 |
| | 3% plus $CO_2$ range | 6.0 to 26.5 | 5.7 to 26.1 | 3.9 to 24.3 |

TABLE V.34—ANNUALIZED BENEFITS AND COSTS OF PROPOSED STANDARDS FOR PTACS AND PTHPS AT THE PROPOSED TRIAL STANDARD LEVEL FOR UNITS SOLD IN 2019–2048 COMPARED TO THE CURRENT FEDERAL STANDARDS—Continued

[Million 2013$/year]

| | Discount rate | Primary estimate * | Low net benefits estimate * | High net benefits estimate * |
|---|---|---|---|---|
| | 3% | 11.3 | 10.9 | 9.1 |

* This table presents the annualized costs and benefits associated with PTAC and PTHP shipped in 2019–2048. These results include benefits to customers which accrue after 2048 from the equipment purchased in 2019–2048. The results account for the incremental variable and fixed costs incurred by manufacturers due to the standard, some of which may be incurred in preparation for the rule. The Primary, Low Benefits, and High Benefits Estimates utilize projections of energy prices from the *AEO 2013* Reference case, Low Economic Growth case, and High Economic Growth case, respectively. In addition, incremental product costs reflect no change for projected product price trends in the Primary Estimate, an increasing trend for projected equipment prices in the Low Benefits Estimate, and a decreasing trend for projected equipment prices in the High Benefits Estimate. The methods used to derive projected price trends are explained in section IV.F.

** The $CO_2$ values represent global monetized values of the SCC, in 2013$, in 2015 under several scenarios of the updated SCC values. The first three cases use the averages of SCC distributions calculated using 5%, 3%, and 2.5% discount rates, respectively. The fourth case represents the 95th percentile of the SCC distribution calculated using a 3% discount rate. The SCC time series incorporate an escalation factor. The value for $NO_X$ is the average of the low and high values used in DOE's analysis.

† Total Benefits for both the 3-percent and 7-percent cases are derived using the series corresponding to average SCC with 3-percent discount rate. In the rows labeled "7% plus $CO_2$ range" and "3% plus $CO_2$ range," the operating cost and $NO_X$ benefits are calculated using the labeled discount rate, and those values are added to the full range of $CO_2$ values.

## VI. Procedural Issues and Regulatory Review

### *A. Review Under Executive Orders 12866 and 13563*

Section 1(b)(1) of Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (Oct. 4, 1993), requires each agency to identify the problem that it intends to address, including, where applicable, the failures of private markets or public institutions that warrant new agency action, as well as to assess the significance of that problem. The problems that the proposed standards address are as follows:

(1) For certain segments of the companies that purchase PTACs and PTHPs, such as small hotels and residential facilities, there may be a lack of customer information and/or information processing capability about energy efficiency opportunities in the commercial space conditioning market.

(2) There is asymmetric information (one party to a transaction has more and better information than the other) and/or high transactions costs (costs of gathering information).

(3) There are external benefits resulting from improved energy efficiency of PTACs and PTHPs that are not captured by the users of such equipment. These benefits include externalities related to environmental protection and energy security that are not reflected in energy prices, such as reduced emissions of greenhouse gases. DOE attempts to quantify some of the external benefits through use of Social Cost of Carbon values.

In addition, DOE has determined that this regulatory action is not an ''economically significant regulatory action'' under section 3(f)(1) of Executive Order 12866. Section 6(a)(3)(A) of the Executive Order states that absent a material change in the development of the planned regulatory action, regulatory action not designated as significant will not be subject to review under the aforementioned section unless, within 10 working days of receipt of DOE's list of planned regulatory actions, the Administrator of OIRA notifies the agency that OIRA has determined that a planned regulation is a significant regulatory action within the meaning of the Executive order. Accordingly, DOE is not submitting this NOPR for review by the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB).

