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DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 4

[Docket No. 140127076–4811–02]

RIN 0605–AA33

Public Information, Freedom of Information Act and Privacy Act Regulations

AGENCY: Department of Commerce.

ACTION: Final rule.

SUMMARY: This rule amends the Department of Commerce's (Department) regulations under the Freedom of Information Act (FOIA) and Privacy Act. The FOIA regulations are revised to clarify, update and streamline the language of several procedural provisions, including methods for submitting FOIA requests and appeals and the time limits for filing an administrative appeal, and to incorporate certain changes brought about by the amendments to the FOIA under the OPEN Government Act of 2007. Additionally, the FOIA regulations are updated to reflect developments in the case law. The Privacy Act regulations are revised to clarify, update and streamline several procedural provisions, including the methods for submitting appeals of Privacy Act requests and the time limits for filing a Privacy Act appeal. Additionally, the Privacy Act regulations are updated to make technical changes to the applicable exemptions.

DATES: These amendments are effective November 19, 2014.

FOR FURTHER INFORMATION CONTACT: Mark R. Tallarico, Senior Counsel, (202) 482–8156, Office of the General Counsel, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background Information

On February 27, 2014, the Department of Commerce published a proposed rule revising its existing regulations under the FOIA and Privacy Act. *See* 79 FR 11025.

This rule amends the Department's regulations under the FOIA to clarify, update and streamline the language of several procedural provisions, including the methods for submitting FOIA requests and appeals and the time limits for responding to a request and filing an administrative appeal, and to incorporate certain changes brought about by the amendments to the FOIA under the OPEN Government Act of 2007, Public Law 110–175, 121 Stat. 2524. Additionally, the FOIA regulations are being updated to reflect developments in case law.

Specifically, this action amends the procedures for filing requests and appeals for both the FOIA and the Privacy Act, and allows parties to use delivery services or file online through FOIAonline (*http://foiaonline.regulations.gov*). The rule also vests the Office of the Inspector General's (OIG) Counsel, rather than the Office of the Assistant General Counsel for Administration, with responsibility for addressing OIG appeals. It clarifies when the 20-day statutory time limit for responding to requests begins (i.e., when requests are received by the proper DOC component's FOIA office, when requests are modified for purposes of reformulating a request so that it reasonably describes the requests sought), and it further clarifies that certain inactions by a requester, such as his or her failure to respond to a component's one-time clarification request within 30 calendar days, failure to submit an agreement to pay anticipated fees in excess of $20 within 30 calendar days of the component's fee estimate, and failure to make an advanced payment within 30 calendar days of the component's fee estimate, may result in a request being closed. For FOIA appeals, the Department clarifies that if the deadline for filing an administrative appeal falls on a Saturday, Sunday or legal public holiday, an appeal received by 5 p.m. Eastern Time, the next business day will be deemed timely. Pursuant to this rule, it is no longer a requirement that FOIA appeals include a copy of the initial FOIA request and the component's initial denial, if any.

To implement the OPEN Government Act of 2007, this rule: (1) Allows Department components to seek a one-time clarification of a request and toll the time period for responding to the request until the requester clarifies; (2) adds a definition for ''Representative of the news media, or news media requester'' as defined in the OPEN Government Act; and (3) places limits on the fees charged when Department components do not comply with the statutory time limits under the FOIA.

This rule also revises the Department's regulations under the Privacy Act to clarify, update and streamline several procedural provisions, including the methods for submitting Privacy Act requests and appeals, and the time limits for filing a Privacy Act appeal. In particular, the action amends the Department's Privacy Act regulations regarding applicable exceptions to reflect new Department wide systems of records notices published since the last time the regulations were updated, and makes requesting your own medical records from the Department easier. This rule adopts other changes to mirror those made to the FOIA regulations in order to maintain consistency between the provisions.

Finally, this rule revises Appendix A to part 4 to: Update mailing addresses and telephone addresses of Department components for receipt and processing of requests for records under the FOIA and Privacy Act and requests for correction and amendment under the Privacy Act; include contact information for components receiving requests for records under the FOIA and Privacy Act and requests for correction and amendment under the Privacy Act; identify components maintaining public inspection facilities; and identify components maintaining separate online Electronic FOIA Libraries. Appendix B to part 4 is also revised to include an updated list of Department officials authorized to deny requests for records under the FOIA and Privacy Act and requests for correction or amendment under the Privacy Act.

Public Comments

Interested persons were afforded the opportunity to participate in the rulemaking process through submission of written comments on the proposed

rule during the 30-day open comment period. The Department received three public submissions in response to the proposed rulemaking. Due consideration was given to each comment received and, in response, the Department made modifications to the rule to enhance clarity and/or adopt several of the comments to enable a more efficient FOIA process. In addition, the Department made technical edits to the appendices to Part 4, unprompted by comments, including correcting a component's contact information identified in Appendix A and updating the list of denying officials identified in Appendix B.

Section 4.1 (General Provisions)

One commenter recommended that proposed § 4.1 be rewritten to better reflect President Obama's policy (i.e., that components discretionarily release records where no foreseeable harm exists and that there is a presumption of openness). As a general matter, the Department unequivocally adheres to and follows the Administration policy (as required) regarding discretionary releases and maintaining a presumption of openness, and components indeed discretionarily release records when no foreseeable harm exists. The Department recognizes that the language contained in the proposed revision to § 4.1(a) could be misconstrued to not require components to make discretionary releases when no foreseeable harm exists; that was not the intention. This final rule clarifies this provision by revising the language to require components to make discretionary releases of records whenever disclosure would not foreseeably harm an interest protected by a FOIA exemption and, when required, to do so in accordance with current law and/or Executive Branch policy.

Section 4.2 (Public Reading Rooms)

One commenter offered that the proposed regulations are ambiguous as to how components will provide their indices of available records and recommended that components make current subject-matter indices available electronically in their FOIA Libraries. The Department accepts this suggestion and inserts a provision in § 4.2(a) requiring components to publish their current indices electronically.

The same commenter also suggested reinstatement of the description of the records that the FOIA requires to be made available for public inspection and copying in § 4.2(d). The Department agrees and reinstates the language that appeared in § 4.2(d) of the former regulations and codifies it in § 4.2(c) in this Final Rule.

This commenter further suggested that the Department adopt a policy to ''establish categories of records that can be disclosed regularly'' and recommended that § 4.2 be revised to add a provision stating that ''each component be responsible for establishing categories of records that can be disclosed regularly and routinely posting such records on its Web site.'' While the Department encourages components to proactively disclose records on their Web sites (to the extent that they can be made publicly available), the Department declines to adopt the commenter's suggestion given the limited resources available to Department components and the decentralized nature of the FOIA process within the Department.

The same commenter also recommended that § 4.2 be revised to include a provision requiring that components, ''to the extent feasible, post in its FOIA Library copies of all records, regardless of form or format, which have been released to any person under the FOIA, other than records released in response to first-party requests.'' To the extent that they can be made publicly available, the Department encourages the posting of all records released in response to FOIA requests onto the FOIAonline Web site, *http://foiaonline.regulations.gov.* However, given that resources are needed to properly post records, it is important that Department components retain flexibility in determining how best to use those resources, including flexibility to use other options such as posting logs of FOIA responses. Accordingly, the Department declines to adopt the commenter's suggestion in this Final Rule.

This commenter further recommended that § 4.2 be revised to include a provision requiring that components ''post, in a searchable format on its Web site, a log listing all FOIA requests received by the agency and their processing status.'' The Department and its components utilize the FOIAonline Web site, *http://foiaonline.regulations.gov,* where requesters can submit FOIA requests, track the status of their requests, search for requests submitted by other requesters, access previously released records, and generate agency-specific FOIA processing reports. Accordingly, the Department declines to adopt the commenter's suggestion.

Section 4.3 (Records Under the FOIA)

One commenter recommended that a reference to the obligation to extract information from component computer databases be included as a primary statement in § 4.3(b) rather than being relegated to a qualification statement as set forth in the proposed rule. The Department does not agree that § 4.3(b) needs to be modified as suggested by the commenter. The provision concerning the extraction of information remains in the same position (second sentence) as it is in the existing regulations where it seeks to qualify the first statement in § 4.3(b)—that is, the question of whether the Department creates or compiles records vs. merely extracting them from a database is fact dependent. Accordingly, the Department is maintaining the language as published in the Proposed Rule.

Section 4.4 (Requirements for Making Requests)

One commenter recommended revising the language in proposed § 4.4(c) to ''provide adequate time for requesters to respond after having been asked to reasonably describe the records sought'' and suggests a 30 day time period. This commenter also recommended inserting language clarifying that components' notice to a requester that it is closing a request for failure to reasonably describe the records sought constitutes an adverse action. The Department agrees with both of these recommendations. It was an oversight to not include these provisions in the proposed rule, and the Department has included such language in this Final Rule at § 4.4(c).

Another commenter expressed concern that the Department's proposed revision to § 4.4(c) (Description of records sought) would allow components to prematurely close FOIA requests which curtails requesters' access to information and directly contravenes the Obama Administration's commitment to transparency and open government. In addition to recommending that the Department not adopt this revision, this commenter also suggested that components ''should not close the file prematurely if requesters do not amend their requests, but instead [should] relegate the request to a lower processing track.''

The Department does not agree with this commenter's concerns that revisions to § 4.4(c) would result in the premature closing of FOIA requests, that it would curtail requesters' access to information in violation of the FOIA, or that it contravenes the Obama Administration's open government and transparency policies. The revisions to § 4.4(c) seek to galvanize Departmental procedures for how components are to

process requests that do not reasonably describe the records sought. The FOIA requires that requesters satisfy two conditions when submitting a FOIA request—that the request reasonably describes the records sought and that it is made in accordance with agency's published rule setting forth the procedures for filing a FOIA request. In instances where a component determines that a request does not reasonably describe the records sought, the provisions at § 4.4(c) require that the component contact the requester and inform him or her what additional information is needed to meet the requirements of the FOIA—namely, how to reformulate or modify the request so that it reasonably describes records that the component may be able to locate. By incorporating the first commenter's recommendation in § 4.4(c) of this final rule, requesters will have 30 calendar days to modify or reformulate their request to meet the requirements of the FOIA before a component can close a request. Moreover, in instances where a component closes a FOIA request because a requester fails to reasonably describe the records sought, the requester will be afforded administrative appeal rights to challenge the component's decision. Accordingly, the Department declines to adopt these comments.

Section 4.6 (Time Limits and Expedited Processing)

One commenter recommended revising § 4.6(b) (Initial response and appeal) to insert a provision stating that: ''As soon as practicable after receiving a request, a component shall provide the requester with the estimated date it will complete processing the request. The component shall notify the requester that he or she may reformulate the request, if he or she so chooses, to revise the scope of the request in order to potentially reduce processing time.'' In support, the commenter cites the OPEN Government Act of 2007, Public Law 110–175, as requiring agencies to provide requesters with an estimated date of completion for processing requests.

The OPEN Government Act does not require agencies to proactively provide requesters with an estimated completion date for processing their requests, as suggested by the commenter. Rather, the 2007 FOIA Amendments require that each agency—

> establish a telephone line or Internet services that provides information about the status of a request to the person making the request using the assigned tracking number, including—(i) the date on which the agency originally received the request; and (ii) an estimated date on which the agency will complete the action on the request.

Consistent with the requirements of the OPEN Government Act, and as set forth in the Appendix A to part 4, each component maintains a phone line where requesters can contact a FOIA professional to obtain an estimated completion date for their request. Additionally, components' participation in the FOIAonline Web site, *http://foiaonline.regulations.gov,* offers another mechanism through which requesters can communicate electronically with FOIA staff to obtain an estimated completion date of their request. Because our current regulations and practices are in compliance with OPEN Government Act, the Department declines to adopt the commenter's suggestion as it would create an unnecessary burden on components' FOIA offices.

The same commenter also recommended revising § 4.6(c) (Clarification of request) to insert two provisions—one stating that ''Components should also attempt to clarify with the requester by telephone'' and another at the end of § 4.6(c) stating ''Notwithstanding the other provisions of this paragraph, if a component has any uncertainty regarding an aspect of the request, it shall attempt to communicate with the requester to clarify the scope of his or her FOIA request.''

The Department strongly encourages FOIA staff to communicate with requesters, by telephone and/or email, as much and as early as possible in order to resolve issues (clarifications or otherwise). Ultimately, however, clarifications must be made in writing. The commenter's second recommendation is already addressed in § 4.6(c) and no further changes are necessary. Accordingly, the Department declines to adopt the commenter's suggested changes.

A second commenter recommended removing from § 4.6(f)(3) (Expedited processing) the reference to ''main professional activity or occupation'' from the example as to how a requester can establish that he or she is ''primarily engaged in disseminating information.'' In support, this commenter offers that having a ''professional'' requirement would exclude many requesters from obtaining expedited processing because ''they may engage primarily in information dissemination while it is not a profession or occupation or paid activity.''

The Department did not propose to revise the language addressing expedited processing in the Proposed Rule. The Department's regulations regarding expedited processing (found at 15 CFR 4.6(f)(1)(iv)) mirror the FOIA and allow for this type of processing whenever it is determined that a FOIA request involves an ''urgency to inform the public about an actual or alleged Federal Government activity, if made by a person primarily engaged in disseminating information.'' 5 U.S.C. 552(a)(6)(E)(v)(II). The purpose of the language at issue in § 4.6(f)(3) is to give some clarity for how a requester can establish that he or she is ''primarily engaged in disseminating information''—a requirement set forth in the FOIA—even though the requester is not a full-time member of the media. Although we did not propose any revisions to the expedited processing regulations, we recognize the need to provide additional guidance on this subject. Thus, we revised § 4.6(f)(3) in this Final Rule to provide more clarity as to how requesters, who are not full-time members of the media, can still establish that they are ''primarily engaged in disseminating information.''

Section 4.7 (Responses to Requests)

One commenter suggested that § 4.7 be revised to add a provision stating that ''Components shall use plain language in all written communications with requesters.'' This commenter cites The Plain Writing Act of 2010 as the basis for this revision. By law, the Department and its components are required to follow The Plain Writing Act of 2010. Therefore, it is unnecessary to include such a provision in the Department's FOIA regulations.

The same commenter also recommended that § 4.7 be revised to add language restating President Obama's openness and transparency policy and Attorney General Holder's FOIA guidelines which require agencies to identify a foreseeable harm in order to withhold information under a FOIA exemption. We included language similar to what the commenter suggested in § 4.1 in this Final Rule and, thus, we decline to make the suggested changes to § 4.7.

This commenter further recommended that § 4.7 be revised to add a provision stating that ''Components shall generally respond with the requester by email or through the FOIAonline Web site, rather than postal mail, unless he or she specifies otherwise.'' The Department encourages communication with requesters by electronic means. However, it is important that Department components have flexibility in determining how best to communicate with requesters, including flexibility to use the U.S. mail

or other delivery options. Therefore, the Department is not adopting the commenter's suggested changes.

The same commenter recommended that § 4.7(a) be revised to add a provision stating that ''Components shall provide automated updates on the status of FOIA requests through FOIAonline.'' For support, the commenter cites the OPEN Government Act as requiring agencies to establish a service allowing requesters to inquire about the status of their requests.

The OPEN Government Act requires agencies to establish either a telephone line *or* an Internet service through which requesters can obtain an estimated completion date. The Department and its components are in full compliance with this requirement, having established telephones lines (contained in Appendix A to part 4 of the Final Rule) by which requesters can inquire about the status of their requests. Further, the Department's participation in the FOIAonline Web site also serves to meet the OPEN Government Act requirement by providing an electronic portal through which requesters can inquire about the status of their requests. The FOIAonline Web site also provides requesters with the ability to track the status of their request. Given these current practices, we find it unnecessary to adopt any of the commenter's suggested changes in this Final Rule.

This commenter also recommended that § 4.7(b) be revised to add a provision stating that ''If a request involves a voluminous amount of material or searches in multiple locations, a component shall provide a requester with interim responses, releasing the information on a rolling basis.''

To the extent feasible, Department components presently issue interim releases when a request involves voluminous records. The Department's current policy, however, only allows for the interim release of records when there are no FOIA exemptions applicable to the requested information. The Department agrees with this recommendation and will include such language mirroring our policy on interim releases in this Final Rule at § 4.7.

Section 4.8 (Classified Information)

One commenter suggested that the Department notify a requester when it has performed a declassification review in processing a FOIA request. This commenter recommended adding a provision to § 4.8 stating that ''If the component determines that the records should continue to be classified and must be withheld, the component shall explain in its response letter to the requester that the records are properly classified and that this determination is based on a declassification review, with an explanation of how that review confirmed the continuing validity of the national security classification.''

We decline to adopt the commenter's suggested changes. The Department's regulations at § 4.8 require components, in processing a request for classified information, to review the information to determine whether it should remain classified. There is no obligation by an agency to explain its declassification process. If the information remains classified, it is within a component's discretion on the extent to which it wishes to explain its review process in the determination letter. Further, requiring components to explain their declassification processes, as suggested by this commenter, raises the potential for inadvertent sharing of information that could disclose the nature of the classified material.

Section 4.9 (Business Information)

One commenter offered two recommendations to improve the clarity and accuracy of this section. First, striking ''out of this section'' from the end of the first sentence in § 4.9(c). Second, inserting ''and will be withheld'' in § 4.9(h)(1) to read ''The component determines that the information is exempt and will be withheld under a FOIA exemption, other than exemption (b)(4).'' We agree that these changes improve clarity and accuracy, and therefore we adopt these changes in this Final Rule.

Section 4.10 (Appeals From Initial Determinations or Untimely Delays)

One commenter recommended that the Department provide requesters 60 calendar days to submit administrative appeals, instead of the 30 days from the date of the component's adverse determination letter provided for at § 4.10(a). The Department did not propose any revisions to the 30 calendar day window for submitting administrative appeals in its Proposed Rule. The Department declines to adopt this recommendation; 30 calendar days provides a requester with a reasonable amount of time to submit an administrative appeal.

Two commenters recommended that the Department remove from §§ 4.10(b)(1) and (b)(2) the requirement that requesters include a copy of their original request and initial denial, if any, with the submission of their administrative appeals. One of these commenters suggested that the Department change the wording from ''shall'' to ''should'' or some other standard that does not impose a strict requirement that could bar an appeal. The other commenter recommended that the pertinent language in §§ 4.10(b)(1) and (b)(2) be revised to state ''In all cases, the appeal (written or electronic) must include the assigned request number or a copy of the original request and initial denial, if any.''

The Department did not propose any substantive revisions to the provisions in §§ 4.10(b)(1) and (b)(2). The Department's recent implementation of the FOIAonline system, however, makes it unnecessary for requesters to include copies of their original request and the component's initial denial, if any, with their FOIA appeal since it will already be available in the system. Therefore, the Department will revise, as suggested, the language in §§ 4.10(b)(1) and (b)(2) to state that ''the appeal 'should' include a copy of the original request and initial denial, if any.''

One commenter also recommended that the Department remove from §§ 4.10(b)(1) and (b)(2) the requirement that appeals ''must'' include a statement of the reasons for why the records requested should be made available and why the adverse determination was in error. The Department did not propose any revisions to the requirement that appeals must include a statement of the reasons in §§ 4.10(b)(1) and (b)(2). However, the Department no longer views this information as mandatory to process FOIA appeals. Therefore, the Department will revise, as suggested, these sections in this Final Rule to state that ''the appeal 'should' include a statement of the reasons for why the records requested should be made available and why the adverse determination, if any, was in error.''

This commenter also suggested that the Department provide information about the Office of Government Information Services' dispute resolution services in its FOIA regulations and in appeal determinations. To this effect, the commenter recommended that § 4.10 be revised to add a new subsection that states ''The Office of Government Information Services (OGIS) within the National Archives and Records Administration offers mediation services to resolve disputes between requesters and agencies as a non-exclusive alternative to litigation. Requesters with concerns about the handling of their requests may contact OGIS. Components shall provide the requester with the name and contact information of the Office of Government Information Services in an appeal determination letter.''

The Department agrees with the commenter's first recommendation and will create a new § 4.1(c) in this Final Rule to add language informing requesters about the dispute resolution services offered by OGIS. The Department disagrees with the commenter's other recommendation that we include the name and contact information of OGIS in appeal determination letters. Our final appeal decisions are not appealable. For example, if the Department determines on appeal that records are to be withheld under certain FOIA exemptions, then it is our belief that this decision is made within the construct of the FOIA and relevant supporting case law. For this reason, the Department does not adopt the commenter's suggested changes.

Section 4.11 (Fees)

One commenter supported the change to proposed § 4.11(b)(6), which defines ''representative of the news media'' for fee purposes.