DOE has also reviewed this regulation pursuant to Executive Order 13563, issued on January 18, 2011. (76 FR 3281, Jan. 21, 2011) EO 13563 is supplemental to and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, agencies are required by Executive Order 13563 to: (1) Propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, 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 specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

DOE emphasizes as well that Executive Order 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, the Office of Information and Regulatory Affairs has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. For the reasons stated in the preamble, DOE believes that this NOPR is consistent with these principles, including the requirement that, to the extent permitted by law, benefits justify costs and that net benefits are maximized.

### *B. Review Under the Regulatory Flexibility Act*

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published

procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site (*http://energy.gov/gc/office-general-counsel*).

1. Description and Estimated Number of Small Entities Regulated

a. Methodology for Estimating the Number of Small Entities

For manufacturers of PTACs and PTHPs, the Small Business Administration (SBA) has set a size threshold, which defines those entities classified as ''small businesses'' for the purposes of the statute. DOE used the SBA's small business size standards to determine whether any small entities would be subject to the requirements of the rule. 65 FR 30836, 30848 (May 15, 2000), as amended at 65 FR 53533, 53544 (September 5, 2000) and 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 *http://www.sba.gov/sites/default/files/files/Size_Standards_Table.pdf.* PTAC and PTHP manufacturing is classified under NAICS 333415, ''Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing.'' The SBA sets a threshold of 750 employees or less for an entity to be considered as a small business for this category.

DOE reviewed the potential standard levels considered in this NOPR under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. To better assess the potential impacts of this rulemaking on small entities, DOE conducted a more focused inquiry of the companies that could be small business manufacturers of products covered by this rulemaking. During its market survey, DOE used available public information to identify potential small manufacturers. DOE's research involved industry trade association membership directories (*e.g.,* AHRI), information from previous rulemakings, individual company Web sites, and market research tools (*e.g.,* Hoover's reports) to create a list of companies that manufacture or sell PTAC and PTHP products covered by this rulemaking. DOE also asked stakeholders and industry representatives if they were aware of any additional small manufacturers during manufacturer interviews and at DOE public meetings. DOE reviewed publicly available data and contacted various companies on its complete list of manufacturers, as necessary, to determine whether they met the SBA's definition of a small business manufacturer. DOE screened out companies that do not offer products impacted by this rulemaking, do not meet the definition of a ''small business,'' or are foreign owned and operated.

DOE initially identified 22 companies that sell PTAC and PTHP equipment that would be affected by this proposal. Of these 22 companies, DOE identified 12 as small businesses.

b. Manufacturer Participation

DOE contacted the identified small businesses to invite them to take part in a manufacturer impact analysis interview. Of the 12 small businesses contacted, DOE was able to reach and discuss potential standards with two. DOE also obtained information about small businesses and potential impacts on small businesses while interviewing large manufacturers.

c. PTAC and PTHP Industry Structure and Nature of Competition

Three major manufacturers supply approximately 80 percent of the market for PTACs and PTHPs. DOE estimates that the remaining 20 percent of the PTAC and PTHP market is served by a combination of small businesses and large businesses that are foreign owned and operated. None of the major manufacturers of PTACs and PTHPs affected by this rulemaking is a domestic small business.

Further, the small businesses identified are not original equipment manufacturers of standard-size PTACs and PTHPs impacted by this rulemaking. Rather, they import, rebrand, and distribute standard-size PTACs and PTHPs manufactured overseas by foreign companies. Some small businesses identified are original equipment manufacturers of non-standard size PTACs and PTHPs. However, energy conservation standards for non-standard equipment are not being amended by this rulemaking. Accordingly, non-standard equipment is not considered in this small business analysis. Rather, this analysis focuses on likely impacts of the proposed rule on small businesses that sell standard-size PTACs and PTHPs.

2. Description and Estimate of Compliance Requirements

As noted, the small businesses identified are not OEMs of standard-size PTACs and PTHPs impacted by this rulemaking. Rather, they import, rebrand, and distribute PTACs and PTHPs manufactured overseas. Accordingly, small businesses would not face capital conversion costs in order to comply with amended standards, as machinery used to produce covered products is owned and operated by OEMs overseas. Small businesses also would not face product conversion costs associated with engineering and redesign of equipment. However, small businesses could experience an increase in equipment purchase price from overseas OEMs if the OEMs incur capital and product conversion costs and pass those onto small business importers. If small businesses are not able to pass all additional costs onto consumers, they could potentially face reduced markups and profits.

Additionally, small businesses would likely face product conversion costs associated with testing and certifying PTACs and PTHPs redesigned to comply with amended standards. Typically, testing and certification costs are proportional to the number of models offered by a company and not to the volume of sales. Because the volume of sales of a small business is often lower than that of a larger manufacturer, a small business's testing and certification costs may be spread over fewer units and lower revenues per model relative to a larger manufacturer. This may result in a disproportionate cost burden on small manufacturers.

Table VI.1 below presents estimated conversion costs as a percentage of annual financial metrics for an average small manufacturer relative to an average large manufacturer.

TABLE VI.1—MAGNITUDE OF CONVERSION COSTS FACING AN AVERAGE SMALL MANUFACTURER VERSUS AN AVERAGE LARGE MANUFACTURER UNDER THE PROPOSED RULE

| | Capital conversion costs as a percentage of annual capital expenditures (%) | Product conversion costs as a percentage of annual R&D expense (%) | Total conversion costs as a percentage of annual revenue (%) | Total conversion costs as a percentage of annual EBIT (%) |
|---|---|---|---|---|
| Average Small Manufacturer | 0 | 61 | 2 | 56 |
| Average Large Manufacturer | 29 | 70 | 4 | 109 |

Because small businesses are not expected to incur capital conversion costs and are expected to face limited product conversion costs in order to comply with the proposed rule, DOE estimates that small businesses will experience lower conversion costs as a percentage of annual revenue and other financial metrics compared to large manufacturers. Nevertheless, DOE recognizes that amended energy conservation standards could potentially impact small businesses disproportionately. In general, larger businesses tend to have larger production and sales volumes over which to spread costs and could have a competitive advantage due to their size and ability to access capital that may not be available to small businesses. Since the proposed standards could cause competitive concerns for small manufacturers, DOE cannot certify that the proposed standards would not have a significant impact on a substantial number of small businesses.

DOE requests comments on the impacts of amended energy conservation standards on small business. This is identified as issue 7 in section VII.E, ''Issues on Which DOE Seeks Comment.''

3. Duplication, Overlap, and Conflict With Other Rules and Regulations

DOE is not aware of any rules or regulations that duplicate, overlap, or conflict with the rule being considered today.

4. Significant Alternatives to the Rule

The discussion above analyzes impacts on small businesses that would result from the TSL DOE is proposing in this document. Though TSLs less stringent than the proposed TSL would be expected to reduce the impacts on small entities, DOE is required by EPCA to establish standards that achieve the maximum improvement in energy efficiency that is technically feasible and economically justified, and result in a significant conservation of energy. Therefore, DOE rejected the lowest TSL.

In addition to the other TSLs being considered, the NOPR TSD includes a regulatory impact analysis in chapter 17. For PTACs and PTHPs, this report discusses the following policy alternatives: (1) No rebate, (2) consumer rebates, (3) consumer tax credits, (4) manufacturer tax credits, (5) voluntary energy efficiency targets, and (6) government bulk purchases. DOE does not intend to consider these alternatives further because they either are not feasible to implement without authority and funding from Congress, or are not expected to result in energy savings as large as those that would be achieved by the proposed energy conservation standards. For PTACs and PTHPs, the energy benefits of alternative policies analyzed range from less than 1 percent to approximately 22 percent of those estimated to result from amended standards.

DOE continues to seek input from businesses that would be affected by this rulemaking and will consider comments received in the development of any final rule.