One commenter expressed concern that the Department's 16-cent per page duplication fee contained in § 4.11(c) is inconsistent with the FOIA and OMB Guidelines. As a general matter, the Department notes that its fee provisions are written to conform with the OMB Guidelines, which establish uniform standards for fee matters. Conformity with the OMB Guidelines is required by the FOIA. *See* 5 U.S.C. 552(a)(4)(A)(i). Although the Department did not propose any changes to the duplication fee in its Proposed Rule, the Department re-examined its costs to make duplications and determined that a fee reduction is warranted. This Final Rule revises § 4.11(c)(2) to provide for a duplication fee of .08 cents per page.

The same commenter also expressed concern that the reference to ''the cost of operating a central processing unit in § 4.11(c)(3)(ii) is an archaic and obsolete reference'' and suggested that it be removed from the regulations. Although the Department did not propose any changes to the referenced language in its Proposed Rule, the Department agrees that this phrase is obsolete and revised § 4.11(c)(3)(ii) in this Final Rule to remove this language.

One commenter proposed that ''the Department should adopt a policy that it will not charge a fee if the total fee would be less than $50.00'' and recommended including such a provision in § 4.11(d). The Department did not propose any changes to the fee threshold amount in its Proposed Rule. The Department disagrees with the commenter's suggested change and is maintaining the language in the current regulations at § 4.11(d)(4), which requires requesters to pay fees in excess of $20.00. This amount is comparable to the amounts in which other agencies begin charging fees.

The same commenter also suggested that ''the Department adopt a policy that components may waive or reduce fees in additional circumstances'' and recommended including such a provision in § 4.11(k). The Department did not propose any changes to its policy for reducing or waiving fees in its Proposed Rule. The Department disagrees with the commenter and is maintaining the language in the current regulations at § 4.11(k). The FOIA establishes a standard for waiver or reduction of fees and the Department's regulations are intended to define the manner in which this standard is to be applied. Components must make fee determinations consistent with the FOIA and Department regulations.

Section 4.29 (Appeal of Initial Adverse Agency Determination on Correction or Amendment)

One commenter objected to the moving of the administrative appellate authority in § 4.29 to the Counsel for the Inspector General in cases involving requests for OIG records. This commenter states that this change differs from the process in almost every other agency, and remains entirely unexplained and unjustified. The commenter also believes ''it would seem fairer to requesters to have some administrative distance between the initial denial authority and the appellate authority in such cases[.]''

The Department disagrees with the commenter and is maintaining the language as proposed in § 4.29 and § 4.10, with respect to the processing of FOIA and Privacy Act appeals resulting from adverse determinations issued by the Office of the Inspector General. Reserving appellate authority to the OIG for appeals involving its own records is necessary to ensure the OIG's independence in conducting its oversight activities of the Department, including audits, inspections, evaluations, and investigations. For example, this separate appellate authority will minimize the risk of inadvertent disclosure within the Department of confidential investigative informants or targets and the investigative or audit strategy of the OIG that could interfere with ongoing oversight. The Department also notes that other executive departments and agencies (NASA being one) similarly reserve appellate authority to their OIGs for appeals involving OIG records. Finally, contrary to the commenter's concerns, §§ 4.10 and 4.29 provide for separation between the initial denying authority and the appellate authority within the OIG. Under this Final Rule, the official who is designated as the denying official, the OIG's FOIA Officer, does not have the authority to decide appeals.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Chief Counsel for Regulation certified at the Proposed Rule stage that this regulation will not have a significant economic impact on a substantial number of small entities. The factual basis for this certification was published with the proposed rule and is not repeated here. No comments were received regarding the economic impact of this final rule. As a result, a final regulatory flexibility analysis is not required and one was not prepared.

Executive Order 12866

The Office of Management and Budget has determined that this regulation is not a ''significant regulatory action'' under Executive Order 12866.

Paperwork Reduction Act

This regulation does not contain a ''collection of information'' as defined by the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 15 CFR Part 4

Appeals, Freedom of Information Act, Information, Privacy, Privacy Act.

Dated: October 9, 2014.

Catrina D. Purvis,

Chief Privacy Office and Director of Open Government.

For the reasons stated in the preamble, the Department of Commerce amends 15 CFR part 4 as follows:

PART 4—DISCLOSURE OF GOVERNMENT INFORMATION

■ 1. The authority citation for part 4 continues to read as follows:

Authority: 5 U.S.C. 301; 5 U.S.C. 552; 5 U.S.C. 552a; 5 U.S.C. 553; 31 U.S.C. 3717; 44 U.S.C. 3101; Reorganization Plan No. 5 of 1950.

Subpart A—Freedom of Information Act

■ 2. Section 4.1 is amended by revising the section heading and paragraph (a), and adding new paragraph (c) to read as follows:

§ 4.1 General provisions.

(a) The information in this part is furnished for the guidance of the public

and in compliance with the requirements of the Freedom of Information Act (FOIA), as amended (5 U.S.C. 552). This part sets forth the procedures the Department of Commerce (Department) and its components follow to make publicly available materials and indices specified in 5 U.S.C. 552(a)(2) and records requested under 5 U.S.C. 552(a)(3). Information routinely provided to the public as part of a regular Department activity (for example, press releases issued by the Office of Public Affairs) may be provided to the public without following this part. In addition, as a matter of policy, the Department shall make discretionary releases of records or information exempt from disclosure under the FOIA when required to do so in accordance with current law and/or Executive Branch policy. This policy does not create any right enforceable in court.

* * * * *

(c) The Office of Government Information Services (OGIS) within the National Archives and Records Administration offers mediation services to resolve disputes between requesters and agencies as a non-exclusive alternative to litigation. Requesters with concerns about the handling of their requests may contact OGIS.

■ 3. Section 4.2 is revised to read as follows:

§ 4.2 Public reading rooms.

(a) Records that the FOIA requires to be made available for public inspection and copying are accessible electronically through the Department's ''Electronic FOIA Library'' on the Department's Web site, *http://www.doc.gov,* which includes links to Web sites for those components that maintain Electronic FOIA Libraries. These records may also be accessible at the FOIAonline Web site, *http://foiaonline.regulations.gov.* Each component of the Department is responsible for determining which of its records are required to be made available, as well as identifying additional records of interest to the public that are appropriate for disclosure, and for making those records available either in its own Electronic Library or in the Department's central Electronic FOIA Library. Components that maintain their own Electronic FOIA Library are designated as such in Appendix A to this part. Each component shall also maintain and make available electronically a current subject-matter index of the records made available electronically. Each component shall ensure that posted records and indices are updated regularly, at least quarterly.

(b) If the requester does not have access to the Internet and wishes to obtain information regarding publicly available information, he or she may contact the component's FOIA office. Appendix A to this part contains the contact information for the components' FOIA offices. Some components may also maintain physical public reading rooms. These components and their contact information are listed in Appendix A to this part.

(c) The Department and its components shall maintain and make available electronically for public inspection:

(1) A current index providing information for the public as to any matter that is issued, adopted, or promulgated after July 4, 1997, and that is retained as a record and is required to be made available or published. Copies of the index are available upon request after payment of the direct cost of duplication;

(2) Copies of records that have been released and that the component that maintains them determines, because of their subject matter, have become or are likely to become the subject of subsequent requests for substantially the same records;

(3) A general index of the records described in paragraph (c)(2) of this section;

(4) Final opinions and orders, including concurring and dissenting opinions made in the adjudication of cases;

(5) Those statements of policy and interpretations that have been adopted by a component and are not published in the **Federal Register**; and

(6) Administrative staff manuals and instructions to staff that affect a member of the public.

■ 4. Section 4.3 is amended by revising paragraphs (a) through (c) to read as follows:

§ 4.3 Records under the FOIA.

(a) Records under the FOIA include all Government records, regardless of format, medium or physical characteristics, and electronic records and information, audiotapes, videotapes, Compact Disks, DVDs, and photographs.

(b) In response to a FOIA request, the Department has no obligation to create, compile, or obtain from outside the Department a record to satisfy a request (for example, extrapolating information from existing agency records, reformatting available information, preparing new electronic programs or databases, or creating data through calculations of rations, proportions, percentages, trends, frequency distributions, correlations, or comparisons). In complying with a request for records (including data and other electronically-stored information), whether the Department creates or compiles records (as by undertaking significant programming work) or merely extracts them from an existing database is fact dependent. The Department shall undertake reasonable efforts to search for records stored in electronic format (including data and other electronically-stored information).

(c) Department officials may, upon request, create and provide new records to the public pursuant to statutes that authorize the creation and provision of new records for a fee, such as the first paragraph of 15 U.S.C. 1525, or in accordance with authority otherwise provided by law. Such creation and provision of records is outside the scope of the FOIA.

* * * * *

■ 5. Section 4.4 is revised to read as follows:

§ 4.4 Requirements for making requests.

(a) *How made and addressed.* The Department has a decentralized system for responding to FOIA requests, with each component designating a FOIA office to process records from that component. All components have the capability to receive requests electronically either through electronic mail (email) or the FOIAonline Web site, *http://www.foiaonline.regulations.gov.* A request for Department records that are not customarily made available to the public as part of the Department's regular informational services (or pursuant to a user fee statute), must be in writing and shall be processed under the FOIA, regardless of whether the FOIA is mentioned in the request. Requests must include the requester's full name and a legible return address. Requesters may also include other contact information, such as an email address and a telephone number. For the quickest handling, the request (and envelope, if the request is mailed or hand delivered) should be marked ''Freedom of Information Act Request.'' Requests may be submitted by U.S. mail, delivery service, email, facsimile, or online at the FOIAonline Web site, *http://foiaonline.regulations.gov.* Requests made by mail, delivery service, email, or facsimile should be sent to the Department component identified in Appendix A to this part that maintains those records requested, and should be

sent to the addresses, email addresses, or numbers listed in Appendix A to this part or the Department's Web site, *http://www.doc.gov*.[1] If the proper component cannot be determined, the request should be sent to the central facility identified in Appendix A to this part. The central facility will forward the request to the component(s) it believes most likely to have the requested records. Requests will be considered received for purposes of the 20-day time limit of § 4.6 as of the date it is received by the proper component's FOIA office.

(b) *Requests for records about an individual or oneself.* For requests for records about oneself, § 4.24 of this part contains additional requirements. For requests for records about another individual, either written authorization signed by the individual permitting disclosure of his or her records to the requester or proof that the individual is deceased (for example, a copy of a death certificate or an obituary) will facilitate processing the request.

(c) *Description of records sought.* A FOIA request must reasonably describe the agency records sought, to enable Department personnel to locate them with a reasonable amount of effort. Whenever possible, a request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record, and the name and location of the office where the record might be found. In addition, if records about a court case are sought, the title of the case, the court in which the case was filed, and the nature of the case should be included. If known, any file designations or descriptions of the requested records should be included. As a general rule, the more specifically the request describes the records sought, the greater the likelihood that the Department will be able to locate those records. Before submitting their requests, requesters may contact the component's FOIA contact to discuss the records they are seeking and to receive assistance in describing the records (contact information for these individuals is contained in Appendix A to this part and on the Department's Web site, *http://www.doc.gov*). If a component determines that a request does not reasonably describe the records sought, it shall inform the requester what additional information is needed or how the request is otherwise insufficient, to enable the requester to modify the request to meet the requirements of this section. Requesters who are attempting to reformulate or modify such a request may discuss their request with the component's designated FOIA contact. When a requester fails to provide sufficient detail within 30 calendar days after having been asked to reasonably describe the records sought, the component shall notify the requester in writing that the request has not been properly made, that no further action will be taken, and that the FOIA request is closed. Such a notice constitutes an adverse determination under § 4.7(c) for which components shall follow the procedures for a denial letter under § 4.7(d). In cases where a requester has modified his or her request, the date of receipt for purposes of the 20-day time limit of § 4.6 shall be the date of receipt of the modified request.

■ 6. Section 4.5 is amended by revising paragraphs (a) through (c) to read as follows:

§ 4.5 Responsibility for responding to requests.

(a) *In general.* Except as stated in paragraph (b) of this section, the proper component of the Department to respond to a request for records is the component that first receives the request and has responsive records (or in the instance of where no records exist, the component that first receives the request and is likely to have responsive records), or the component to which the Departmental FOIA Officer or component FOIA Officer assigns lead responsibility for responding to the request. Where a component's FOIA office determines that a request was misdirected within the Department, the receiving component's FOIA office shall route the request to the FOIA office of the proper component(s). Records responsive to a request shall include those records within the Department's possession and control as of the date the Department begins its search for them.

(b) *Consultations and referrals.* When a component receives a request for a record (or a portion thereof) in its possession that originated with another Federal agency subject to the FOIA, the component shall refer the record to that agency for direct response to the requester (see § 4.8 for additional information about referrals of classified information). In instances where a record is requested that originated with the Department and another Federal agency has a significant interest in the record (or a portion thereof), the component shall consult with that Federal agency before responding to a requester. When a component receives a request for a record (or a portion thereof) in its possession that originated with another Federal agency that is not subject to the FOIA, the component shall consult with that Federal agency before responding to the requester.

(c) *Notice of referral.* Whenever a component refers a record to another Federal agency for direct response to the requester, the component's FOIA Officer shall notify the requester in writing of the referral and inform the requester of the name of the agency to which the record was referred.

* * * * *

■ 7. Section 4.6 is amended by redesignating paragraphs (c) through (e) as (d) through (f), revising paragraph (b) and newly redesignated paragraphs (d)(1) and (2), (e) and (f)(3), and adding new paragraph (c) to read as follows:

§ 4.6 Time limits and expedited processing.

* * * * *

(b) *Initial response and appeal.* Unless the component and the requester have agreed otherwise, or when ''unusual circumstances'' exist as provided for in paragraph (d) of this section, a determination whether to comply with a FOIA request shall be made by components within 20 working days (*i.e.,* excluding Saturdays, Sundays, and legal public holidays) of the receipt of a request for a record under this part by the proper component identified in accordance with § 4.5(a). In instances involving misdirected requests that are re-routed pursuant to § 4.5(a), the response time shall commence on the date that the request is received by the proper component, but in any event not later than ten working days after the request is first received by any designated component. An administrative appeal, other than an appeal from a request made to the Office of the Inspector General, shall be decided within 20 working days of its receipt by the Office of the General Counsel. An administrative appeal from a request made to the Office of the Inspector General shall be decided within 20 working days of its receipt by the Office of the Inspector General Office of Counsel. The Department's failure to comply with the time limits identified in this paragraph constitutes exhaustion of the requester's administrative remedies for the purposes of judicial action to compel disclosure.

(c) *Clarification of request.* Components may seek a one-time clarification of a request for records under this part. The component's

[1] The United States Patent and Trademark Office (USPTO), which is established as an agency of the United States within the Department of Commerce, operates under its own FOIA regulations at 37 CFR part 102, subpart A. Accordingly, requests for USPTO records, and any appeals thereof, should be sent directly to the USPTO.

request for clarification must be in writing. When a component seeks clarification of a request, the time for responding to a request set forth in § 4.6(b) is tolled until the requester responds to the clarification request. The tolled period will end when the component that sought the clarification receives a response from the requester. If a component asks for clarification and does not receive a written response from the requester within 30 calendar days from the date of the component's clarification request, the component will presume that the requester is no longer interested and notify the requester that the request will be closed.

(d) *Unusual circumstances.* (1) Components may extend the time period for processing a FOIA request only in ''unusual circumstances,'' as described in paragraph (d)(2) of this section, in which the component shall, before expiration of the twenty-day period to respond, notify the requester of the extension in writing of the unusual circumstances involved and of the date by which processing of the request is expected to be completed. If the extension is for more than ten working days, the component shall provide the requester with an opportunity to modify the request or agree to an alternative time period for processing the original or modified request.

(2) For purposes of this section, *unusual circumstances* include:

(i) The need to search for and collect the requested agency records from field facilities or other establishments that are separate from the office processing the request;

(ii) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are the subject of a single request; or

(iii) The need to consult with another Federal agency having a substantial interest in the determination of the FOIA request or among two or more components of the Department having substantial subject-matter interest in the determination of the request.

* * * * *

(e) *Multi-track processing.* (1) A component must use two or more processing tracks by distinguishing between simple and more complex requests based on the amount of work and/or time needed to process the request, including the amount of pages involved, and whether the request qualifies for expedited processing as described in paragraph (f) of this section.

(2) A component using multi-track processing may provide requesters in its slower track(s) with an opportunity to limit the scope of their requests in order to qualify for faster processing. A component doing so shall contact the requester by telephone, email, letter, or through the FOIAonline Web site, *http://foiaonline.regulations.gov,* whichever is the most efficient in each case.

(f) * * *

(3) A requester who seeks expedited processing must submit a statement, certified to be true and correct to the best of that person's knowledge and belief, explaining in detail the basis for requesting expedited processing. For example, a requester within the category described in paragraph (f)(1)(iv) of this section, if not a full-time member of the news media, must establish that he or she is a person whose primary professional activity or occupation is information dissemination, though it need not be his or her sole occupation. A requester within the category described in paragraph (f)(1)(iv) of this section must also establish a particular urgency to inform the public about the Government activity involved in the request—one that extends beyond the public's right to know about Government activity generally. The existence of numerous articles published on a given subject can be helpful to establishing the requirement that there be an ''urgency to inform'' the public on a topic. As a matter of administrative discretion, a component may waive the formal certification requirement.

* * * * *

■ 8. Section 4.7 is revised to read as follows:

§ 4.7 Responses to requests.

(a) *Acknowledgment of requests.* Upon receipt of a request, a component ordinarily shall send an acknowledgement letter to the requester which shall provide an assigned request number for further reference and, if necessary, confirm whether the requester is willing to pay fees.

(b) *Interim responses.* If a request involves voluminous records or requires searches in multiple locations, to the extent feasible, a component shall provide the requester with interim responses consisting of fully releasable records.

(c) *Grants of requests.* If a component makes a determination to grant a request in whole or in part, it shall notify the requester in writing of such determination and disclose records to the requester promptly upon payment of any applicable fees. Records disclosed in part shall be marked or annotated to show the applicable FOIA exemption(s) and the amount of information deleted, unless doing so would harm an interest protected by an applicable exemption. The location of the information deleted shall also be indicated on the record, if feasible.

(d) *Adverse determinations of requests.* If a component makes an adverse determination regarding a request, it shall notify the requester of that determination in writing. An adverse determination is a denial of a request and includes decisions that: The requested record is exempt, in whole or in part; the request does not reasonably describe the records sought; the information requested is not a record subject to the FOIA; the requested record does not exist, cannot be located, or has previously been destroyed; or the requested record is not readily reproducible in the form or format sought by the requester. Adverse determinations also include denials involving fees or fee waiver matters or denials of requests for expedited processing.

(e) *Content of denial.* The denial letter shall be signed by an official listed in Appendix B to this part (or a designee), and shall include:

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

(2) A brief statement of the reason(s) for the denial, including any FOIA exemption(s) applied by the component in denying the request;

(3) An estimate of the volume of any records or information withheld, by providing the number of pages or some other reasonable form of estimation. This estimate is not required if the volume is otherwise indicated by deletions marked on records that are disclosed in part, or if providing an estimate would harm an interest protected by an applicable FOIA exemption; and

(4) A statement that the denial may be appealed under § 4.10, and a list of the requirements for filing an appeal set forth in § 4.10(b).

■ 9. Section 4.8 is revised to read as follows:

§ 4.8 Classified information.

In processing a request for information classified under Executive Order 13526 or any other executive order concerning the classification of records, the information shall be reviewed to determine whether it should remain classified. Ordinarily the component or other Federal agency that classified the information should conduct the review, except that if a record contains information that has been derivatively classified by a

component because it contains information classified by another component or agency, the component shall refer the responsibility for responding to the request to the component or agency that classified the underlying information. Information determined to no longer require classification shall not be withheld on the basis of FOIA exemption (b)(1) (5 U.S.C. 552(b)(1)), but should be reviewed to assess whether any other FOIA exemption should be invoked. Appeals involving classified information shall be processed in accordance with § 4.10(c).

■ 10. Section 4.9 is amended by revising paragraphs (c), (h) and (j) to read as follows:

§ 4.9 Business information.

* * * * *

(c) *Designation of business information.* A submitter of business information must use good-faith efforts to designate, by appropriate markings, either at the time of submission or at a reasonable time thereafter, any portions of its submission that it considers to be protected from disclosure under FOIA exemption (b)(4). These designations will expire ten years after the date of the submission unless the submitter requests, and provides justification for, a longer period.

* * * * *

(h) *Exceptions to notice requirements.* The notice requirements of paragraphs (d) and (g) of this section shall not apply if:

(1) The component determines that the information is exempt and will be withheld under a FOIA exemption, other than exemption (b)(4);

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

(3) Disclosure of the information is required by statute (other than the FOIA) or by a regulation issued in accordance with Executive Order 12600; or

(4) The designation made by the submitter under paragraph (c) of this section appears obviously frivolous, except that, in such a case, the component shall provide the submitter written notice of any final decision to disclose the information seven working days from the date the submitter receives the notice.