*C. Review Under the Paperwork Reduction Act*

Manufacturers of PTACs and PTHPs must certify to DOE that their products comply with any applicable energy conservation standards. In certifying compliance, manufacturers must test their products according to the DOE test procedures for PTACs and PTHPs, including any amendments adopted for those test procedures. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including PTACs and PTHPs. 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. 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 of 1969*

Pursuant to the National Environmental Policy Act (NEPA) of 1969, DOE has determined that the proposed rule fits within the category of actions included in Categorical Exclusion (CX) B5.1 and otherwise meets the requirements for application of a CX. See 10 CFR part 1021, app. B, B5.1(b); § 1021.410(b) and appendix B, B(1)–(5). The proposed rule fits within the category of actions because it is a rulemaking that establishes energy conservation standards for consumer products or industrial equipment, and for which none of the exceptions identified in CX B5.1(b) apply. Therefore, DOE has made a CX determination for this rulemaking, and DOE does not need to prepare an Environmental Assessment or Environmental Impact Statement for this proposed rule. DOE's CX determination for this proposed rule is available at *http://cxnepa.energy.gov/.*

*E. Review Under Executive Order 13132*

Executive Order 13132, ''Federalism,'' 64 FR 43255 (Aug. 10, 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 13735. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of the 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) No further action is required by Executive Order 13132.

*F. Review Under Executive Order 12988*

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 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; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). 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 section 3(a) and section 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, this 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) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a proposed regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates 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 12820. DOE's policy statement is also available at *http://energy.gov/gc/office-general-counsel.*

This proposed rule is not expected to require expenditures of $100 million or more on the private sector.

Section 202 of UMRA authorizes a Federal agency to respond to the content requirements of UMRA in any other statement or analysis that accompanies the proposed rule. 2 U.S.C. 1532(c). The content requirements of section 202(b) of UMRA relevant to a private sector mandate substantially overlap the economic analysis requirements that apply under section 325(o) of EPCA and Executive Order 12866. The **SUPPLEMENTARY INFORMATION** section of the NOPR and the ''Regulatory Impact Analysis'' section of the TSD for this proposed rule respond to those requirements.

Under section 205 of UMRA, the Department is obligated to identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a written statement under section 202 is required. 2 U.S.C. 1535(a). DOE is required to select from those alternatives the most cost-effective and least burdensome alternative that achieves the objectives of the proposed rule unless DOE publishes an explanation for doing otherwise, or the selection of such an alternative is inconsistent with law. As required by 42 U.S.C. 6313(a), the proposed rule would establish energy conservation standards for PTACs and PTHPs that are designed to achieve the maximum improvement in energy efficiency that DOE has determined to be both technologically feasible and economically justified. A full discussion of the alternatives considered by DOE is presented in the ''Regulatory Impact Analysis'' section of the TSD for the proposed rule.

*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*

DOE has determined, under Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights'' 53 FR 8859 (Mar. 18, 1988), that this regulation 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. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed the NOPR 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 at OMB, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates 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.

DOE has tentatively concluded that this regulatory action, which proposes energy conservation standards for PTACs and PTHPs, is not a significant energy action because the proposed standards are not likely to have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as such by the Administrator at OIRA. Accordingly, DOE has not prepared a Statement of Energy Effects on the proposed rule.

*L. Review Under the Information Quality Bulletin for Peer Review*

On December 16, 2004, OMB, in consultation with the Office of Science and Technology Policy (OSTP), issued its Final Information Quality Bulletin for Peer Review (the Bulletin). 70 FR 2664 (Jan. 14, 2005). The Bulletin establishes that certain scientific information shall be peer reviewed by qualified specialists before it is disseminated by the Federal Government, including influential scientific information related to agency regulatory actions. The purpose of the bulletin is to enhance the quality and credibility of the Government's scientific information. Under the Bulletin, the energy conservation standards rulemaking analyses are ''influential scientific information,'' which the Bulletin defines as scientific information the agency reasonably can determine will have, or does have, a clear and substantial impact on important public policies or private sector decisions. 70 FR 2667.