* * * * *

(j) *Corresponding notice to requester.* Whenever a component provides a submitter with notice and an opportunity to object to disclosure under paragraph (d) of this section, the component shall notify the requester that the request is being processed under the provisions of this regulation and, as a consequence, there may be a delay in receiving a response. The notice to the requester will not include any of the specific information contained in the records being requested. Whenever a submitter files a lawsuit seeking to prevent the disclosure of business information, the component shall notify the requester of such action and, as a consequence, there may be further delay in receiving a response.

■ 11. Section 4.10 is amended by revising paragraphs (a) through (c) to read as follows:

§ 4.10 Appeals from initial determinations or untimely delays.

(a)(1) If a request for records to a component other than the Office of Inspector General is initially denied in whole or in part, or has not been timely determined, or if a requester receives an adverse determination regarding any other matter listed under this subpart (as described in § 4.7(c)), the requester may file an appeal. Appeals can be submitted in writing or electronically, as described in paragraph (b)(1) of this section. The appeal must be received by the Office of the General Counsel during normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday) within 30 calendar days of the date of the written denial of the adverse determination or, if there has been no determination, an appeal may be submitted any time after the due date, including the last extension under § 4.6(d), of the adverse determination. Written or electronic appeals arriving after normal business hours will be deemed received on the next normal business day. If the 30th calendar day falls on a Saturday, Sunday, or a legal public holiday, an appeal received by 5:00 p.m., Eastern Time, the next business day will be deemed timely. Appeals received after the 30-day limit will not be considered.

(2) If a request for records to the Office of Inspector General is initially denied in whole or in part, or has not been timely determined, or if a requester receives an adverse determination regarding any other matter listed under this subpart (as described in § 4.7(c)), the requester may file an appeal. Appeals can be submitted in writing or electronically, as described in paragraph (b)(2) of this section. The appeal must be received by the Office of Inspector General, Office of Counsel, during normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday) within 30 calendar days of the date of the written denial of the adverse determination or, if there has been no determination, an appeal may be submitted any time after the due date, including the last extension under § 4.6(d), of the adverse determination. Written or electronic appeals arriving after normal business hours will be deemed received on the next normal business day. If the 30th calendar day falls on a Saturday, Sunday, or a legal public holiday, an appeal received by 5:00 p.m., Eastern Time, the next business day will be deemed timely. Appeals received after the 30-day limit will not be considered.

(b)(1) Appeals, other than appeals from requests made to the Office of Inspector General, shall be decided by the Assistant General Counsel for Administration (AGC-Admin), except that appeals for records which were initially denied by the AGC-Admin shall be decided by the General Counsel. Written appeals should be addressed to the AGC-Admin, or the General Counsel if the records were initially denied by the AGC-Admin. The address of both is: U.S. Department of Commerce, Office of the General Counsel, Room 5875, 14th and Constitution Avenue NW., Washington, DC 20230. An appeal may also be sent via facsimile at 202–482–2552. For a written appeal, both the letter and the appeal envelope should be clearly marked ''Freedom of Information Act Appeal.'' Appeals may also be submitted electronically either by email to *FOIAAppeals@doc.gov* or online at the FOIAonline Web site, *http://foiaonline.regulations.gov,* if requesters have a FOIAonline account. In all cases, the appeal (written or electronic) should include a copy of the original request and initial denial, if any. All appeals should include a statement of the reasons why the records requested should be made available and why the adverse determination was in error. No opportunity for personal appearance, oral argument or hearing on appeal is provided. Upon receipt of an appeal, AGC-Admin, or the General Counsel if the records were initially denied by AGC-Admin, ordinarily shall send an acknowledgement letter to the requester which shall confirm receipt of the requester's appeal.

(2) Appeals of initial and untimely determinations by the Office of Inspector General shall be decided by the Counsel to the Inspector General, except that appeals for records which were initially denied by the Counsel to the Inspector General shall be decided by the Deputy Inspector General. Written appeals should be addressed to the Counsel to the Inspector General, or the Deputy Inspector General if the

records were initially denied by the Counsel to the Inspector General. The address of both is: U.S. Department of Commerce, Office of Counsel, Room 7898C, 14th and Constitution Avenue NW., Washington, DC 20230. An appeal may also be sent via facsimile at 202–501–7335. For a written appeal, both the letter and the appeal envelope should be clearly marked ''Freedom of Information Act Appeal.'' Appeals may also be submitted electronically either by email to *FOIA@oig.doc.gov* or online at the FOIAonline Web site, *http://foiaonline.regulations.gov,* if requesters have a FOIAonline account. In all cases, the appeal (written or electronic) should include a copy of the original request and initial denial, if any. All appeals should include a statement of the reasons why the records requested should be made available and why the adverse determination was in error. No opportunity for personal appearance, oral argument or hearing on appeal is provided. Upon receipt of an appeal, the Counsel to the Inspector General, or the Deputy Inspector General if the records were initially denied by the Counsel to the Inspector General, ordinarily shall send an acknowledgement letter to the requester which shall confirm receipt of the requester's appeal.

(c) Upon receipt of an appeal involving records initially denied on the basis of FOIA exemption (b)(1), the records shall be forwarded to the Deputy Assistant Secretary for Security (DAS) for a declassification review. The DAS may overrule previous classification determinations in whole or in part if continued protection in the interest of national security is no longer required, or no longer required at the same level. The DAS shall advise the AGC-Admin, the General Counsel, Counsel to the Inspector General, or Deputy Inspector General, as appropriate, of his or her decision.

* * * * *

■ 12. Section 4.11 is amended by:
■ a. Revising paragraphs (a), (b)(2) through (4), (b)(6) and (7), (c)(2), (c)(3)(ii), (c)(4), (d)(1) and paragraph (i);
■ b. Adding paragraphs (d)(6) and (d)(7);
■ c. Revising paragraph (e);
■ d. Redesignating paragraphs (j) and (k) as (k) and (l); and
■ e. Adding a new paragraph (j).

The revisions and additions read as follows:

§ 4.11 Fees.

(a) *In general.* Components shall charge fees for processing requests under the FOIA in accordance with paragraph (c) of this section, except where fees are limited under paragraph (d) of this section or when a waiver or reduction is granted under paragraph (k) of this section. A component shall collect all applicable fees before processing a request if a component determines that advance payment is required in accordance with paragraphs (i)(2) and (i)(3) of this section. If advance payment of fees is not required, a component shall collect all applicable fees before sending copies of requested records to a requester. Requesters must pay fees by check or money order made payable to the Treasury of the United States.

(b) * * *

(2) *Direct costs* means those expenses a component incurs in searching for and duplicating (and, in the case of commercial use requests, reviewing) records to respond to a FOIA request. Direct costs include, for example, the salary of the employee performing the work (the basic rate of pay for the employee, plus 16% of that rate to cover benefits) and the cost of operating computers and other electronic equipment, such as photocopiers and scanners. Direct costs do not include overhead expenses such as the costs of space, heating, or lighting of the facility in which the service is performed.

(3) *Duplication* means the making of a copy of a record, or of the information contained in it, necessary to respond to a FOIA request. Copies may take the form of paper, microform, audiovisual materials, or electronic records, among others. A component shall honor a requester's specified preference of form or format of disclosure if the record is readily reproducible with reasonable efforts in the requested form or format.

(4) *Educational institution* means a preschool, a public or private elementary or secondary school, an institution of undergraduate higher education, an institution of graduate higher education, an institution of professional education, or an institution of vocational education, that operates a program of scholarly research. A requester in this fee category must show that the request is authorized by, and is made under the auspices of, an educational institution and that the records are not sought for a commercial use, but rather are sought to further scholarly research. To fall within this fee category, a request must serve the scholarly research goal of the institution rather than an individual research goal.

Example 1. A request from a professor of geology at a university for records relating to soil erosion, written on letterhead of the Department of Geology, would be presumed to be from an educational institution.

Example 2. A request from the same professor of geology seeking drug information from the Food and Drug Administration in furtherance of a murder mystery he is writing would not be presumed to be an institutional request, regardless of whether it was written on institutional letterhead.

Example 3. A student who makes a request in furtherance of the completion of a course of instruction would be presumed to be carrying out an individual research goal, rather than a scholarly research goal of the institution, and would not qualify as part of this fee category.

* * * * *

(6) *Representative of the news media, or news media requester,* means any person or entity organized and operated to publish or broadcast news to the public that actively gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. The term ''news'' means information that is about current events or that would be of current interest to the public. Examples of news-media entities are television or radio stations broadcasting to the public at-large and publishers of periodicals that disseminate ''news'' and make their products available through a variety of means to the general public including news organizations that disseminate solely on the Internet. To be in this category, a requester must not be seeking the requested records for a commercial use. A request for records that supports the news-dissemination function of the requester shall not be considered to be for a commercial use. A freelance journalist shall be regarded as working for a news-media entity if the journalist can demonstrate a solid basis for expecting publication through that entity, whether or not the journalist is actually employed by the entity. A publication contract would be the clearest proof, but components shall also look to the past publication record of a requester in making this determination. A component's decision to grant a requester media status will be made on a case-by-case basis based upon the requester's intended use of the material.

(7) *Review* means the examination of a record located in response to a request in order to determine whether any portion of it is exempt from disclosure. Review time includes processing any record for disclosure, such as doing all that is necessary to prepare the record for disclosure, including the process of redacting it and marking any applicable

exemptions. Review costs are recoverable even if a record ultimately is not disclosed. Review time includes time spent obtaining and considering any formal objection to disclosure made by a business submitter under § 4.9, but does not include time spent resolving general legal or policy issues regarding the application of exemptions.

* * * * *

(c) * * *

(2) Uniform fee schedule.

Service	Rate
(i) Manual search	Actual salary rate of employee conducting review, plus 16 percent of salary rate.
(ii) Computerized search	Actual direct cost, including operator time.
(iii) Review of records	Actual salary rate of employee involved, plus 16 percent of salary rate.
(iv) Duplication of records:	
(A) Paper copy reproduction	$.08 per page.
(B) Other reproduction (e.g., converting paper into an electronic format (e.g., scanning), computer disk or printout, or other electronically-formatted reproduction (e.g., uploading records made available to the requester into FOIAonline)).	Actual direct cost, including operator time.

(3) * * *

(ii) For computer searches of records, requesters will be charged the direct costs of conducting the search, although certain requesters (as provided in paragraph (d)(1) of this section) will be charged no search fee and certain other requesters (as provided in paragraph (d)(3) of this section) are entitled to the cost equivalent of two hours of manual search time without charge. These direct costs will include the costs of the operator/programmer salary apportionable to the search and any other tangible direct costs associated with a computer search.

(4) *Duplication.* Duplication fees shall be charged to all requesters, subject to the limitations of paragraph (d) of this section. A component shall honor a requester's preference for receiving a record in a particular form or format where it is readily producible by the component in the form or format requested. For either a photocopy or a computer-generated printout of a record (no more than one copy of which need be supplied), the fee shall be $.08 per page. Requesters may reduce costs by specifying double-sided duplication, except where this is technically not feasible. For electronic forms of duplication, other than a computer-generated printout, components will charge the direct costs of that duplication. Such direct costs will include the costs of the requested electronic medium on which the copy is to be made and the actual operator time and computer resource usage required to produce the copy, to the extent they can be determined.

* * * * *

(d) * * *

(1) No search fees shall be charged for requests from educational institutions, non-commercial scientific institutions, or representatives of the news media.

* * * * *

(6) No search fees shall be charged to a FOIA requester when a component does not comply with the statutory time limits at 5 U.S.C. 552(a)(6) in which to respond to a request, unless unusual or exceptional circumstances (as those terms are defined by the FOIA) apply to the processing of the request.

(7) No duplication fees shall be charged to requesters in the fee category of a representative of the news media or an educational or noncommercial scientific institution when a component does not comply with the statutory time limits at 5 U.S.C. 552(a)(6) in which to respond to a request, unless unusual or exceptional circumstances (as those terms are defined by the FOIA) apply to the processing of the request.

(e) *Notice of anticipated fees in excess of $20.00.* (1) When a component determines or estimates that the fees for processing a FOIA request will total more than $20.00 or total more than the amount the requester indicated a willingness to pay, the component shall notify the requester of the actual or estimated amount of the fees, unless the requester has stated in writing a willingness to pay fees as high as those anticipated. If only a portion of the fee can be estimated readily, the component shall advise the requester that the estimated fee may be only a portion of the total fee. A notice under this paragraph shall offer the requester an opportunity to discuss the matter with Departmental personnel in order to modify the request in an effort to meet the requester's needs at a lower cost.

(2) When a requester has been notified that the actual or estimated fees will amount to more than $20.00, or amount to more than the amount the requester indicated a willingness to pay, the component will do no further work on the request until the requester agrees in writing to pay the actual or estimated total fee. The component will toll the processing of the request while it notifies the requester of the actual or estimated amount of fees and this time will be excluded from the twenty (20) working day time limit (as specified in § 4.6(b)). The requester's agreement to pay fees must be made in writing, must designate an exact dollar amount the requester is willing to pay, and must be received within 30 calendar days from the date of the notification of the fee estimate. If the requester fails to submit an agreement to pay the anticipated fees within 30 calendar days from the date of the component's fee notice, the component will presume that the requester is no longer interested and notify the requester that the request will be closed.

* * * * *

(i) *Advance payments.* (1) For requests other than those described in paragraphs (i)(2) and (3) of this section, a component shall not require the requester to make an advance payment (*i.e.,* a payment made before a component begins to process or continues work on a request). Payment owed for work already completed (*i.e.,* a pre-payment before copies of responsive records are sent to a requester) is not an advance payment.

(2) When a component determines or estimates that the total fee for processing a FOIA request will be $250.00 or more, the component shall notify the requester of the actual or estimated fee and require the requester to make an advance payment of the entire anticipated fee before beginning to process the request. A notice under this paragraph shall offer the requester an opportunity to discuss the matter with Departmental personnel in order to modify the request in an effort to meet the requester's needs at a lower cost.

(3) When a requester has previously failed to pay a properly charged FOIA fee to any component or other Federal

agency within 30 calendar days of the date of billing, the component shall notify the requester that he or she is required to pay the full amount due, plus any applicable interest, and to make an advance payment of the full amount of any anticipated fee, before the component begins to process a new request or continues to process a pending request from that requester. A notice under this paragraph shall offer the requester an opportunity to discuss the matter with Departmental personnel in order to modify the request in an effort to meet the requester's needs at a lower cost.

(4) When the component requires advance payment or payment due under paragraphs (i)(2) and (i)(3) of this section, the component will not further process the request until the required payment is made. The component will toll the processing of the request while it notifies the requester of the advanced payment due and this time will be excluded from the twenty (20) working day time limit (as specified in § 4.6(b)). If the requester does not pay the advance payment within 30 calendar days from the date of the component's fee notice, the component will presume that the requester is no longer interested and notify the requester that the request will be closed.

(j) *Tolling.* When necessary for the component to clarify issues regarding fee assessment with the FOIA requester, the time limit for responding to the FOIA request is tolled until the component resolves such issues with the requester.

* * * * *

■ 13. Section 4.25 is amended by revising paragraph (g)(1) to read as follows:

§ 4.25 Disclosure of requested records to individuals.

* * * * *

(g) * * *

(1) *Grounds.* Access by an individual to a record that pertains to that individual will be denied only upon a determination by the Privacy Officer that:

(i) The record is exempt under § 4.33 or 4.34, or exempt by determination of another agency publishing notice of the system of records, as described in § 4.23(f);

(ii) The record is information compiled in reasonable anticipation of a civil action or proceeding;

(iii) The provisions of § 4.26 pertaining to medical records have been invoked; or

(iv) The individual unreasonably has failed to comply with the procedural requirements of this part.

* * * * *

■ 14. Section 4.26 is revised to read as follows:

§ 4.26 Special procedures: Medical records.

When a request for access involves medical or psychological records, the records will be reviewed by the Department's medical officer for a determination on whether disclosure would be harmful to the individual to whom they relate. If it is determined that disclosure would be harmful, the Department may refuse to disclose the records directly to the requester but shall transmit them to a doctor authorized in writing by the individual to whom the records relate to receive the documents. If an individual refuses to provide written authorization to release his or her medical records to a doctor, barring any applicable exemption, the Department shall give the individual access to his or her records by means of a copy, provided without cost to the requester, sent registered mail, return receipt requested.

■ 15. Section 4.28 is amended by revising paragraphs (a)(1)(ii) and (a)(2) to read as follows:

§ 4.28 Agency review of requests for correction or amendment.

(a) * * *

(1) * * *

(ii) If the Privacy Officer fails to send the acknowledgment within ten working days, as provided in paragraph (a)(1)(i) of this section, the requester may ask the Assistant General Counsel for Administration, or in the case of a request to the Office of the Inspector General, the Counsel to the Inspector General, to take corrective action. No failure of a Privacy Officer to send an acknowledgment shall confer administrative finality for purposes of judicial review.

(2) Promptly after acknowledging receipt of a request, or after receiving such further information as might have been requested, or after arriving at a decision within the ten working days, the Privacy Officer shall either:

(i) Make the requested correction or amendment and advise the individual in writing of such action, providing either a copy of the corrected or amended record or, in cases in which a copy cannot be provided, a statement as to the means by which the correction or amendment was effected; or

(ii) Inform the individual in writing that his or her request is denied and provide the following information:

(A) The Privacy Officer's name and title or position;

(B) The date of the denial;

(C) The reasons for the denial, including citation to the appropriate sections of the Act and this subpart; and

(D) The procedures for appeal of the denial as set forth in § 4.29, including the address of the Assistant General Counsel for Administration, or in the case of a request to the Office of the Inspector General, the address of the Counsel to the Inspector General.

* * * * *

■ 16. Section 4.29 is amended by revising paragraphs (a), (b), (c), (e), (g) introductory text, (g)(1), (h), and (i) to read as follows:

§ 4.29 Appeal of initial adverse agency determination on correction or amendment.

(a) If a request for correction or amendment is denied initially under § 4.28, the individual may submit a written appeal within thirty calendar days of the date of the initial denial. The appeal must be received by the General Counsel, or by the Counsel to the Inspector General in the case of an appeal of an initial adverse determination by the Office of Inspector General, during normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday) within 30 calendar days of the date of the initial denial. Appeals arriving after normal business hours will be deemed received on the next normal business day. If the 30th calendar day falls on a Saturday, Sunday, or a legal public holiday, an appeal received by 5:00 p.m., Eastern Time, the next business day will be deemed timely.

(b)(1) An appeal from a request to a component other than the Office of the Inspector General should be addressed to the Assistant General Counsel for Administration, U.S. Department of Commerce, Room 5875, 14th and Constitution Avenue NW., Washington, DC 20230. An appeal should include the words ''Privacy Act Appeal'' at the top of the letter and on the face of the envelope. An appeal not addressed and marked as provided herein will be so marked by Department personnel when it is so identified, and will be forwarded immediately to the Assistant General Counsel for Administration. An appeal which is not properly addressed by the individual will not be deemed to have been ''received'' for purposes of measuring the time periods in this section until actual receipt by the Assistant General Counsel for Administration. In each instance when an appeal so forwarded is received, the Assistant General Counsel for Administration shall notify the

individual that his or her appeal was improperly addressed and the date on which the appeal was received at the proper address.

(2) An appeal of an initial adverse determination on correction or amendment by the Office of Inspector General should be addressed to the Counsel to the Inspector General, U.S. Department of Commerce, Room 7898C, 14th and Constitution Avenue NW., Washington, DC 20230. An appeal should include the words ''Privacy Act Appeal'' at the top of the letter and on the face of the envelope. An appeal not addressed and marked as provided herein will be so marked by Department personnel when it is so identified, and will be forwarded immediately to the Counsel to the Inspector General. An appeal which is not properly addressed by the individual will not be deemed to have been ''received'' for purposes of measuring the time periods in this section until actual receipt by the Counsel to the Inspector General. In each instance when an appeal so forwarded is received, the Counsel to the Inspector General shall notify the individual that his or her appeal was improperly addressed and the date on which the appeal was received at the proper address.

(c) The individual's appeal shall be signed by the individual, and shall include a statement of the reasons for why the initial denial is believed to be in error, and the Department's control number assigned to the request. The Privacy Act Officer who issued the initial denial shall furnish to the Assistant General Counsel for Administration, or in the case of an initial denial by the Office of the Inspector General, to the Counsel to the Inspector General, the record(s) the individual requests to be corrected or amended, and all correspondence between the Privacy Officer and the requester. Although the foregoing normally will comprise the entire record on appeal, the Assistant General Counsel for Administration, or in the case of an initial denial by the Office of the Inspector General, the Counsel to the Inspector General, may seek any additional information necessary to ensure that the final determination is fair and equitable and, in such instances, disclose the additional information to the individual to the greatest extent possible, and provide an opportunity for comment thereon.

* * * * *

(e) The Assistant General Counsel for Administration, or in the case of an initial denial by the Office of the Inspector General, the Counsel to the Inspector General, shall act upon the appeal and issue a final determination in writing not later than thirty working days (*i.e.,* excluding Saturdays, Sundays and legal public holidays) from the date on which the appeal is received, except that the Assistant General Counsel for Administration, or in the case of an initial denial by the Office of the Inspector General, the Counsel to the Inspector General, may extend the thirty days upon deciding that a fair and equitable review cannot be made within that period, but only if the individual is advised in writing of the reason for the extension and the estimated date by which a final determination will be issued. The estimated date should not be later than the sixtieth day after receipt of the appeal unless unusual circumstances, as described in § 4.25(a), are met.

* * * * *

(g) If the appeal is denied, the final determination shall be transmitted promptly to the individual and state the reasons for the denial. The notice of final determination shall inform the individual that:

(1) The individual has a right under the Act to file with the Assistant General Counsel for Administration, or in the case of an initial denial by the Office of the Inspector General, the Counsel to the Inspector General, a concise statement of reasons for disagreeing with the final determination. The statement ordinarily should not exceed one page and the Department reserves the right to reject an excessively lengthy statement. It should provide the Department control number assigned to the request, indicate the date of the final determination and be signed by the individual. The Assistant General Counsel for Administration, or in the case of an initial denial by the Office of the Inspector General, the Counsel to the Inspector General, shall acknowledge receipt of such statement and inform the individual of the date on which it was received;

* * * * *

(h) In making the final determination, the Assistant General Counsel for Administration, or in the case of an initial denial by the Office of the Inspector General, the Counsel to the Inspector General, shall employ the criteria set forth in § 4.28(c) and shall deny an appeal only on grounds set forth in § 4.28(e).

(i) If an appeal is partially granted and partially denied, the Assistant General Counsel for Administration, or in the case of an initial denial by the Office of the Inspector General, the Counsel to the Inspector General, shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

* * * * *

■ 17. Section 4.33 is amended by revising paragraphs (b) introductory text and (b)(1) to read as follows:

§ 4.33 General exemptions.

* * * * *

(b) The general exemptions determined to be necessary and proper with respect to systems of records maintained by the Department, including the parts of each system to be exempted, the provisions of the Act from which they are exempted, and the justification for the exemption, are as follows:

(1) *Individuals identified in Export Transactions*—COMMERCE/BIS–1. Pursuant to 5 U.S.C. 552a(j)(2), these records are hereby determined to be exempt from all provisions of the Act, except 5 U.S.C. 552a(b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i). These exemptions are necessary to ensure the proper functioning of the law enforcement activity, to protect confidential sources of information, to fulfill promises of confidentiality, to maintain the integrity of the law enforcement process, to avoid premature disclosure of the knowledge of criminal activity and the evidentiary bases of possible enforcement actions, to prevent interference with law enforcement proceedings, to avoid disclosure of investigative techniques, and to avoid endangering law enforcement personnel. Section 12(c) of the Export Administration Act of 1979, as amended, also protects this information from disclosure.

* * * * *

■ 18. Section 4.34 is amended by revising paragraphs (a)(1), (b) introductory text, (b)(2)(i)(A), (b)(3)(i), and (b)(4)(i) to read as follows:

§ 4.34 Specific exemptions.

(a)(1) Certain systems of records under the Act that are maintained by the Department may occasionally contain material subject to 5 U.S.C. 552a(k)(1), relating to national defense and foreign policy materials. The systems of records published in the **Federal Register** by the Department that are within this exemption are:

COMMERCE/BIS–1, COMMERCE/ITA–2, COMMERCE/ITA–3, COMMERCE/NOAA–11, COMMERCE–PAT–TM–4, COMMERCE/DEPT–12, COMMERCE/DEPT–13, and COMMERCE/DEPT–14.

* * * * *

(b) The specific exemptions determined to be necessary and proper with respect to systems of records maintained by the Department, including the parts of each system to be exempted, the provisions of the Act from which they are exempted, and the justification for the exemption, are as follows:

(2)(i) * * *

(A) Individuals identified in Export Administration compliance proceedings or investigations—COMMERCE/BIS–1, but only on condition that the general exemption claimed in § 4.33(b)(1) is held to be invalid;

* * * * *

(3)(i) Exempt under 5 U.S.C. 552a(k)(4). The systems of records exempt, the sections of the Act from which exempted, and the reasons therefor are as follows:

(A) Special Censuses, Surveys, and Other Studies—COMMECE/CENSUS–3;

(B) Economic Survey Collection—COMMERCE/CENSUS–4;

(C) Decennial Census Program—COMMERCE/CENSUS–5;

(D) Population Census Records for 1910 & All Subsequent Decennial Census—COMMERCE/CENSUS–6;

(E) Other Agency Surveys & Reimbursable—COMMERCE/CENSUS–7;

(F) Statistical Administrative Records System—COMMERCE/CENSUS–8;

(G) Longitudinal Employer-Household Dynamics System—COMMERCE/CENSUS–9; and

(H) Foreign Trade Statistics—COMMERCE/CENSUS–12.

* * * * *

(4)(i) Exempt under 5 U.S.C. 552a(k)(5). The systems of records exempt (some only conditionally), the sections of the Act from which exempted, and the reasons therefor are as follows:

(A) Applications to U.S. Merchant Marine Academy (USMMA)—COMMERCE/MA–1;

(B) USMMA Midshipman Medical Files—COMMERCE/MA–17;

(C) USMMA Midshipman Personnel Files—COMMERCE/MA–18;

(D) USMMA Non-Appropriated Fund Employees—COMMERCE/MA–19;

(E) Applicants for the NOAA Corps—COMMERCE/NOAA–1;

(F) Commissioned Officer Official Personnel Folders—COMMERCE/NOAA–3;

(G) Conflict of Interest Records, Appointed Officials—COMMERCE/DEPT–3

(H) Investigative and Inspection Records—COMMERCE/DEPT–12, but only on condition that the general exemption claimed in § 4.33(b)(3) is held to be valid;

(I) Investigative Records—Persons Within the Investigative Jurisdiction of the Department—COMMERCE/DEPT–13; and

(J) Litigation, Claims, and Administrative Proceeding Records—COMMERCE/DEPT–14.

* * * * *

■ 19. Appendix A to Part 4 is revised to read as follows:

Appendix A to Part 4—Freedom of Information Public Inspection Facilities, and Addresses for Requests for Records Under the Freedom of Information Act and Privacy Act, and Requests for Correction or Amendment Under the Privacy Act

Each address listed below is the respective component's mailing address for receipt and processing of requests for records under the Freedom of Information Act and Privacy Act, for requests for correction or amendment under the Privacy Act and, unless otherwise noted, its public inspection facility for records available to the public under the Freedom of Information Act. Requests should be addressed to the component the requester knows or has reason to believe has possession of, control over, or primary concern with the records sought. Otherwise, requests should be addressed to the Departmental FOIA Office identified in paragraph (1) of this appendix. The telephone and facsimile numbers for each component are included after its address, as well as email addresses for components that maintain an email address for the purposes of receiving of FOIA and Privacy Act requests. Records of components that are required to be made publicly available are available electronically either through the Department's ''Electronic FOIA Library'' on the Department's Web site, *http://www.doc.gov,* as described in § 4.2(a), or the component's separate online Electronic FOIA Library as indicated below. Components that maintain a public inspection facility are designated as such below. These public inspection facilities records are open to the public Monday through Friday (*i.e.,* excluding Saturdays, Sundays, and legal public holidays) between 9:00 a.m. and 4:00 p.m. local time of the facility at issue. The Departmental Freedom of Information Act Officer is authorized to revise this appendix to reflect changes in the information contained in it. Any such revisions shall be posted on the Department's ''FOIA Home Page'' link found at the Department's Web site, *http://www.doc.gov.*

(1) U.S. Department of Commerce, Office of Privacy and Open Government, Departmental FOIA Office, 14th and Constitution Avenue NW., Mail Stop A300, Washington, DC 20230; Phone: (202) 482–3258; Fax: (202) 482–0827; Email: *EFoia@doc.gov*; FOIAonline: *http://foiaonline.regulations.gov.* This component maintains an online Electronic FOIA Library through the Department's Web site, *http://www.doc.gov.* This online Electronic FOIA Library serves the Office of the Secretary, all other components of the Department not identified below, and those components identified below that do not have separate online Electronic FOIA Libraries.

(2) Bureau of the Census, Policy Coordination Office, U.S. Department of Commerce, Room 8H027, 4600 Silver Hill Road, Suitland, Maryland 20233; Ph.: (301) 763–6440; Fax: (301) 763–6239 (ATTN.: FOIA Office); Email: *cemsus.efoia@census.gov;* FOIAonline: *http://foiaonline.regulations.gov.* This component maintains a separate online Electronic FOIA Library through its Web site, *http://www.census.gov.*

(3) Bureau of Economic Analysis/Economic and Statistics Administration, Office of the Under Secretary for Economic Affairs, U.S. Department of Commerce, 14th and Constitution Avenue NW., Mail Stop H4836, Washington, DC 20230; Ph.: (202) 482–5997; Fax: (202) 482–2889; Email: *EFOIAESA@doc.gov;* FOIAonline: *http://foiaonline.regulations.gov.* This component maintains a separate online Electronic FOIA Library through its Web site, *http://www.esa.doc.gov.*

(4) Bureau of Industry and Security, Office of Administration, U.S. Department of Commerce, 14th and Constitution Avenue NW., Mails Stop H6622, Washington, DC 20230; Ph.: (202) 482–0953; Fax: (202) 482–0326; Email: *efoiarequest@bis.doc.gov*; FOIAonline: *http://foiaonline.regulations.gov.* This component maintains a separate online Electronic FOIA Library through its Web site, *http://www.bis.doc.gov.*

(5) Economic Development Administration, Office of the Chief Counsel, U.S. Department of Commerce, 14th and Constitution Avenue NW., Room 7325, Washington, DC 20230; Ph.: (202) 482–3085; Fax: (202) 482–5671; FOIAonline: *http://foiaonline.regulations.gov.* This component does not maintain a separate online Electronic FOIA Library, nor do any of the following Regional EDA offices.

(i) Atlanta Regional Office, EDA, U.S. Department of Commerce, 401 West Peachtree Street NW., Suite 1820, Atlanta, Georgia 30308; Ph.: (404) 730–3006.

(ii) Austin Regional Office, EDA, U.S. Department of Commerce, 504 Lavaca Street, Suite 1100, Austin, Texas 78701; Ph.: (512) 381–8165.

(iii) Chicago Regional Office, EDA, U.S. Department of Commerce, 111 North Canal Street, Suite 855, Chicago, Illinois 60606; Ph.: (312) 353–8143.

(iv) Denver Regional Office, EDA, U.S. Department of Commerce, 410 17th Street, Suite 250, Denver, Colorado 80202; Ph.: (303) 844–4404.

(v) Philadelphia Regional Office, EDA, U.S. Department of Commerce, Curtis Center, Suite 140 South, 601 Walnut Street, Philadelphia, Pennsylvania 19106; Ph.: (215) 597–7896.

(vi) Seattle Regional Office, EDA, U.S. Department of Commerce, Jackson Federal Building, Room 1890, 915 Second Avenue, Seattle, Washington 98174; Ph.: (206) 220–7663.

(6) International Trade Administration, Office of Strategic Resources, U.S.

Department of Commerce, 14th and Constitution Avenue NW., Room 40003, Washington, DC 20230; Ph.: (202) 482–7937; Fax: (202) 482–1584; Email: *foia@trade.gov*; FOIAonline: *http://foiaonline.regulations.gov.* This component does not maintain a separate online Electronic FOIA Library.

(7) Minority Business Development Agency, Office of Administration and Employee Support Services, U.S. Department of Commerce, 14th and Constitution Avenue NW., Room 5092, Washington, DC 20230; Ph.: (202) 482–2419; Fax: (202) 482–2500; Email: *FOIA@mbda.gov*; FOIAonline: *http://foiaonline.regulations.gov.* This component maintains a separate online Electronic FOIA Library through its Web site, *http://www.mbda.gov.*

(8) National Institute of Standards and Technology, Management and Organization Office, U.S. Department of Commerce, 100 Bureau Drive, Mail Stop 1710, Gaithersburg, Maryland 20899–1710; Ph.: (301) 975–4054; Fax: (301) 975–5301; Email: *foia@nist.gov*; FOIAonline: *http://foiaonline.regulations.gov.* This component maintains a separate public inspection facility at the Administration Building, Gaithersburg, Maryland. Please call (301) 975–4054 for inspection facility directions and hours. This component does not maintain a separate online Electronic FOIA Library.

(9) National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1315 East-West Highway (SSMC3), Room 9719, Silver Spring, Maryland 20910; Ph.: (301) 628–5658; Fax: (301) 713–1169; Email: *foia@noaa.gov*; FOIAonline: *http://foiaonline.regulations.gov.* This component maintains a separate online Electronic FOIA Library through its Web site, *http://www.noaa.gov.*

(10) National Technical Information Service, Office of the Chief Information Officer, U.S. Department of Commerce, 5301 Shawnee Road, Room 227, Alexandria, Virginia 22312; Ph.: (703) 605–6710; Fax: (703) 605–6764; FOIAonline: *http://foiaonline.regulations.gov.* This component maintains a separate online Electronic FOIA Library through its Web site, *http://www.ntis.gov.*

(11) National Telecommunications and Information Administration, Office of the Chief Counsel, U.S. Department of Commerce, 14th and Constitution Avenue NW., Mail Stop 4713, Washington, DC 20230; Ph.: (202) 482–1816; Fax: (202) 501–8013; Email: *eFOIA@NTIA.doc.gov*; FOIAonline: *http://foiaonline.regulations.gov.* This component does not maintain a separate online Electronic FOIA Library.

(12) Office of Inspector General, FOIA and Records Management Specialist, U.S. Department of Commerce, 14th and Constitution Avenue NW., Room 7099C, Washington, DC 20230; Ph.: (202) 482–3470; Fax: (202) 501–7921; Email: *FOIA@oig.doc.gov*; FOIAonline: *http://foiaonline.regulations.gov.* This component maintains a separate online Electronic FOIA Library through its Web site, *http://www.oig.doc.gov.*

■ 20. Appendix B to Part 4 is revised to read as follows:

Appendix B to Part 4—Officials Authorized To Deny Requests for Records Under the Freedom of Information Act, and Requests for Records and Requests for Correction or Amendment Under the Privacy Act

The officials of the Department listed below and their superiors have authority, with respect to the records for which each is responsible, to deny requests for records under the FOIA,[1] and requests for records and requests for correction or amendment under the PA. In addition, the Departmental Freedom of Information Officer and the Freedom of Information Officer for the Office of the Secretary have the foregoing FOIA and PA denial authority for all records of the Department. The Departmental Freedom of Information Officer is authorized to assign that authority, on a case-by-case basis only, to any of the officials listed below, if the records responsive to a request include records for which more than one official listed below is responsible. The Departmental Freedom of Information Officer is authorized to revise this appendix to reflect changes in designation of denial officials. Any such revisions shall be posted on the Department's ''FOIA Home Page'' link found at the Department's Web site, *http://www.doc.gov.*

OFFICE OF THE SECRETARY

Office of the Secretary: Executive Secretary; Freedom of Information Officer
Office of Business Liaison: Director
Office of Public Affairs: Director; Deputy Director; Press Secretary; Deputy Press Secretary
Assistant Secretary for Legislative and Intergovernmental Affairs; Deputy Assistant Secretary for Legislative and Intergovernmental Affairs
Office of Inspector General: Freedom of Information Act Officer
Office of the General Counsel: Deputy General Counsel; Assistant General Counsel for Administration
Office of Executive Support: Director
Office of Chief Information Officer: Director

ASSISTANT SECRETARY FOR ADMINISTRATION

Office of Civil Rights: Director
Office of Budget: Director
Office of Privacy and Open Government: Director Departmental Freedom of Information Officer
Office of Program Evaluation and Risk Management: Director
Office of Financial Management: Director
Office of Human Resources Management: Director; Deputy Director
Office of Administrative Services: Director
Office of Security: Director
Office of Acquisition Management: Director
Office of Acquisition Services: Director
Office of Small and Disadvantaged Business Utilization: Director

BUREAU OF INDUSTRY AND SECURITY

Under Secretary
Deputy Under Secretary
Director, Office of Administration
Director, Office of Planning, Evaluation and Management
Assistant Secretary for Export Administration
Deputy Assistant Secretary for Export Administration
Director, Office of Strategic Industries and Economic Security
Director, Office of Nonproliferation Controls and Treaty Compliance
Director, Office of Exporter Services
Assistant Secretary for Export Enforcement
Deputy Assistant Secretary for Export Enforcement
Director, Office of Export Enforcement
Director, Office of Enforcement Analysis
Director, Office of Antiboycott Compliance

ECONOMICS AND STATISTICS ADMINISTRATION

Office of Administration: Director
Bureau of Economic Analysis: Director
Bureau of the Census: Freedom of Information Act Officer

ECONOMIC DEVELOPMENT ADMINISTRATION

Freedom of Information Officer

INTERNATIONAL TRADE ADMINISTRATION

Executive Administration

Under Secretary for International Trade
Deputy Under Secretary for International Trade
Chief Counsel for International Trade
Chief Counsel for Enforcement and Compliance
Trade Promotion Coordinating Committee Secretariat
Director, Office of Public Affairs
Director, Office of Legislative and Intergovernmental Affairs
Chief Information Officer
Deputy Chief Information Officer
Chief Administrative Officer, Office of the Chief Information Officer
Chief Financial and Administration Officer
Deputy Chief Financial Administrative Officer
Director, Budget Division
Director, Financial Management and Administrative Oversight Division
Director, Business Operations and Policy Compliance Division
Director, Performance Management and Employee Programs Division
Freedom of Information Act Officer

Enforcement and Compliance

Assistant Secretary for Enforcement and Compliance
Deputy Assistant Secretary for Enforcement and Compliance
Director, Office of Foreign Trade Zones Staff
Director, Office of Operations Support
Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations
Executive Director, Antidumping and Countervailing Duty Operations

[1] The foregoing officials have sole authority under § 4.7(c) to deny requests for records in any respect, including, for example, denying requests for reduction or waiver of fees.