In response to OMB's Bulletin, DOE conducted formal in-progress peer reviews of the energy conservation standards development process and analyses and has prepared a Peer Review Report pertaining to the energy conservation standards rulemaking analyses. Generation of this report involved a rigorous, formal, and documented evaluation using objective criteria and qualified and independent reviewers to make a judgment as to the technical/scientific/business merit, the actual or anticipated results, and the productivity and management effectiveness of programs and/or projects. The ''Energy Conservation Standards Rulemaking Peer Review Report'' dated February 2007 has been disseminated and is available at the following Web site: *www1.eere.energy.gov/buildings/appliance_standards/peer_review.html.*

## VII. Public Participation

*A. Attendance at the 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 laptop computers into the Forrestal Building will be required to obtain a property pass. Visitors should avoid bringing laptop computers, or allow an extra 45 minutes. Persons can attend the public meeting via webinar.

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 at: *http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/45.* 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 document. 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 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, interested parties may submit further comments on the proceedings as well as on any aspect of the rulemaking until the end of the comment period.

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 document. 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, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this document.

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 itself 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. Otherwise, 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 below.

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/courier, 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/courier, 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, that are written in English, and that are 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.* According 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/courier 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 did not consider alternate refrigerants in the analysis because DOE is not aware of any SNAP-approved refrigerants that are known to have better efficiency than R–410A for PTAC and PTHP equipment. DOE requests feedback on the efficacy of alternative refrigerants in PTAC and PTHP equipment.

2. To estimate the number and type of distribution channels and the distribution of the shipments through the distribution channels, DOE leveraged the information from the 2008 PTAC and PTHP final rule. (73 FR 58772). DOE requests comment regarding the selected channels and distribution of shipments through the channels.

3. Stakeholders mentioned that a number of shipments are not accounted for in the AHRI database because certain manufacturers are non-AHRI manufacturers and are not subject to reporting to the database. DOE requests comment regarding and data supporting the expected number of shipments that are unreported.

4. To estimate a base-case efficiency trend, DOE applied the trend from 2012 to 2035 that was used in the commercial unitary air conditioner Advance Notice of Proposed Rulemaking (ANOPR), which estimated an increase of approximately 1 EER every 35 years. 69 FR 45460 (July 29, 2004). DOE requests comment regarding and data supporting the selected efficiency trend.

5. DOE used information provided by manufacturers to estimate the conversion costs for manufacturers at each TSL. DOE requests feedback on the expected total conversion costs for the industry at the evaluated TSLs.

6. DOE used the GRIM to estimate the domestic labor expenditures and number of direct employees in the base case and at each TSL from 2014 through 2048. DOE requests comments on the total annual direct employment levels in

the industry for PTAC and PTHP production.

7. DOE used information provided by manufacturers to analyze the effects of amended energy conservation standards on small businesses. DOE requests comments on impacts facing small businesses as a result of amended standards.

## VIII. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this proposed rule.

## List of Subjects in 10 CFR Part 431

Administrative practice and procedure, Confidential business information, Energy conservation, Reporting and recordkeeping requirements.

Issued in Washington, DC, on August 28, 2014.

**Michael Carr,**

*Principal Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.*

For the reasons set forth in the preamble, DOE proposes to amend part 431 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations as set forth below:

## PART 431—ENERGY EFFICIENCY PROGRAM FOR CERTAIN COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 431 continues to read as follows:

**Authority:** 42 U.S.C. 6291–6317.

■ 2. Amend § 431.97 by revising paragraph (c) to read as follows:

### § 431.97 Energy efficiency standards and their compliance dates.

* * * * *

(c) Each non-standard size packaged terminal air conditioner (PTAC) and packaged terminal heat pump (PTHP) manufactured on or after October 7, 2010 must meet the applicable minimum energy efficiency standard level(s) set forth in Table 4 of this section. Each standard size PTAC and PTHP manufactured on or after October 8, 2012, and before January 1, 2019 must meet the applicable minimum energy efficiency standard level(s) set forth in Table 4 of this section. Each standard size PTAC and PTHP manufactured on or after January 1, 2019 must meet the applicable minimum energy efficiency standard level(s) set forth in Table 5 of this section.