Director, Office of Antidumping and Countervailing Duty Enforcement I
Director, Office of Antidumping and Countervailing Duty Enforcement II
Director, Office of Antidumping and Countervailing Duty Enforcement III
Director, Office of Antidumping and Countervailing Duty Enforcement IV
Director, Office of Antidumping and Countervailing Duty Enforcement V
Director, Office of Antidumping and Countervailing Duty Enforcement VI
Director, Office of Antidumping and Countervailing Duty Enforcement VII
Deputy Assistant Secretary for Policy & Negotiations
Director, Office of Trade Agreements Negotiations and Compliance
Director, Office of Accounting
Director, Office of Policy

Global Markets

Assistant Secretary of Global Markets and Director General for the US&FCS
Deputy Director General
Principal Deputy Assistant Secretary
Executive Director, Advocacy Center
Director, Business Information and Technology Office
Director, Global Knowledge Center
Director, Office of Budget
Director, Office of Foreign Service Human Capital
Director, Office of Strategic Planning
Director, Office of Administrative Services
Executive Director, SelectUSA
Deputy Assistant Secretary for U.S. Field
National U.S. Field Director
Deputy Assistant Secretary for Asia
Executive Director for Asia
Director, Office of the ASEAN and Pacific Basin
Director, Office of East Asia and APEC
Director, Office of South Asia
Deputy Assistant Secretary for China, Hong Kong, and Mongolia
Executive Director for China, Hong Kong, and Mongolia
Director, Office of China, Hong Kong, and Mongolia
Deputy Assistant Secretary for Western Hemispheres
Executive Director for Western Hemispheres
Director, Office of North and Central America
Director, Office of South America
Deputy Assistant Secretary for Europe, Middle East, and Africa
Executive Deputy Assistant Secretary for Europe, Middle East, and Africa
Executive Director for Europe and Eurasia
Director, Office of Europe Country Affairs
Director, Office of the European Union
Director, Office of Russia, Ukraine, and Eurasia
Executive Director for Africa and Middle East
Director, Office of the Middle East and North Africa
Director, Office of Sub-Saharan Africa

Industry and Analysis

Assistant Secretary for Industry and Analysis
Deputy Assistant Secretary for Industry and Analysis
Trade Agreements Secretariat
Executive Director, Office of Trade Programs and Strategic Partnerships
Director, Trade Promotion Programs
Director, Strategic Partnerships
Director, Office of Advisory Committees and Industry Outreach
Director, Office of Planning, Coordination and Management
Deputy Assistant Secretary for Services
Director, Office of Financial and Insurance Industries
Director, Office of Digital Service Industries
Director, Office of Supply Chain, Professional and Business Services
Executive Director for National Travel and Tourism Office
Director, Office of Travel and Tourism Industries
Deputy Assistant Secretary for Trade Policy and Analysis
Director, Office of Standards and Investment Policy
Director, Office of Trade and Economic Analysis
Director, Office of Trade Negotiations and Analysis
Director, Office of Intellectual Property Rights
Deputy Assistant Secretary for Manufacturing
Director, Office of Energy and Environmental Industries
Director, Office of Transportation and Machinery
Director, Office of Health and Information Technologies
Deputy Assistant Secretary for Textiles, Consumer Goods, and Materials
Director, Office of Textiles and Appeal
Director, Office of Materials
Director, Office of Consumer Goods

MINORITY BUSINESS DEVELOPMENT AGENCY

Chief Counsel
Freedom of Information Officer

NATIONAL INSTITUTE OF STANDARDS AND TECNOLOGY

Chief, Management and Organization Office
NIST Counsel

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Under Secretary
Deputy Under Secretary for Operations
Chief, Resource and Operations Management
Director, Office of Communications and External Affairs
Director, Office of Marine and Aviation Operations
General Counsel
Deputy General Counsel
Assistant Administrator for National Ocean Services
Deputy Assistant Administrator for National Ocean Services
Assistant Administrator for National Marine Fisheries Service
Deputy Assistant Administrator for Operations for National Marine Fisheries Service
Deputy Assistant Administrator for Regulatory Programs for National Marine Fisheries Service
Assistant Administrator for National Weather Services
Deputy Assistant Administrator for National Weather Services
Assistant Administrator for National Environmental Satellite, Data, and Information Service
Deputy Assistant Administrator for National Environmental Satellite, Data, and Information Service
Assistant Administrator for Oceanic and Atmospheric Research
Deputy Assistant Administrator for Programs & Administration (Oceanic and Atmospheric Research)
Assistant Administrator for Program, Planning and Integration
Chief Administrative Officer
Chief Financial Officer
Chief Information Officer
Director, Acquisition and Grants Office
Deputy Director, Acquisition and Grants Office
Head of Contracting Offices, Acquisition and Grants Office
Director, Workforce Management Office
Senior Advisor for International Affairs
Director, Office of Legislation & Intergovernmental Affairs
Freedom of Information Officer

NATIONAL TECHNICAL INFORMATION SERVICE

Director
Deputy Director
Chief Financial Officer/Associate Director for Finance and Administration

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

Deputy Assistant Secretary
Chief Counsel
Deputy Chief Counsel

[FR Doc. 2014–24598 Filed 10–17–14; 8:45 am]

BILLING CODE 3510–17–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket Number USCG–2013–0819]

RIN 1625–AA01

Anchorage; Ashley River Anchorage, Ashley River, Charleston, SC

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is modifying the special anchorage area located on the Ashley River, in Charleston, SC. This change is necessary to accommodate the expansion of the Charleston City Marina and to meet special anchorage area requirements. This change will ensure that there is sufficient space to accommodate vessels desiring to anchor in the area, while allowing a sufficient buffer between the federal channel and special anchorage.

DATES: This rule is effective November 19, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2013–0819. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Chief Warrant Officer Christopher Ruleman, Sector Charleston Waterways Management, U.S. Coast Guard; telephone (843) 740–3184, email *christopher.l.ruleman@uscg.mil*. If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

On May 7, 2014, we published a notice of proposed rulemaking (NPRM) entitled Anchorage; Ashley River Anchorage, Ashley River, Charleston, SC, in the **Federal Register** (79 FR 26195). We received no comments on the proposed rule. No public meeting was requested, and none was held.

B. Basis and Purpose

The legal basis for this rule is: 33 U.S.C. 471, 1221 through 1236, 2071; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to define anchorage grounds.

The purpose of this rule is to relocate and reestablish the Ashley River Anchorage to accommodate the approved expansion plans of the Charleston City Marina. The City Marina Company received a permit for the expansion of their marina in August 2012. The expansion will force the relocation of the centerline of the federal channel in the vicinity of the marina. The new channel will impede on the current special anchorage area. Consistent with requirements in 33 CFR 109.10, the special anchorage area must be modified to prevent potential navigational hazards caused by the proximity of vessels transiting the channel to vessels anchored in the special anchorage area. This rule maintains the current size of the anchorage, ensuring no reduction in space for vessels needing to anchor.

C. Discussion of Comments, Changes and the Final Rule

The Coast Guard did not receive any comments to the proposed rule, and no changes were made to the regulatory text.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. The impacts on routine navigation are expected to be minimal because the anchorage area will not unnecessarily restrict traffic as it is located outside of the established navigation channel. Vessels will be able to maneuver in, around, and through the anchorage. The anchorage maintains the same amount of anchorage area as the existing anchorage and associated special conditions ensure that navigational concerns are addressed.

2. Impact on Small Entities

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

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule does 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.

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule

will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a 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. An environmental analysis checklist supporting this determination is available in the docket where indicated under **ADDRESSES**. This rule involves changing the location and size of a anchorage area as described in figure 2–1, paragraph (34)(f), of the Commandant Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 110 as follows:

PART 110—ANCHORAGE REGULATIONS

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2071; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 110.72d to read as follows:

§ 110.72d Ashley River, SC.

All waters on the southwest portion of the Ashley River encompassed within the following points: Beginning at latitude 32°46′40″ N, longitude 79°57′27″ W; thence continuing north-northeasterly to latitude 32°46′44″ N, longitude 79°57′25″ W; thence continuing southeasterly to latitude 32°46′40″ N, longitude 79°57′22″ W; thence continuing southeasterly to latitude 32°46′27″ N, longitude 79°57′03″ W; thence continuing west-southwesterly to latitude 32°46′25″ N, longitude 79°57′09″ W; thence continuing northwesterly to the beginning point at latitude 32°46′40″ N, longitude 79°57′27″ W. All coordinates are North American Datum 1983.

Dated: September 11, 2014.

J.H. Korn,

Rear Admiral, U.S. Coast Guard, Commander, Coast Guard Seventh District.

[FR Doc. 2014–24910 Filed 10–17–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0916]

RIN 1625–AA87

Security Zone; Cruise Ship HAMBURG, Lake Michigan, Milwaukee, WI and Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone on Lake Michigan in the vicinity of both Milwaukee Harbor in Milwaukee, WI and Chicago Harbor in Chicago, IL within a 500-yard radius of the Cruise Ship HAMBURG. This security zone is intended to restrict vessels from a portion of Lake Michigan during the transit of the Cruise Ship HAMBURG to and from Milwaukee, WI and Chicago, IL. This security zone is necessary to protect the Cruise Ship HAMBURG and its occupants during its transit to and from Milwaukee, WI, and Chicago, IL.

DATES: This rule is effective without actual notice from October 20, 2014 until October 31, 2014 at 12:01 a.m. For the purposes of enforcement, actual notice will be used from the date the rule was signed, October 1, 2014, until October 20, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2014–0916. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, contact or email MST1 Joseph McCollum, U.S. Coast Guard Sector Lake Michigan, at (414) 414–7148 or *Joseph.P.McCollum@uscg.mil*. If you have questions on viewing 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
TFR Temporary Final Rule

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are

''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking with respect to this rule because doing so would be impracticable and contrary to the public interest.

The final details for this event were not known to The Coast Guard until there was insufficient time remaining before the event to publish an NPRM. Thus, delaying the effective date of this rule to wait for a notice and comment period to run would be impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to safeguard the occupants onboard the Cruise Ship HAMBURG and the ship itself.

Under 5 U.S.C. 553(d)(3), The Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register** for the same reasons discussed in the preceding paragraph, waiting for a 30 day notice period to run would be impracticable and contrary to the public interest.

B. Basis and Purpose

The legal basis for this rule is the Coast Guard's authority to establish regulated navigation areas and limited access areas: 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, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

The Cruise Ship HAMBURG is expected to arrive into the Port of Milwaukee, Milwaukee, WI on October 1, 2014. Following the ship's arrival to Milwaukee, the ship is expected to transit to the Port of Chicago, Chicago, IL on October 2, 2014. Further, the ship is expected to return to Lake Michigan and visit the Port of Milwaukee, WI and Chicago, IL from October 11–27, 2014. Considering the number of passengers aboard the Cruise Ship HAMBURG, the Captain of the Port Lake Michigan has established this security zone to safeguard the occupants of the ship, as well as the ship itself.

The Coast Guard anticipates that the security zone created by this temporary rule will not be in effect on each day between October 1, 2014 and October 4, 2014 and on each day between October 11, 2014 and October 27, 2014. Considering the unpredictability surrounding the exact transit times of the Cruise Ship, this rule was written with a wider range of dates and times to give the Coast Guard flexibility to accommodate changes in the Cruise Ship's schedule between October 1, 2014 and October 4, 2014 and between October 11, 2014 and October 27, 2014.

C. Discussion of the Final Rule

The Captain of the Port Lake Michigan has determined that this temporary security zone is necessary to ensure the safety of the Cruise Ship HAMBURG and its occupants. This security zone will be effective from 5 p.m. on October 1, 2014 until 12:01 a.m. on October 31, 2014 and will be enforced intermittently with actual notice during this time. This security zone will encompass all waters of Lake Michigan within a 500-yard radius of the Cruise Ship HAMBURG.

Entry into, transiting, or anchoring within this security zone is prohibited unless authorized by the Captain of the Port Lake Michigan or a designated on-scene representative. The Captain of the Port or a designated on-scene representative may be contacted via VHF Channel 16.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The security zone created by this rule will be small and enforced for a short duration. Under certain conditions, moreover, vessels may still transit through the security zone when permitted by the Captain of the Port.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this temporary rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in the portion of Lake Michigan near Milwaukee, Wisconsin and Chicago, Illinois affected by the enforcement of the 500 yard security zone.

This security zone will not have a significant economic impact on a substantial number of small entities for the reasons cited in the *Regulatory Planning and Review* section. Additionally, before the enforcement of the zone, we would issue local Broadcast Notice to Mariners so vessel owners and operators can plan accordingly.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and

the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping 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. Chapters 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T09–0916 to read as follows:

§ 165.T09–0916 Security Zone; Cruise Ship HAMBURG, Lake Michigan, Milwaukee, WI and Chicago, IL.

(a) *Location.* All waters of Lake Michigan within a 500-yard radius of the Cruise Ship HAMBURG.

(b) *Effective and enforcement period.* This rule is effective from 5 p.m. on October 1, 2014 until 12:01 a.m. on October 31, 2014. This rule will be enforced intermittently with actual notice between October 1, 2014 and October 4, 2014 and between October 11, 2014 and October 27, 2014.

(c) *Regulations.*

(1) In accordance with the general regulations in § 165.33 of this part, entry into this zone is prohibited, unless authorized by the U.S. Coast Guard Captain of the Port Lake Michigan or an on-scene representative. Other general requirements in § 165.33 also apply.

(2) The ''on-scene representative'' of the Captain of the Port Lake Michigan is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Lake Michigan to act on her behalf.

(3) Vessel operators desiring to enter or operate within the security zone shall contact the Captain of the Port Lake Michigan or an on-scene representative to obtain permission to do so. The Captain of the Port Lake Michigan or her on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the security zone must comply with all directions given to them by the Captain of the Port Lake Michigan, or an on-scene representative.

Dated: October 1, 2014.

A.B. Cocanour,

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

[FR Doc. 2014–24917 Filed 10–17–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2014–0448; FRL–9918–18–Region–7]

Air Quality State Implementation Plans; Approval and Promulgation: Missouri; 2013 State Implementation Plan for the 2008 Lead Standard

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the State

Implementation Plan (SIP) for the State of Missouri. This final action will approve Missouri's SIP for the lead National Ambient Air Quality Standard (NAAQS) nonattainment area of Herculaneum, Missouri. EPA proposed approval of this plan on July 24, 2014. The applicable standard addressed in this action is the lead NAAQS promulgated by EPA in 2008. EPA believes Missouri's SIP satisfies the applicable requirements of the Clean Air Act (CAA) identified in EPA's 2008 Final Rule and will bring the area into attainment of the 0.15 micrograms per cubic meter (ug/m^3) lead NAAQS in the Herculaneum, Missouri area.

In this action, EPA is also finalizing its approval of a revision to the Missouri SIP related to the 2007 Consent Judgment which was previously approved into the Missouri SIP for the 1978 lead NAAQS.

DATES: This final rule is effective on November 19, 2014.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2014–0448. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219. The Regional Office's official hours of business are Monday through Friday, 8:00 to 4:30 excluding Federal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Stephanie Doolan, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at 913–551–7719, or by email at *doolan.stephanie@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' or ''our'' refer to EPA. This section provides additional information by addressing the following:

I. What is being addressed in this document?
II. Have the requirements for approval of a SIP revision been met?
III. EPA's Response to Comments
IV. What action is EPA taking?

I. What is being addressed in this document?

In this document, EPA is granting final approval of Missouri's SIP for the lead NAAQS nonattainment area of Herculaneum, Missouri. The applicable standard addressed in this action is the lead NAAQS promulgated by EPA in 2008 (73 FR 66964). EPA is also granting final approval to a revision to the Missouri SIP related to the 2007 Consent Judgment which was previously approved in the Missouri SIP as for the 1978 lead NAAQS (77 FR 9529, February 17, 2012). EPA's proposal containing the background information for this action can be found at 79 FR 42991, July 24, 2014.

II. Have the requirements for approval of a SIP revision been met?

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the technical support document which is part of this document, the revision meets the substantive SIP requirements of the CAA, including Section 110 and implementing regulations.

III. EPA's Response to Comments

The public comment period on EPA's proposed rule opened July 24, 2014, the date of its publication in the **Federal Register**, and closed on August 25, 2014. During this period, EPA received one comment.

Comment 1: The commenter notes that the modeling shows that Missouri's SIP will bring the area into attainment. The commenter states that should lead concentration measurements show that the SIP is not producing the modeled reductions in lead (or better) that the commenter would no longer support the strategy and suggests that at that time a revised plan be created and implemented.

Response 1: EPA agrees that the modeling shows that Missouri's SIP will bring the area into attainment. EPA notes that if the measures in the SIP are not maintaining attainment of the lead NAAQS that the SIP includes contingency measures that will be implemented to ensure additional reductions are achieved and that the area maintains the NAAQS. The contingency measures are described in detail in the proposal to this action 79 FR 42991. If implementation of the contingency measures does not bring the area back into attainment, section 110 of the CAA authorizes EPA to take appropriate action to ensure the area will attain and maintain the 2008 lead NAAQS.

IV. What action is EPA taking?

EPA is taking final action to amend the Missouri SIP to approve Missouri's SIP for the lead NAAQS nonattainment area of Herculaneum, Missouri. The applicable standard addressed in this action is the lead NAAQS promulgated by EPA in 2008 (73 FR 66964). EPA is also granting final approval to a revision to the Missouri SIP related to the 2007 Consent Judgment which was previously approved in the Missouri SIP for the 1978 lead NAAQS (77 FR 9529, February 17, 2012).

Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement

Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 19, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: September 29, 2014.

Becky Weber,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart AA—Missouri

■ 2. In § 52.1320:

■ a. Amend the table in paragraph (d) by adding two entries at the end of the table in numerical order; and

■ b. Amend the table in paragraph (e) by adding an entry at the end of the table in numerical order.

The amendments read as follows:

§ 52.1320 Identification of plan.

* * * * *

(d) * * *

EPA-APPROVED MISSOURI SOURCE-SPECIFIC PERMITS AND ORDERS

Name of source	Order/permit number	State effective date	EPA approval date	Explanation
*	*	*	*	*
(27) Doe Run Herculaneum, MO ..	Consent Judgment Modification 07JE–CC00552;	10/19/11	10/20/14 and [Insert **Federal Register** citation].	Modification to section 2.B.1. of the 2007 Consent Judgment.
(28) Doe Run Herculaneum, MO ..	Consent Judgment 13JE–CC00557.	6/19/13	10/20/14 and [Insert **Federal Register** citation].	

* * * * * (e) * * *

EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
*	*	*	*	*
(62) Implementation Plan for the 2008 Lead NAAQS.	City of Herculaneum, MO	4/18/13	10/20/14 and [Insert **Federal Register** citation].	

[FR Doc. 2014–24759 Filed 10–17–14; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 100120037–1626–02]

RIN 0648–XD549

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2014 Accountability Measures and Closure for Commercial Wrasses in the U.S. Caribbean Off Puerto Rico

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

ACTION: Temporary rule; accountability measure.

SUMMARY: NMFS implements accountability measures (AMs) for commercial wrasses in the exclusive economic zone of the U.S. Caribbean (EEZ) off Puerto Rico for the 2014 fishing year through this temporary rule. NMFS has determined that the commercial annual catch limit (ACL) for wrasses off Puerto Rico, as estimated by the Science and Research Director (SRD), was exceeded based on average landings during the 2011–2012 fishing years. This temporary rule reduces the length of the 2014 commercial fishing season for wrasses off Puerto Rico by the amount necessary to ensure that landings do not exceed the commercial ACL in 2014. NMFS implements AMs and closes the commercial sector for wrasses off Puerto Rico at 12:01 a.m., local time, on October 20, 2014, through the end of the fishing year, December 31, 2014. These AMs are necessary to protect the Caribbean wrasses resource.

DATES: The AMs for commercial wrasses in the EEZ off Puerto Rico are effective 12:01 a.m., local time, October 20, 2014, until 12:01 a.m., local time, January 1, 2015.

FOR FURTHER INFORMATION CONTACT: William S. Arnold, telephone: 727–824–5305, email: *Bill.Arnold@noaa.gov.*

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Caribbean, which includes wrasses (*i.e.,* hogfish (*Lachnolaimus maximus*), puddingwife (*Halichoeres radiatus*), and Spanish hogfish (*Bodianus rufus*)), is managed under the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands (FMP). The FMP was prepared by the Caribbean Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. The ACLs specified in this temporary rule are given in round weight.

The commercial ACL for wrasses in the Puerto Rico management area is 54,147 lb (24,561 kg), as specified at 50 CFR 622.12(a)(1)(i)(L).

In accordance with regulations at 50 CFR 622.12(a), if landings from a Caribbean island management area, as specified in Appendix E to part 622, are estimated by the SRD to have exceeded the applicable ACL, the Assistant Administrator for Fisheries, NOAA, (AA), will file a notification with the Office of the Federal Register to reduce the length of the fishing season for the applicable species or species groups that year by the amount necessary to ensure landings do not exceed the applicable ACL, as specified at 50 CFR 622.12(a)(1) for Puerto Rico management area species or species groups. Landings will be evaluated relative to the applicable ACL based on a moving multi-year average of landings, as described in the FMP. The most recent data is from the 2011 and 2012 fishing years. Data from 2013 are not available at this time. Therefore, NMFS has determined the commercial ACL for wrasses based on 2011–2012 data has been exceeded. This temporary rule implements AMs for the commercial sector for wrasses to reduce the 2014 fishing season to ensure landings do not exceed the commercial ACL for wrasses in the 2014 fishing year. The 2014 fishing season for the commercial sector for wrasses in or from the Puerto Rico management area of the EEZ ends at 12:01 a.m., local time, on October 20, 2014. The 2015 fishing season begins 12:01 a.m., local time, January 1, 2015.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of wrasses in the U.S. Caribbean off Puerto Rico and is consistent with the Magnuson-Stevens Act, the FMP, and other applicable laws.

This action is taken under 50 CFR 622.12(a) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such prior notice and opportunity for public comment is unnecessary and contrary to the public interest. Such procedures are unnecessary because the rules implementing the ACLs and AMs for these species and species groups have been subject to notice and comment, and all that remains is to notify the public that the ACLs were exceeded and that the AMs for wrasses are being implemented for the 2014 fishing year. Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to protect the wrasses resource. The capacity of the fishing fleet allows for rapid harvest of the ACL and prior notice and opportunity for public comment would result in a harvest well in excess of the established commercial ACL.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 15, 2014.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–24924 Filed 10–16–14; 11:15 am]
BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 202
Monday, October 20, 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.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

RIN 3245–AG51

Small Business Size Standards; Industries With Employee Based Size Standards Not Part of Manufacturing, Wholesale Trade, or Retail Trade; Correction

AGENCY: U.S. Small Business Administration.

ACTION: Proposed rule; correction.

SUMMARY: This notice makes corrections to the proposed rule that appeared in the **Federal Register** on September 10, 2014, entitled Small Business Size Standards; Industries with Employee Based Size Standards Not Part of Manufacturing, Wholesale Trade, or Retail Trade. This document corrects several incorrect figures in the preamble text.

DATES: These corrections are effective October 20, 2014. Comments on the proposed rule published September 10, 2014 at 79 FR 53646, continue to be accepted until November 10, 2014.