TABLE 4 TO § 431.97—MINIMUM EFFICIENCY STANDARDS FOR PTAC AND PTHP

| Equipment type | Category | Cooling capacity | Efficiency level | Compliance date: Products manufactured on and after . . . |
|---|---|---|---|---|
| PTAC | Standard Size | <7,000 Btu/h | EER = 11.7 | October 8, 2012.[2] |
| | | ≥7,000 and ≤15,000 Btu/h | EER = 13.8 − (0.3 × Cap[1]) | October 8, 2012.[2] |
| | | >15,000 Btu/h | EER = 9.3 | October 8, 2012.[2] |
| | Non-Standard Size | <7,000 Btu/h | EER = 9.4 | October 7, 2010. |
| | | ≥7,000 and ≤15,000 Btu/h | EER = 10.9 − (0.213 × Cap[1]) | October 7, 2010. |
| | | >15,000 Btu/h | EER = 7.7 | October 7, 2010. |
| PTHP | Standard Size | <7,000 Btu/h | EER = 11.9<br>COP = 3.3 | October 8, 2012.[2] |
| | | ≥7,000 and ≤15,000 Btu/h | EER = 14.0 − (0.3 × Cap[1])<br>COP = 3.7 − (0.052 × Cap[1]) | October 8, 2012.[2] |
| | | >15,000 Btu/h | EER = 9.5<br>COP = 2.9 | October 8, 2012.[2] |
| | Non-Standard Size | <7,000 Btu/h | EER = 9.3<br>COP = 2.7 | October 7, 2010. |
| | | ≥7,000 and ≤15,000 Btu/h | EER = 10.8 − (0.213 × Cap[1])<br>COP = 2.9 − (0.026 × Cap[1]) | October 7, 2010. |
| | | >15,000 Btu/h | EER = 7.6<br>COP = 2.5 | October 7, 2010. |

[1] "Cap" means cooling capacity in thousand Btu/h at 95 °F outdoor dry-bulb temperature.

[2] And manufactured before January 1, 2019. See Table 5 of this section for updated efficiency standards that apply to this category of equipment manufactured on and after January 1, 2019.

TABLE 5 TO § 431.97—UPDATED MINIMUM EFFICIENCY STANDARDS FOR PTAC AND PTHP

| Equipment type | Category | Cooling capacity | Efficiency level | Compliance date: Products manufactured on and after . . . |
|---|---|---|---|---|
| PTAC | Standard Size | <7,000 Btu/h | EER = 12.6 | January 1, 2019. |
| | | ≥7,000 and ≤15,000 Btu/h | EER = 14.9 − (0.324 × Cap [1]) | January 1, 2019. |
| | | >15,000 Btu/h | EER = 10.0 | January 1, 2019. |
| PTHP | Standard Size | <7,000 Btu/h | EER = 12.6<br>COP = 3.5 | January 1, 2019. |
| | | ≥7,000 and ≤15,000 Btu/h | EER = 14.9 − (0.324 × Cap [1])<br>COP = 4.0 − (0.064 × Cap [1]) | January 1, 2019. |
| | | >15,000 Btu/h | EER = 10.0<br>COP = 3.0 | January 1, 2019. |

[1] "Cap" means cooling capacity in thousand Btu/h at 95 °F outdoor dry-bulb temperature.

* * * * *

[FR Doc. 2014–21189 Filed 9–15–14; 8:45 am]

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