FOR FURTHER INFORMATION CONTACT: Jorge Laboy-Bruno, Ph.D., Economist, Size Standards Division, (202) 205–6618 or *sizestandards@sba.gov.*

SUPPLEMENTARY INFORMATION:

Background

The U.S. Small Business Administration (SBA) is correcting a proposed rule that appeared in the **Federal Register** on September 10, 2014 (79 FR 53646). The document proposed to modify the size standards for a number of industries that are not part of North American Industry Classification System (NAICS) Sector 31–33 (Manufacturing), Sector 42 (Wholesale Trade), or Sector 44–45 (Retail Trade). The document included a proposal to eliminate the Offshore Marine Air Transportation Services ''exception'' under NAICS 481211 and 481212 and the Offshore Marine Services ''exception'' under NAICS Subsector 483 and their $30.5 million receipts based size standard. The proposed changes included removing Footnote 15 and Footnote 18 from the table of size standards. However, where the supplementary information of the proposed rule refers to the Offshore Marine ''exception'' under NAICS 481211 and 481212, and under NAICS Subsector 483, it incorrectly states that $28 million is the current size standard. In addition, where the supplementary information of the proposed rule refers to the Information Technology Value Added Reseller (ITVAR) ''exception'' under NAICS 541519, it incorrectly states that the $25.5 million is the current size standard. SBA had increased all monetary based size standards for inflation, including these, effective July 14, 2014 (79 FR 33647). Because of the increase for inflation, the correct size standard in the supplementary information to the September 10, 2014 proposed rule that read $28 million referenced above should have read $30.5 million. Similarly, because of the increase for inflation, the correct size standard in the discussion of eliminating Footnote 18 and the ITVAR ''exception'' in the supplementary information to the September 10, 2014 proposed rule that read $25.5 million should have read $27.5 million. This action corrects the above stated size standards for these ''exceptions.''

Correction of Errors

In FR Doc. 2014–20838 of September 10, 2014, (79 FR 53646) make the following corrections:

1. On page 53647, in the Summary section, first column, first partial paragraph, in line 21, the figure ''$28'' is corrected to read ''$30.5''.

2. On page 53656,

a. First column, first paragraph, in line 18, the figure ''$25.5'' is corrected to read ''$27.5''.

b. First column, third paragraph, in line 12, the figure ''$25.5'' is corrected to read ''$27.5''.

c. Third column, first partial paragraph, line 2, the figure ''$25.5'' is corrected to read ''$27.5''.

d. Third column, first paragraph, in line 5, the figure ''$25.5'' is corrected to read ''$27.5''.

e. Third column, second paragraph,

(1) In line 3, the figure ''$25.5'' is corrected to read ''$27.5''.

(2) In line 8, the figure ''$25.5'' is corrected to read ''$27.5''.

3. On page 53658, third column, first partial paragraph under the heading ''Offshore Marine Air Transportation Services and Offshore Marine Services'', in the line 4, the figure ''$28'' is corrected to read ''$30.5''.

4. On page 53659,

a. First column, first paragraph,

(1) In line 7, the figure ''$28'' is corrected to read ''$30.5''.

(2) In line 10, the figure ''$28'' is corrected to read ''$30.5''.

b. Second column, first partial paragraph, in line 4, the figure ''$28'' is corrected to read ''$30.5''.

c. Second column, second paragraph,

(1) In line 13, the figure ''$28'' is corrected to read ''30.5''.

(2) In line 19, the figure ''$28'' is corrected to read ''$30.5''.

d. Third column, first paragraph,

(1) In line 3, the figure ''$28'' is corrected to read ''30.5''.

(2) In line 12, the figure ''$28'' is corrected to read ''$30.5''.

5. On page 53660, first column, first paragraph, in line 19, the figure ''$28'' is corrected to read ''$30.5''.

6. On page 53661, third column, first paragraph, in line 17, the figure ''$28'' is corrected to read ''$30.5''.

7. On page 53662, third column,

a. First partial paragraph, in line 4, the figure ''$25.5'' is corrected to read ''$27.5''.

b. In the first paragraph (numbered paragraph 5),

(1) In line 9, the figure ''$28'' million is corrected to read ''$30.5'' million.

(2) In line 17, the figure ''$28'' million is corrected to read ''$30.5'' million.

(3) In line 23, the figure ''$28'' is corrected to read ''$30.5''.

Kenneth W. Dodds,

Director, Office of Government Contracting.

[FR Doc. 2014–24503 Filed 10–17–14; 8:45 am]

BILLING CODE 8025–01–P

AGENCY FOR INTERNATIONAL DEVELOPMENT

22 CFR Part 237

RIN 0412–AA64

Environmental Compliance Procedures for Domestic Activities

AGENCY: United States Agency for International Development.

ACTION: Proposed rule.

SUMMARY: The United States Agency for International Development (USAID) proposes a rule to establish environmental compliance procedures pursuant to the National Environmental Policy Act (NEPA). This proposed rule is applicable to all USAID activities, both program and operating expense (OE) funded, that occur within the United States, its territories and or possessions. Program funded activities that occur entirely outside of the United States, its territories and possessions undergo environmental impact assessment and compliance review under separate regulatory authority.

This rule will ensure that the environmental consequences of USAID actions are considered prior to funding in accordance with NEPA.

DATES: Submit comments on or before December 19, 2014.

ADDRESSES: Address all comments concerning this proposed rule to Dennis Durbin, M/MPBP/POL, USAID/Washington, 1300 Pennsylvania Avenue NW., Washington, DC 20523.

FOR FURTHER INFORMATION CONTACT: Dennis Durbin, Telephone: 202–712–0789, Email: *ddurbin@usaid.gov.*

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures
II. Background
III. Procedural Matters

I. Public Comment Procedures

How do I comment on the proposed rule?

- Because security screening precautions have slowed the delivery and dependability of surface mail to USAID/Washington, USAID recommends sending all comments by electronic mail or by fax to the email address or fax number listed directly below (please note, all comments must be in writing to be reviewed). You may submit written electronic comments by sending electronic mail [email] to: *ddurbin@usaid.gov.* Please submit comments as a Microsoft Word file avoiding the use of any special characters and any form of encryption.
- Surface Mail (again, not advisable due to security screening): Dennis Durbin, M/MPBP/POL, USAID/Washington, 1300 Pennsylvania Avenue NW., Washington, DC 20523.

Please make your written comments on the proposed rule as specific as possible, confine them to issues pertinent to the proposed rule, and explain the reason for any changes you recommend. Where possible, your comments should reference the specific section or paragraph of the proposal that you are addressing.

USAID may not necessarily consider or include in the Administrative Record for the final rule comments that USAID receives after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

II. Background

Why is USAID proposing this rule?

The procedures set forth in this proposal ensure that USAID actions and expenditures comply with the National Environmental Policy Act (NEPA), Public Law 91–190 42 U.S.C. 4321 *et seq.,* as implemented by the Council on Environmental Quality (CEQ) Regulations (40 CFR parts 1500 through 1508). These procedures apply specifically to Agency actions undertaken in the United States, its territories or possessions. It is USAID policy to ensure that the environmental and social consequences of USAID financed activities are identified and considered by USAID prior to a final decision to proceed and that appropriate environmental safeguards are adopted.

Do USAID overseas activities undergo environmental review?

Yes. USAID environmental compliance for Agency program funded activities pursuant to the Foreign Assistance Act and the Agricultural Trade Development and Assistance Act of 1954 (Pub. L. 83–480, enacted July 10, 1954) which address such basic problems as hunger, malnutrition, overpopulation, disease, disaster, governance, economic growth, energy security, climate change, deterioration of the environment and the natural resource base, illiteracy, and the lack of adequate housing and transportation, and to facilitate economic development is addressed under 22 CFR part 216. The existing rule for overseas activities together with this proposal for domestic activities will ensure environmental stewardship for USAID activities.

What type of activities does the proposed rule cover?

These proposed NEPA implementing procedures for considering the environmental consequences apply to all proposed Agency activities in the United States, its territories or possessions (hereinafter domestic activities). These activities include domestic activities such as building operations, acquisition and operation of fleet vehicles, personnel salary and administration, procurement of supplies and services, USAID facility construction and maintenance, payment of rent and utilities, general USAID internal operations and administration, and other OE funded activities.

III. Procedural Matters

Executive Order 12866, Regulatory Planning and Review

These proposed regulations are not a significant regulatory action and are not subject to review by Office of Management and Budget under Executive Order 12866. These proposed regulations will not have an effect of $100 million or more on the economy. They will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. These proposed regulations will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. These proposed regulations do not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the right or obligations of their recipients; nor do they raise novel legal or policy issues.

Clarity of the Regulations

Executive Order 12866 requires each agency to write regulations that are simple and easy to understand. President Clinton's Presidential memorandum of June 2, 1998, requires us to write new regulations in plain language. We invite your comments on how to make these proposed regulations easier to understand, including answers to questions such as the following: (1) Are the requirements in the proposed regulations clearly stated? (2) Do the proposed regulations contain technical language or jargon that interferes with their clarity? (3) Does the format of the proposed regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity? (4) Would the regulations be easier to understand if they were divided into more (but shorter) sections? (A section appears in bold type and is preceded by the symbol and a numbered heading, for example) (5) Is the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble helpful in understanding the proposed regulations? How could this description be more helpful in making the proposed regulations easier to understand?

Please send any comments you have on the clarity of the regulations to the address specified in the **ADDRESSES** section.

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act of 1980, as amended, 5 U.S.C. 601–612, to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. The proposed rule would impact approximately 50 USAID partners per year where their proposed activities would undergo the procedural NEPA requirements under this proposal. Most of these entities would be academic institutions in the United States who partner with foreign entities for research and provision of development assistance. USAID foreign assistance actions are already reviewed for environmental compliance under the procedures in 22 CFR part 216. The NEPA compliance procedures stated in this proposal are not substantially different from those USAID undertakes from the environmental compliance procedures USAID under 22 CFR part 216. Therefore, we have determined under the RFA that this proposed rule would not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act

These proposed regulations do not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year; nor do these proposed regulations have a significant or unique effect on State, local, or tribal governments or the private sector.

Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights (Takings)

The proposed rule does not represent a government action capable of interfering with constitutionally protected property rights. Therefore, we have determined that the rule would not cause a taking of private property or require further discussion of takings implications under this Executive Order.

Executive Order 12612, Federalism

The proposed rule will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, we have determined that this proposed rule does not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

Paperwork Reduction Act

These regulations do not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

Author

The principal author of this rule is Dennis Durbin, United States Agency for International Development.

List of Subjects in 22 CFR Part 237

Environmental impact statements, Environmental protection, Pesticides and pests.

For the reasons discussed in the preamble, the United States Agency for International Development proposes to add 22 CFR part 237 as follows:

PART 237—NATIONAL ENVIRONMENTAL POLICY ACT IMPLEMENTING PROCEDURES

Sec.

237.1 Introduction.
237.2 Scope.
237.3 Definitions.
237.4 Responsibilities of Agency officials.
237.5 Applicability of procedures.
237.6 Procedures.
237.7 Pesticide procedures.
237.8 Genetically modified organisms.
237.9 Endangered species.
237.10 Filing and publishing.
237.11 Public hearings.
237.12 Records and reports.

Authority: 42 U.S.C. 4321–4347.

§ 237.1 Introduction.

(a) The procedures set forth in these regulations ensure that the United States Agency for International Development (USAID) actions and expenditures comply with the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* as implemented by the Council on Environmental Quality (CEQ) Regulations (40 CFR parts 1500 through 1508). These procedures apply specifically to Agency actions undertaken in the United States, its territories or possessions.

(b) USAID environmental compliance for Agency program funded activities pursuant to the Foreign Assistance Act and the Agricultural Trade Development and Assistance Act of 1954 (Pub. L. 83–480) which address such basic problems as hunger, malnutrition, overpopulation, disease, disaster, governance, economic growth, energy security, climate change, deterioration of the environment and the natural resource base, illiteracy, and the lack of adequate housing and transportation, and to facilitate economic development is addressed under 22 CFR part 216. Together, these two regulations ensure environmental stewardship for USAID activities.

(c) It is USAID policy to ensure that the environmental and social consequences of USAID financed activities are identified and considered by USAID prior to a final decision to proceed and that appropriate environmental safeguards are adopted.

§ 237.2 Scope.

These NEPA implementing procedures for considering the environmental consequences apply to all proposed Agency activities in the United States, its territories or possessions (hereinafter domestic activities). These activities include domestic activities such as building operations, acquisition and operation of fleet vehicles, personnel salary and administration, procurement of supplies and services, USAID facility construction and maintenance, payment of rent and utilities, general USAID internal operations and administration, and other OE funded activities.

§ 237.3 Definitions.

For the purposes of this part, the following definitions apply:

Action. Action and Major Federal Action as described in 40 CFR 1508.18.

Adaptive Management. The ongoing process during implementation of an activity where the Implementing Officer (COR, AOR, or equivalent) manages the activity or action to the mitigation measures and Environmental Management and Monitoring Plan that have been developed under the Environmental Assessment or Environmental Impact Statement; and, makes formal adjustments and amendments, in conjunction with the Environmental Assessment or Environmental Impact Statement signatory, as needed to ensure optimal environment soundness throughout the life of the activity.

Administrator. The head or acting head of the U.S. Agency for International Development. The final decision-making executive on Environmental Impact Statements.

Agency. The United States Agency for International Development. Also referred to as USAID.

Agency Environmental Coordinator (AEC). USAID's executive management officer whose duties include oversight of the Agency's compliance with US environmental laws, regulations, and directives, including this Regulation

and its companion for program funded activities, 22 CFR part 216.

Alternative Arrangements. Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of this Regulation and the White House Council on Environmental Quality (CEQ) regulations, USAID shall consult with the CEQ about Alternative Arrangements. USAID and CEQ will limit such arrangements to actions necessary to control the immediate impacts of the emergency.

Bureau Environment Officer (BEO). The USAID senior environmental regulatory officer for a given Bureau or Independent Office. Each operational Bureau or Independent Office has a BEO who oversees environmental compliance under this Regulation for all Operating Expense Activities in their Bureau or Independent Office. This expert environmental compliance officer typically also oversees compliance in their Bureau or Independent Office on program funded activities under 22 CFR part 216. They are appointed in writing by an Assistant Administrator or an Independent Office Director with the concurrence of the AEC.

Categorical exclusion. Categorical exclusions (CEs) describe categories of actions which meet the definition contained in 40 CFR 1508.4, and, based on past experience with similar actions, do not normally involve significant environmental impacts.

Connected actions. Actions which may or may not be funded by USAID but which are closely related and therefore should be discussed in the same USAID Environmental Assessment or Environmental Impact Statement. Actions are connected if they:

(1) Automatically trigger other actions which may require Environmental Impact Statements by USAID or other agencies;

(2) Cannot or will not proceed unless other actions are taken previously or simultaneously; or

(3) Are interdependent parts of a larger action and depend on the larger action for their justification. Under 22 CFR part 216 this same concept is typically referred to as Associated Facilities.

Cooperating Agency. Any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment. Also, a State or local agency of similar qualifications or, when the effects are on a reservation, an Indian Tribe, may by agreement with the lead agency become a cooperating agency.

Council on Environmental Quality (CEQ). The White House Council in the Executive Office of the President that among other duties oversees National Environmental Policy Act (NEPA) compliance across all Executive Branch agencies; develops Executive Branch agency-wide policy and regulations for implementing the procedural provisions of NEPA; and resolves interagency disagreements concerning proposed major Federal actions.

Cumulative impact. The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

DEIS. Draft Environmental Impact Statement (see Environmental Impact Statement).

Environment. Environment shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment. When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment.

Environmental Assessment (EA). EA is defined in the CEQ regulations (40 CFR 1508.9), and is used to assess the environmental impact of proposed actions where a categorical exclusion is not appropriate and in which the potential for significant environmental impacts are not clearly established. When an EA is performed resulting in a Finding of No Significant Impact (FONSI), the environmental review process is completed. If the EA process results in a finding that the proposed activity will incur significant environmental impact an Environmental Impact Statement must be prepared. Note that the term EA in this regulation differs from that in 22 CFR part 216 and they should not be confused or conflated.

Environmental Impact Statement (EIS). An EIS is defined in the CEQ Regulations at 40 CFR 1508.11 and is a detailed study of the reasonably foreseeable environmental and social impacts, both positive and negative, of a proposed USAID action that results in a significant impact on the United States, or the global commons.

Environmental justice. The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of EAs and EIAs that their related actions. Fair treatment means that no group of people, including racial, ethnic, or socioeconomic groups, should bear a disproportionate share of the negative environmental consequences resulting from USAID actions.

Environmental Monitoring and Management Plan (EMMP). An EMMP is based on the findings of an EA or EIS and describes the activity or process of the activity associated with an environmental impact and associated mitigation measures and conditions to serve as environmental safeguards and monitoring requirements. They are an everyday road map used by the COR or AOR or comparable USAID officer and by the grantee or contractor to ensure environmental soundness throughout the life of an action. EMMPs are a mechanism to identify when environmental issues begin to arise during the implementation of an action to ensure they are addressed before they become a problem.

EPA or USEPA—the United States Environmental Protection Agency. An independent agency in the Executive Branch of the United States government that is among other duties is responsible for supporting CEQ's implementation of NEPA under the EPA Office of Federal Activities; and for leading the US government's pesticide registration, safety, enforcement, and regulatory functions.

FEIS. Final Environmental Impact Statement (See Environmental Impact Statement).

Finding of No Significant Impact (FONSI). A document briefly providing the reasons why a proposed action will not have a significant impact on the environment and for which an Environmental Impact Statement (EIS) will not be prepared. In cases when environmental impacts are small and easily mitigated, a Mitigated FONSI may be appropriate and will identify the mitigative measures and funding requirements.

Impact (Effect). A direct result of an action which occurs at the same time and place; or an indirect result of an action which occurs later in time or in a different place and is reasonably foreseeable; or the cumulative results from the incremental impact of the action when added to other past,

present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions (40 CFR 1508.8).

Implementing Officer. The Contracts Officer Representative (COR), or Agreements Officer Representative (AOR) or comparable USAID officer who manages a given contract, grant, lease or similar agreement. The Implementing Officer has the primary responsibility for ensuring compliance with this Regulation of Operating Expense funded activities they manage.

No Action Alternative. The alternative where current conditions and trends are projected into the future without another proposed action (40 CFR 1502.14(d)).

Record of Decision (ROD). A concise public document that records USAID's decision(s) concerning a proposed action for which the Agency has prepared an Environmental Impact Statement (EIS). The ROD is prepared in accordance with the requirements of the Council on Environmental Quality NEPA regulations (40 CFR 1505.2). A ROD identifies the alternatives considered in reaching the decision, the environmentally preferable alternative(s), factors balanced by the agency in making the decision, whether all practicable means to avoid or minimize environmental harm have been adopted, and if not, why they were not. (See Environmental Impact Statement).

Responsible Action Officer. The Agency officer principally responsible for the approval of action memoranda, authorization of funds, and similar documents relating to a given Agency action to which by these regulations apply. They are normally the Assistant Administrator of a Bureau, Director of an Independent Office, or Director of a USAID Country Mission.

Scoping. An early and open process for determining the extent and variety of issues to be addressed and for identifying the significant issues related to a proposed action (40 CFR 1501.7).

Significantly. ''Significantly'' as used in NEPA requires considerations of social, spatial and temporal context and intensity:

(1) *Context.* This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

(2) *Intensity.* This refers to the severity of the environmental impact.

USAID. The United States Agency for International Development. An independent agency in the Executive Branch of the United States government responsible for leading international development programs.

§ 237.4 Responsibilities of Agency officials.

(a) *General.* Each Bureau or Independent Office within the Agency shall be responsible for:

(1) Implementing these regulations early and incorporating them into its normal decision-making and activity management processes;

(2) Providing adequate funding, staff resources and sufficient time to complete required environmental impact assessment work under this Regulation prior to obligation of funds, and implement any needed actions to ensure environmental soundness throughout the life of the activity.

(b) *Responsible Action Officer.* (1) Responsible Action Officer means the Agency officer principally responsible for the approval of action memoranda and other documents relating to a given Agency action which by these regulations apply. Ordinarily, the Responsible Action Officer will be the Assistant Administrator or equivalent, country mission director, or Independent Office director whose office has responsibility for a given action.

(2) *Preliminary environmental evaluations.* Early in the process of considering any possible action the Responsible Action Officer shall review the action to determine if it may cause potential significant environmental effects on the environment of the United States. This review shall be shared with the relevant Bureau Environmental Officer for review and advice before proceeding to ensure timely and cost effective implementation of this Regulation. A proposed action shall be reviewed initially to determine into which of the following three basic categories of action it falls:

(i) Actions normally requiring environmental impact statements;

(ii) Actions categorically excluded from environmental impact statements; or

(iii) Actions normally requiring environmental assessments (as defined by 40 CFR 1508.9). If the Responsible Action Officer concludes that the proposed action is a major action potentially having significant effects in the United States they shall, in cooperation with their BEO and any other appropriate USAID officials, carry out the steps described in these regulations.

(c) *Bureau Environmental Officer (BEO).* The BEO shall have the primary responsibility for approving the recommendations from the RAO and advising on environmental compliance procedures for actions funded by their Bureau or Independent Office. The BEO shall:

(1) Review and approve in writing all recommended decisions and documents from the Responsible Action Officers.

(2) Provide advice and training to Bureaus, Independent Offices, and country missions and their staff to ensure optimal compliance with this Regulation.

(3) Advise the Agency Environmental Coordinator on Environmental Impact Statements and overall trends or critical issues in implementing this Regulation.

(d) *USAID General Counsel (GC).* The GC or their appointed attorney shall:

(1) Advise the BEO and AEC on matters of law as they may pertain to this Regulation.

(2) Represent USAID in any responses to legal challenges that may arise in matters related to this Regulation, in conjunction with the Department of Justice and any other appropriate Federal agencies.

(e) *Agency Environmental Coordinator (AEC).* The AEC shall:

(1) Oversee and ensure the Agency's compliance with this Regulation as part of his or her oversight of Agency environmental policies, Federal Regulations and procedures for domestic and international activities.

(2) Arbitrate unresolved differences among Responsible Action Officers, BEOs, and other USAID officials to ensure effective implementation of this Regulation.

(3) Concur in the appointment of BEOs by their Assistant Administrator or Independent Office Director and who will implement this Regulation to ensure the BEO's professional technical qualifications.

(4) Participate with the relevant BEO on any Environmental Impact Statement (EIS) process undertaken through this Regulation and forward any EIS documents to the USAID Administrator for his or her decision per § 237.6(c)(1).

(5) Lead USAID representation to the White House Council on Environmental Quality (CEQ) and other Executive Branch agencies on matters relating to implementing this Regulation.

§ 237.5 Applicability of procedures.

(a) The procedures herein apply to all USAID funded domestic activities. All

USAID program funded activities are reviewed under the environmental compliance procedures at 22 CFR part 216.

(b) *Emergency procedures.* Requests for deviations from the procedures in this Regulation because of emergency circumstances (40 CFR 1506.11) shall be evaluated after consultation with CEQ. Such consultations are rapid, do not materially affect the need to immediately address emergencies, and often result in more effective responses and results including increased lives and property saved.

(c) *Emergency actions.* (1) Emergency circumstances may require immediate actions that preclude following standard NEPA processes. Immediate emergency actions necessary to protect the lives and safety of the public should never be delayed in order to comply with NEPA. In the event of emergency circumstances, the responsible bureau or office should coordinate with the relevant Bureau Environmental Officer (BEO) and the Agency Environmental Coordinator (AEC) as soon as practicable. When time permits, rapid environmental review and documentation should be prepared to the greatest extent practicable in accordance with these procedures. These actions should be taken as soon as is necessary to ensure the protection and safety of the public. However, the Agency shall consider and mitigate the impacts that the response action could have on the human and natural environment when developing the response strategy. After immediate first response saving of life and property, if following the normal procedures below is not possible to continue preserving lives and property USAID will follow the CEQ guidance on Alternative Arrangements. Alternative arrangements do not waive the requirement to comply with NEPA, but establish an alternative means for NEPA compliance.

(2) Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of this regulation and the related CEQ regulation (40 CFR part 1500), USAID will consult with the CEQ about Alternative Arrangements. This consultation will be facilitated by the Agency Environmental Coordinator with support from the relevant Bureau and the General Counsel's Office. USAID and CEQ will limit such Alternative Arrangements to actions necessary to control the immediate impacts of the emergency. Other mid and long term actions remain subject to the below NEPA review.

(3) *Categorical exclusions.* Where emergency circumstances make it necessary to take an action before a determination is made regarding whether an extraordinary circumstance would preclude the use of a Categorical Exclusion, the Responsible Action Officer must make the determination in concert with the relevant Bureau Environmental Officer.

(4) *Environmental Assessments.* Where emergency circumstances make it necessary to take an action that requires an EA before the EA can be completed, the Responsible Action Officer must agree with the Bureau Environmental Officer to develop Alternative Arrangements to meet the requirements of these procedures and CEQ Regulations pertaining to Environmental Assessments. Alternative arrangements should focus on minimizing adverse environmental consequences of the proposed action and the emergency. To the maximum extent practical, these Alternative Arrangements should include the public notification and involvement that would normally be undertaken for an Environmental Assessment for the action at issue. The Bureau Environmental Officer may grant an Alternative Arrangement. Any Alternative Arrangement must be documented and notification provided to the Council on Environmental Quality with the facilitation by the Agency Environmental Coordinator at the earliest opportunity.

(5) *Environmental Impact Statements.* (i) CEQ may grant Alternative Arrangements for, but not eliminate, NEPA compliance where emergency circumstances make it necessary to take actions with potential significant environmental impacts without observing other provisions of the CEQ Regulations (40 CFR 1506.11, CEQ Regulations). In these situations, the processing times may be reduced or, if the emergency situation warrants, preparation and processing of EISs may be abbreviated. A request for Alternative Arrangements must be submitted to CEQ. The Responsible Action Officer shall consult with the Agency Environmental Coordinator as early as possible so that the Agency Environmental Coordinator can notify CEQ as early as possible.

(ii) For projects undertaken by an applicant, the Responsible Action Officer in conjunction with their Bureau Environmental Officer will inform the Agency Environmental Coordinator. The Agency Environmental Coordinator will consult CEQ about Alternative Arrangements for complying with NEPA and work with the Responsible Action Officer and Bureau Environmental Officer to develop and implement a time sensitive and workable solution.

(d) *Categorical exclusions.* The following categories of actions have been found to not normally have a significant effect on the natural or physical environment and for which an Environmental Assessment or an Environmental Impact Statement is, absent extraordinary circumstances, not required:

(1) Internal personnel, fiscal, management, and administrative activities, such as recruiting, processing, paying, recordkeeping, lease payments, rent and utility payments, medical care, resource management, budgeting, personnel actions, official travel, and reductions, increases, realignments, or relocation of personnel.

(2) Actions at USAID owned, operated, or leased facilities involving routine facility operations and maintenance, repair, and grounds keeping, and acquisition actions and contracting actions for management and operation of government facilities. Examples include acquisition and payment of office supplies and utilities, equipment, claims and indemnities, printing and reproduction, transportation of goods, and information technology software and systems. To qualify for a Categorical Exclusion under this subsection, such actions must be implemented under any Greening the Government or comparable White House directives.

(3) Minor rehabilitation, restoration, renovation, or revitalization of USAID owned, operated, or leased facilities to include: Replacement, acquisition, and installation of information technology and similar office equipment; and minor or small-scale construction of ancillary facilities on previously disturbed areas adjacent to or on the same property as existing facilities and compatible with current land use. To qualify for a Categorical Exclusion under this subsection, such actions must be implemented under any Greening the Government or comparable White House directives to the extent practicable.

(4) Document and information exchanges.

(5) Education, technical assistance, or training programs except to the extent such programs include activities directly or indirectly affecting the environment (such as construction facilities, etc.)

(6) Controlled experimentation exclusively for the purpose of research and field evaluation which are confined to small areas, are carefully monitored, and that follow any applicable Federal

and State environmental and safety regulations. Small areas typically include controlled access facilities including laboratories, small plots of land, or evaluations of existing programs in limited geographic areas.

(7) Analysis, studies, academic, or research workshops and meetings.

(8) Institutional buildings grants to research and educational institutions in the United States such as those provided for under section 122(d) and Title XII of Chapter 2 of Part I of the Foreign Assistance Act (22 USCA sections 2151 p. (b) 2220a. (1979)); Construction of new facilities is not included.

(9) To use a Categorical Exclusion, the following three screening conditions must be met:

(i) The action has not been segmented. The BEO must determine that the action has not been segmented to meet the definition of a CE. Segmentation can occur when an action is broken down into small parts. The activity approved under a CE must be a single and complete project that operates with independent utility. The scope of an action must include the consideration of Connected Actions as defined by 40 CFR 1508.25 and the effects when applying extraordinary circumstances must consider Cumulative Impacts as defined by 40 CFR 1508.7.

(ii) No Extraordinary circumstances exist for the activity being considered under these NEPA procedures. If a determination is made that the action involves one or more Extraordinary Circumstances it would preclude the use of a CE (see paragraph (d) of this section).

(iii) One CE encompasses the proposed action.

Identify a CE that encompasses the proposed action. If multiple CEs could be applicable, proceed only when it is clear that the entire proposed action is covered by one CE. Any limitation raised in other potentially applicable CEs should be considered when determining whether it is appropriate to proceed without further analysis in an EA or EIS. If there is no appropriate single CE, then an EA or an EIS must be prepared before proceeding with the proposed action.

(e) *Extraordinary circumstances.* If the action involves any of the following Extraordinary Circumstances, a Categorical Exclusion is precluded and the proposed action shall require additional environmental analysis through an Environmental Assessment or Environmental Impact Statement:

(1) The potential for significant adverse direct or indirect impact on the environment, public health, or safety.

(2) The proposed action is known or expected to impose uncertain or unique environmental risks.

(3) The proposed action is of greater scope or size than is normal for this category of action.

(4) The proposed action is known or expected to have adverse or significant adverse effect on federally listed threatened or endangered species, or their critical habitat.

(5) The proposed action is known or expected to significantly affect national or international natural landmarks or any property with nationally significant historic, architectural, prehistoric, archeological, or cultural value.

(6) The proposed action is known or expected to adversely affect domestic or international environmentally important natural resource areas such as parks, forests, wetlands, floodplains, significant agricultural lands, aquifer recharge zones, coastal zones, coral reefs, barrier islands, wild and scenic rivers, and significant fish or wildlife habitat.

(7) The proposed action is known or expected to cause significant adverse air quality effects.

(8) The proposed action is known or expected to have a significant effect on the pattern and type of land use (industrial, commercial, agricultural, recreational, residential) or growth and distribution of population including altering the character of existing residential areas.

(9) The proposed action may not be consistent with state or local government, or federally-recognized Indian tribe approved land use plans or federal land management plans.

(10) The proposed action will either procure or use pesticides in any quantity and whether funded by USAID or some other entity. USAID uses the term pesticide as defined by the US Environmental Protection Agency and includes chemical and biological substances.

§ 237.6 Procedures.

For USAID activities not categorically excluded, an Environmental Assessment or Environmental Impact Statement must be prepared. In deciding whether to prepare an Environmental Assessment or Environmental Impact Statement, the Responsible Action Officer shall make an initial review in the early planning stages of a proposed action to identify and evaluate potential environmental effects of the actions and all reasonable measures which may be taken to mitigate adverse impacts and submit it to the relevant Bureau Environmental Officer for their review and written approval before proceeding. The BEO may require changes if in their judgment such are needed to ensure environmental soundness.

(a) *Scoping.* Scoping shall commence as soon as the Agency is actively preparing to make a decision on one or more alternative means to accomplish a proposed activity.

(1) Scoping identifies the significant potential environmental issues related to the proposed action and determines the focused scope of the issues to be addressed in the EA or EIS increasing its effectiveness and focusing resources on the key issues. Persons potentially affected by the environmental aspects of the proposed action shall be invited to participate in this Scoping process. Scoping is applicable to both the EIS process and EA processes and results in a written Scoping statement that includes the following:

(i) A determination of the scope and significance of issues to be analyzed in the EA or EIS, including direct, indirect, and Cumulative Effects of the project and its Connected Actions on the environment.

(ii) A brief discussion of issues identified but subsequently eliminated during the scoping process because they were thought not to have a significant impact on the environment, based on expert opinion, or were addressed in another recent environmental review process.

(iii) A time line for preparation of the environmental analysis that includes a tentative planning and decision making schedule.

(iv) A description of how the analysis will be conducted and the disciplines that will participate in the analysis.

(v) A description of how the public will be consulted which at a minimum will include at the draft stage of the EA or EIS.

(vi) Any public Environmental Assessments and other Environmental Impact Statements which are being or will be prepared by USAID or any other Federal agency that are related to but are not part of the scope of the impact statement under consideration.

(vii) A list of any Cooperating Agencies identified by USAID or who ask to be given this official status and other environmental review and consultation requirements so the lead and Cooperating Agencies may prepare any other required analyses and studies concurrently with, and integrated with, the environmental impact statement.

(2) The Scoping activities result in a Scoping Statement that shall be in writing and be reviewed and approved by the responsible Bureau Environmental Officer (BEO). Once approved by the BEO, the Scoping

Statement may be circulated as provided in paragraph (a)(3) of this section.

(3) *Circulation of scoping statement.* In addition to its internal processing and review, USAID may circulate copies of the written scoping statement for an EA. For EIS level activities, the Agency shall circulate copies of the written scoping statement, together with a request for written comments to selected Federal agencies if the Agency believes comments by other Federal agencies will be useful in the preparation of an EA or Environmental Impact Statement. Comments received from reviewing federal agencies will be considered in the preparation of the Environmental Impact Statement and be included in the project file.

(4) All final Scoping documents and EAs will be made available to the public on USAID's public Web site. To the extent that there is classified or administratively controlled information (such as contract or agreement sensitive material) it shall be redacted before the remaining parts of these documents are made available in this way.

(b) *Preparation of an Environmental Assessment.* (1) Should an Environmental Assessment (EA) be required, the Bureau or Independent Office supporting the activity shall be responsible for its preparation.

(2) A copy of the EA shall accompany the proposal throughout the Agency internal activity review and approval process.

(3) If, on the basis of an EA, it is determined that an Environmental Impact Statement (EIS) is not required, a Finding of No Significant Impact (FONSI) as described in 40 CFR 1508.13 will be prepared.

(4) The responsible Bureau Environmental Officer (BEO) will either approve in writing the FONSI or request reconsideration by the officer responsible for preparation of the EA and FONSI, stating the reasons for the request.

(5) *Content and form.* The EA shall be based upon the Scoping Statement and shall address the following elements:

(i)*Summary.* The summary shall stress the major conclusions, areas of controversy, if any, and the issues to be resolved. To the extent specific mitigating measures and Environmental Monitoring and Management Plan (EMMP) are required, they shall be listed in summary form here. Should mitigating measures and EMMP be required, they shall be provided, along with the entire EA, to the contracting or agreement officer and be required to be included in any acquisition or agreement documents that may be needed to implement the activity. This will ensure the contractor or grantee is fully informed of their environmental responsibilities and that funding is included to implement them.

(ii) *Purpose and need.* This section shall briefly specify the underlying purpose and need of the proposed activity and discuss the range of alternatives considered but not analyzed to meet the project objectives.

(iii) *Alternatives including the proposed action.* This section should present the environmental impacts of the proposal and its alternatives in comparative form that provides a clear basis for selection among project alternatives. The Alternatives Analysis section should explore and evaluate reasonable alternatives for detailed comparative consideration and evaluation. There shall be at least one practical Alternative to the recommended action plus a No Action Alternative. This section will also briefly discuss the reasons for eliminating those Alternatives which were not included in the detailed study. The document must also include a discussion of the No Action Alternative. Based on the comparative analysis of each Alternative, the Agency will identify the preferred Alternative if one exists.

(iv) *Affected environment.* The EA shall succinctly describe the existing environmental baseline conditions of the area(s) to be affected by each of the alternatives for the proposed action. The descriptions shall be no longer than is necessary to understand the effects of the alternatives, but shall be sufficient to determine during implementation of the action the degree to which it is improving, harming or having no effect on the environment. Data and analyses in the EA shall be commensurate with the significance of the impact with less important material summarized, consolidated or simply referenced. This section may be brief to enable a greater focus on the analysis of environmental consequences in paragraph (b)(5)(v) of this section.

(v) *Environmental consequences.* This information forms the analytic basis for the alternatives analysis under paragraph (b)(6)(iii) of this section. It will include the environmental impacts of the Alternatives; any adverse effects that cannot be avoided should the proposed action be implemented; and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. It should not duplicate discussions in paragraph (b)(6)(iii) of this section. This section of the Environmental Assessment should include discussions of direct environmental effects and their significance; indirect effects and their significance; Cumulative Impacts and Connected Actions, Environmental Justice, possible conflicts between the proposed action and land use plans, policies and controls for the areas concerned; energy requirements and conservation potential of various alternatives and mitigation measures; natural or depletable resource requirements and conservation potential of various requirements and mitigation measures; urban quality; historic and cultural resources and the design of the built environment, including the reuse and conservation potential of various alternatives.

(vi) The EA will include appropriate mitigation measures to compensate for adverse environmental impacts of the preferred alternative, or the final alternative selected for funding and shall use the mitigation hierarchy as defined in 40 CFR 1508.20. This shall be in the form of an actionable Environmental Mitigation and Monitoring Plan to enable the Activity Manager, Contract Officer Representative (COR), or comparable officer to adaptively manage the activity for environmental soundness throughout implementation.

(vii) *List of preparers.* The Environmental Assessment shall list the names and qualifications (expertise, experience, professional discipline) of the persons primarily responsible for preparing the Environmental Assessment or significant background papers.

(viii) *Appendix.* An appendix or appendices may be prepared.

(ix) *Classified material.* An EA will not normally include classified or administratively controlled material. However, there may be situations where environmental aspects cannot be adequately discussed without the inclusion of such material. The handling and disclosure of classified or administratively controlled material shall be governed by 22 CFR part 9. Those portions of an EA which are not classified or administratively controlled will be made available to persons outside the Agency as provided for in 22 CFR part 212.

(x) *Public distribution and review.* If the EA results in a Finding of No Significant Impact (FONSI), the EA and proposed FONSI shall be made available for a 30 day public review and comment period before the FONSI is signed and a decision to take any action is made. If the EA results in a determination that an EIS is required, public participation shall be undertaken in accordance with

the procedures described in paragraph (b)(3) of this section.

(c) *Environmental Impact Statement.* (1) Procedure and Content. If the Agency determines an Environmental Impact Statement is required at the initial stages of the project development, or as a result of a completed Environmental Assessment, the environmental impact statement and associated documentation will be prepared by the originating office in accordance with section 102(2)(c) of NEPA, this section, and the CEQ regulations. The responsible bureau or office will submit the document through the Agency Environmental Coordinator to the Administrator who, after such review as deemed necessary, will circulate the document in accordance with section 1502.19 of the CEQ regulations. Specifically, the following steps, as discussed in the CEQ regulations, will be followed in preparing an EIS:

(i) A notice of intent to prepare a draft EIS will be published as described in 40 CFR 1501.7.

(ii) Scoping, as described in 40 CFR 1501.7, will be conducted.

(iii) The format and contents of the draft and final EIS shall be as discussed in 40 CFR part 1502.

(iv) Comments on the Draft EIS (DEIS) shall be invited as set forth in 40 CFR 1503.1. The minimum period to be afforded for comments on a DEIS shall be 45 days. The Agency will identify any conflicting statutory mandates that would preclude the 45 day comment period. Emergency circumstances are described in § 237.3 when compliance with standard NEPA procedures is not feasible.

(v) The requirements of 40 CFR 1506.9 for filing of documents with the Environmental Protection Agency's Office of Federal Activities shall be followed.

(vi) The responsible Bureau or Independent Office shall examine carefully the basis on which supportive studies have been conducted to assure that such studies are objective and comprehensive in scope and in depth.

(2) *Applicability.* An EIS shall be prepared when agency actions potentially significantly affect:

(i) The global commons;

(ii) The environment of the United States (or its territories); or

(iii) Other aspects of the environment at the discretion of the USAID Administrator.

(3) *Effects on the United States.—Content and form.* An EIS relating to paragraph (a)(2) of this section shall comply with the CEQ Regulations (40 CFR part 1500) and these procedures.

(4) *Processing and review within USAID.* (i) All USAID funded domestic activities and any amendments thereto are subject to these procedures prior to implementation of the approved activity unless otherwise exempted.

(ii) The Bureau Environmental Officer's functions may not be delegated—other than to an appointed Deputy Bureau Environmental Officer, if there is one, and who will act in this decision making capacity only in the absence of the BEO.

(A) In cases when a Draft and Final EIS is prepared, each will be reviewed and cleared by the Agency Environmental Coordinator and the Office of the General Counsel.

(B) The Agency Administrator or Acting Administrator shall give final approval of an EIS. This may not be delegated other than to the Deputy Administrator who may only act in the capacity in the absence of the Administrator.

(C) A public Record of Decision (ROD) stating what the decision was; identifying alternatives that were considered, including the environmentally preferable one(s); discussing any national policy considerations that entered into the decision; and summarizing an Environmental Monitoring and Management Plan (EMMP) to enforce applicable for any mitigation that may be required, will be prepared. This record of decision (ROD) will be prepared at the time the decision is made, or if appropriate, when the agency makes its recommendation for action to Congress. (See 40 CFR 1505.2). It will also be included along with the full Final EIS in the appropriate acquisition or agreement documents to ensure it is funded and fully implemented.

(5) *Environmental Mitigation and Monitoring Plans (EMMPs).* Projects and programs for which Environmental Assessments, or Environmental Impact Statements have been prepared, and where adverse environmental impacts are anticipated, must include monitoring of the change in environmental conditions during project implementation, and monitoring of environmental mitigation measures. These are laid out in an Environmental Mitigation and Monitoring Plan (EMMP) that will be incorporated into appropriate acquisition or assistance agreements to ensure they are transparent, widely understood, and funded. This will require recording of baseline data prior to starting the proposed activity, and monitoring environmental conditions as the activity progresses. Originating offices of USAID will formulate activity specific monitoring procedures during the activity life cycle. Throughout the environmental analysis process, the Agency will consider mitigation measures to avoid or minimize environmental harm. The USAID Implementing Officer responsible for this will be the Activity Manager or the Contracting Officer's or Agreements Officer's Representative or similar officer who manages the activity. Mitigation measures include:

(i) Avoiding the impact altogether, by eliminating the action or parts of the action, or by redesigning or redirecting the activity to eliminate such actions or parts of the action.

(ii) Minimizing impacts by limiting the degree or magnitude of the action, its implementation, and its subsequent impacts on the environment.

(iii) Rectifying the impact; by repairing, rehabilitating, or restoring the adverse effect of the proposed action on the environment.

(iv) Reducing or eliminating the impact over time, by preservation and maintenance operations during the life of the action.

(v) Compensating for the impact, by replacing or providing substitute resources or ecological functions.

(6) *Mitigation and monitoring for EA and EIS level analysis.* (i) When the environmental analysis described in this Regulation proceeds to an EA or EIS, mitigation measures, if any, will be clearly assessed and those selected for implementation will be identified in the FONSI or the ROD. Only those practical mitigation measures that can reasonably be accomplished as part of a proposed alternative will be identified. The Agency is required to implement those identified mitigations, because they are commitments made as part of the Agency decision to proceed with the activity.

(ii) Mitigation identified in a FONSI or ROD including any EMMP shall become part of the budget or funding document, or other legal document that implements the activity (i.e. leases, contracts, or grants) so that it may be transparently monitored and enforced.

(iii) Progress of the identified mitigations will be monitored and documented through an Environmental Management and Monitoring Plan (EMMP) report prepared by the Agency or entity undertaking the activity on its behalf. The Contracts Officer's Representative (COR), Agreements Officer's Representative (AOR) or comparable USAID manager of the activity shall have the primary responsibility for this function.

(iv) If an analysis of the selected mitigation measures demonstrates that the environmental impacts of the activity are no longer significant, an EA may result in a FONSI. If the Agency commits to performing the identified mitigation measures in order to reduce the level of significance of the impact, the FONSI must identify these mitigating measures, and they become legally binding and must be accomplished as the project is implemented. This is called a Mitigated FONSI. If any of the mitigation measures identified in the FONSI are not performed, and significant adverse environmental impacts could reasonably result, the Agency must prepare an EIS.

(v) Potential mitigation measures that appear practical will be identified in the NEPA analysis. Practical measures are those that can be reasonably undertaken considering factors including: Excessive cost, logistics, technical feasibility, Agency resources, and environmental benefit. This exclusion may not be used as an excuse to avoid mitigation when a Bureau or Independent Office has failed to budget reasonable time and resources to address environmental issues. This will also not be accepted in cases when serious environmental harm will result. The expectation is that reasonable practical mitigative measures to reduce or eliminate potential adverse environmental impacts can be identified and funded, or that actions can be redesigned to avoid or minimize otherwise impractical mitigation. Budgets must include funding for mitigation measures for them to be considered practical. The project or activity cannot be undertaken until all required mitigation efforts are fully resourced, or until the lack of funding and resultant effects, are fully addressed in the NEPA analysis.

(vi) The practical mitigation measures that were considered but rejected must be discussed, along with the reason for the rejection, within the EA or EIS. If they occur in an EA, their rejection may lead to an EIS, if the resultant unmitigated environmental impacts are determined significant.

(vii) The Agency or other appropriate cooperating agency will implement mitigations, an EMMP and other conditions established in the EA or EIS, or commitments made in the FONSI or ROD. Legal documents implementing the action (such as contracts, permits, and grants) will specify mitigation measures to be performed. Penalties against a contractor for noncompliance may also be specified as appropriate. Specification of penalties should be fully coordinated with the appropriate USAID legal advisor.

(viii) A monitoring and enforcement program for any mitigation will be adopted and summarized in the NEPA documentation. Whether adoption of a monitoring and enforcement program is applicable (40 CFR 1505.2(c)) and whether the specific adopted action requires monitoring (40 CFR 1505.3) may depend on the following:

(A) A change in environmental conditions or project activities assumed in the EIS (such that original predictions of the extent of adverse environmental impacts may be too limited);

(B) The outcome of the mitigation measure is uncertain (for example, new technology);

(C) Major environmental controversy remains associated with the selected alternative; or

(D) Failure of a mitigation measure, or other unforeseen circumstances, could result in a failure to meet achievement of requirements (such as adverse effects on federal or state listed endangered or threatened species, important historic or archaeological sites that are either listed or eligible for nomination to the National Register of Historic Places, wilderness areas, wild and scenic rivers, or other public or private protected resources).

(E) Monitoring is an integral part of any mitigation system and involves enforcing the performance of the mitigation measures and determining the effectiveness of the mitigation measures.

(F) Enforcement monitoring ensures that mitigation is being performed as described in the NEPA documentation, mitigation requirements and penalty clauses are written into any contracts, leases or similar implementing agreements, and required provisions are enforced. The development of an enforcement monitoring program is governed by who will actually perform the mitigation: A contractor, a cooperating agency, a grantee, or similar entity or by the Agency itself. The Agency is ultimately responsible for performing any mitigation activities required under its environmental compliance documents. All monitoring results will be sent to the responsible Bureau Environmental Officer. The Agency Environmental Coordinator may review such results to ensure consistent Agency-wide compliance.

(G) Effectiveness monitoring measures the success of the mitigation effort and/or the environmental benefit. In establishing the monitoring system in the EMMP, the Implementing Officer should coordinate the monitoring with their appropriate Bureau Environmental Officer.

(ix) The monitoring program should be established before the action begins. At this stage, any necessary contracts, grants, funding, and manpower assignments must be initiated.

(x) If the mitigations are effective, the monitoring should be continued as long as the mitigations are needed to address the adverse impacts of the activity.

(xi) If the mitigations were designed to reduce the level of adverse environmental impact below the level of significance and are shown ineffective, the Agency shall re-examine the mitigation measures and resolve the inadequacies of the mitigation through corrective actions or appropriate contingency mitigations that appropriately reduce the adverse environmental impact below the level of significance. If the approved mitigation measures and any subsequent corrective actions are shown to be ineffective, the Agency may be required to prepare an EIS.

(xii) This information will also be reported in summary in the relevant USAID unit's annual Operational Plan (OP) or equivalent in the Environmental Compliance Report (ECR) or equivalent chapter.

(7) *Additional information*—(i) *Significant impact determined.* If an activity receives a FONSI through the EA process and then the activity is later revised or new information becomes available which indicates that a proposed action is likely to have a significant environmental impact then an EIS will be prepared as appropriate.

(ii) *No significant impact determined.* If an activity is determined to have potential for a significant environmental impact and the activity is later revised or new information becomes available that reduces the environmental impact below the level of significance, an amended EA may be performed.

(iii) *Adaptive management.* Completed Categorical Exclusions, Environmental Assessments and Environmental Impact Statements will be amended and processed appropriately if there are substantive changes in the project or program; new activities, additional funds, or time extensions added; or, if significant new information becomes available which relates to the potential impact of the project, program, activity, or amendment on the environment that was not considered at the time the EA or EIS was approved. When ongoing programs are revised to incorporate a change in scope or nature, a determination will be made as to whether such change may have an

environmental impact not previously assessed. If so, the procedures outlined in this part will be followed.

(iv) *Classified material.* An EA or EIS will not normally include classified or administratively controlled material. However, there may be situations where environmental aspects cannot be adequately discussed without the inclusion of such material. The handling and disclosure of classified or administratively controlled material shall be governed by 22 CFR part 9. Those portions of an EA or EIS which are not classified or administratively controlled will be made available to persons outside the Agency as provided for in 22 CFR part 212.

§ 237.7 Pesticide procedures.

(a) *Actions or projects.* Except as provided in paragraph (h) of this section, all proposed actions or projects involving procurement or use, or both, of pesticides—whether by USAID or a grantee, contractor or other partner—shall be subject to the procedures prescribed in paragraph (b) of this section. These procedures shall also apply, to the extent permitted by agreements entered into by USAID before the effective date of these pesticide procedures, to such projects that have been authorized but for which pesticides have not been procured as of the effective date of these pesticide procedures.

(b) When a project includes procurement or use, or both, of pesticides registered for the same or similar uses by USEPA without restriction, the Environmental Assessment or Environmental Impact Statement for the project shall include a separate section evaluating the economic, social and environmental risks and benefits of the planned pesticide use to determine whether the use may result in significant environmental impact. Factors to be considered in such an evaluation shall include, but not be limited to the following:

(1) The USEPA registration status of the requested pesticide;

(2) The basis for selection of the requested pesticide;

(3) The extent to which the proposed pesticide use is part of an integrated pest management program;

(4) The proposed method or methods of application, including availability of appropriate application and safety equipment;

(5) Any acute and long-term toxicological hazards, either human or environmental, associated with the proposed use and measures available to minimize such hazards;

(6) The effectiveness of the requested pesticide for the proposed use;

(7) Compatibility of the proposed pesticide with target and non-target ecosystems;

(8) The conditions under which the pesticide is to be used, including climate, flora, fauna, geography, hydrology, and soils;

(9) The availability and effectiveness of other pesticides or nonchemical control methods;

(10) The provisions made for training of users and applicators; and

(11) The provisions made for monitoring the use and effectiveness of the pesticide.

(c) In those cases where the evaluation of the proposed pesticide use in the EA indicates that the use will significantly affect the human environment, the EA will include a recommendation for the preparation of an Environmental Impact Statement. An EIS may be prepared without an EA if the use of pesticides or other aspect of the project under consideration has the potential for a significant environmental impact.

(d) When the pesticide evaluation section of the EA or EIS does not indicate a potentially unreasonable risk arising from the pesticide use, mitigation measures shall be included as appropriate.

(e) When a project includes procurement or use, or both, of any pesticide by the USEPA on the basis of user hazard, the procedures set forth in paragraph (b) of this section will be followed. In addition, the EA or EIS will include an evaluation of the user hazards associated with the proposed USEPA restricted uses.

(f) Only pesticides that are currently registered for the same or similar uses by the USEPA may be procured or used for Agency funded projects that occur in the United States or US territories. If a USEPA registered pesticide is approved for procurement or use in a USAID funded action and at some point during the action USEPA subsequently cancels the registration, USAID will order the contractor or grantee to stop the procurement or use of that pesticide and will immediately undertake an amendment to the EA or EIS to decide on an appropriate USEPA registered replacement pesticide.

(g) If the project includes the procurement or use, or both of pesticides but the specific pesticides to be procured or used cannot be identified at the time the EA or EIS is prepared, the procedures outlined in paragraphs (a) through (c) of this section will be followed when the specific pesticides are identified and before procurement or use is authorized.

(h) *Exceptions to pesticide procedures.* The procedures set forth in paragraph (b) of this section shall not apply to the following actions or projects under emergency conditions. Emergency conditions shall be deemed to exist when it is determined by the Administrator, USAID, in writing that:

(1) An unforeseeable and significant pest outbreak has occurred or is imminent; and

(2) Significant health problems (either human or animal) or significant economic problems will occur without the prompt use of the proposed pesticide; and

(3) Insufficient time is available before the pesticide must be used to evaluate the proposed use in accordance with the provisions of this regulation.

(4) Actions or Projects including assistance for procurement or use, or both, of pesticides for controlled laboratory research or limited controlled access, small area field evaluation purposes by or under the supervision of action or project research personnel. In such instances, however, USAID will ensure that the manufacturers of the pesticides provide toxicological and environmental data necessary to safeguard the health or research personnel and the quality of the local environment in which the pesticides will be used. Furthermore, treated crops will not be used for human or animal consumption unless appropriate tolerances have been established by USEPA and the rates and frequency of application, together with the prescribed pre-harvest intervals, do not result in residues exceeding such tolerances. This prohibition does not apply to the feeding of such crops to animals for controlled research purposes. Any pesticides used under this exception that are not registered by USEPA must be registered before they can be recommended for use in any regular USAID action or project, and successfully go through the EA or EIS process in this regulation.

§ 237.8 Genetically modified organisms.

(a) If projects or activities will potentially involve the procurement or use of genetically modified organisms in research, field trials, or dissemination, the Agency biosafety staff, in Washington, must review and approve it for compliance with applicable U.S. requirements before the obligation of funds and before the transfer, testing, or release of biotechnology products into the environment.

(b) This biosafety review is limited to the safety aspects of the proposed

activities and typically involves external scientific peer review or demonstration of comparable safety oversight by other expert U.S. Federal agencies. The biosafety review cannot be waived or delegated.

(c) A biosafety review precludes the use of a categorical exclusion for the proposed activity. The EA or EIS for the activity will include the results of the biosafety review.

§ 237.9 Endangered species.

An EIS must be prepared if a proposed project, program, or activity may adversely affect a federally listed threatened or endangered species, or adversely modify its critical habitat. It is USAID policy to conduct its Agency operations in a manner that is sensitive to the protection of endangered or threatened species and their critical habitats. The EIS for each project, program or activity having an effect on the environment shall specifically determine whether the project, program or activity will have an effect on endangered or threatened species, or critical habitat.

§ 237.10 Filing and publishing.

All Draft, Final and Supplemental Environmental Impact Statements shall be filed electronically with USEPA's Office of Federal Activities as required in 40 CFR 1506.9. They must be filed no earlier than they are transmitted to Cooperating Agencies and made available to the public. This assures that the EIS is received by all interested parties by the time the USEPA Notice of Availability appears in the **Federal Register**, and therefore allows for the full minimum review periods prescribed in 40 CFR 1506.10. Such filings will be in collaboration with the relevant Bureau Environmental Officer and the Agency Environmental Coordinator.

§ 237.11 Public hearings.

(a) In most instances USAID will be able to gain the benefit of public participation in the process through circulation of draft scoping documents, draft final EAs and EISs and notice of public availability as set out at 40 CFR 1506.6. However, in some cases the Administrator may wish to hold physical public hearings on a Draft Environmental Impact Statement (DEIS). In deciding whether or not such a public hearing is appropriate and making a recommendation to the Administrator, heads of Bureaus or Independent Offices in conjunction with the Agency Environmental Coordinator should consider:

(1) The magnitude of the proposal in terms of economic costs, the geographic area involved, and the uniqueness or size of commitment of the resources involved;

(2) The degree of interest in the proposal as evidenced by requests from the public and from Federal, state and local authorities, and private organizations and individuals, that a hearing be held;

(3) The complexity of the issue and likelihood that information will be presented at the hearing which will be of assistance to the Agency; and

(4) The extent to which public involvement already has been achieved through other means, Such as earlier public hearings, meetings with citizen representatives, and/or written comments on the proposed action.

(b) If public hearings are held, the documents to be discussed should be made available to the public at least fifteen (15) days prior to the time of the public hearings, and a notice will be placed in the **Federal Register** giving the subject, time and place of the proposed hearings. To the extent possible, such public hearings shall be held in the local community or jurisdiction where the action is proposed.

§ 237.12 Records and reports.

Agency Bureaus and Independent Offices will maintain copies of finalized NEPA compliance documents and approved decision documents as part of the official project files, and make them freely available to the public by posting them on the Agency's internet pages. To the extent any national security classified information or procurement sensitive information is included, those portions will be redacted before making such documents available to the public.

Angelique M. Crumbly,

Agency Regulatory Official, U.S. Agency for International Development.

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BILLING CODE P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Parts 81 and 82

[BIA–2014–0006; K00103 12/13 A3A10; 134D0102DR–DS5A300000–DR.5A311.IA000113]

RIN 1076–AE93

Secretarial Election Procedures

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of tribal consultation meetings.

SUMMARY: This document announces tribal consultation meetings on the proposed rule amending regulations governing Secretarial elections and petitioning procedures.

DATES: See the **SUPPLEMENTARY INFORMATION** section of this document for dates of the tribal consultation meetings.

ADDRESSES: See the **SUPPLEMENTARY INFORMATION** section of this document for addresses of the tribal consultation meetings.

FOR FURTHER INFORMATION CONTACT: Ms. Laurel Iron Cloud, Chief, Division of Tribal Government Services, Central Office, Bureau of Indian Affairs at telephone (202) 513–7641. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1 (800) 877–8339 between 8 a.m. and 4 p.m. Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION: On October 9, 2014, we published a proposed rule amending 25 CFR parts 81 (Secretarial Elections) and 82 (Petitioning Procedures), combining them into one Code of Federal Regulations part at 25 CFR part 81. *See* 79 FR 61021. The proposed rule is available at: *http://www.bia.gov/WhoWeAre/AS–IA/ORM/SecElections/index.htm.*

We will be hosting the following tribal consultations sessions on this proposed rule:

Date	Time	Location	Venue
Sunday, October 26, 2014 ..	1:00 p.m.–4:00 p.m. (Local time).	Atlanta, GA	National Congress of American Indians (NCAI) Annual Convention, Hyatt Regency Atlanta, 265 Peachtree St. NE., Atlanta, GA 30303.
Tuesday, November 18, 2014.	8:30 a.m.–12:00 p.m. (Local time).	Oklahoma City, OK	Embassy Suites Oklahoma City Airport, 1815 S. Meridian Ave., Oklahoma City, OK 73108.

Date	Time	Location	Venue
Thursday, November 20, 2014.	8:30 a.m.–12:00 p.m. (Local time).	Rocklin, CA	Whitney Oaks Golf Club, 2305 Clubhouse Drive, Rocklin, CA 95765.

Dated: October 15, 2014.

Lawrence Roberts,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 2014–24906 Filed 10–17–14; 8:45 am]

BILLING CODE 4310–4J–P

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 300–3, 301–10, and 301–70

[FTR Case 2014–302; Docket 2014–0014, Sequence 1]

RIN 3090–AJ48

Federal Travel Regulation; Enhancement of Privately Owned Vehicle and Rental Vehicle Policy

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

ACTION: Proposed rule.

SUMMARY: GSA is proposing to amend the Federal Travel Regulation (FTR) by requiring agencies to have an internal policy for determining whether to authorize a privately owned vehicle (POV), as opposed to a rental car, in conjunction with temporary duty travel (TDY). Further, GSA proposes to specify that travelers, who have been authorized to travel via common carrier or rental car, and choose to use a POV instead, will be reimbursed at the applicable POV mileage rate. Also, this amendment proposes to add specific provisions addressing the type of rental vehicles travelers must use, as well as pre-paid refueling options and other rental car surcharges. Finally, this amendment proposes to make certain miscellaneous corrections, where applicable.

DATES: Interested parties should submit written comments to the Regulatory Secretariat at one of the addresses shown below on or before December 19, 2014 to be considered in the formation of the final rule.

ADDRESSES: Submit comments identified by FTR Case 2014–302 by any of the following methods:

- Federal eRulemaking Portals: *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''FTR Case 2014–302.'' Select the link ''Comment Now'' that corresponds with ''FTR Case 2014–302'' and follow the instructions provided at the screen. Please include your name, company name (if any), and ''FTR Case 2014–302'' on your attached document.
- *Fax:* 202–208–1398.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), Attn. Ms. Hada Flowers, 1800 F Street NW., Washington, DC 20405.

Instructions: Please submit comments only and cite FTR Case 2014–302 in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. Cy Greenidge, Program Analyst, Office of Government-wide Policy, at 202–219–2349. Contact the Regulatory Secretariat (MVCB), 1800 F Street NW., Washington, DC 20405, 202–501–4755, for information pertaining to status or publication schedules. Please cite FTR case 2014–302.

SUPPLEMENTARY INFORMATION:

A. Background

The FTR already provides for determining when the use of a POV or rental vehicle in conjunction with TDY could be advantageous to the Government (*see* FTR Part 301–10, Subparts D and E, and Part 301–70, Subpart B). The FTR also advises that when using a rental vehicle, travelers should consider renting a vehicle from a vendor that participates in the Defense Travel Management Office's (DTMO) U.S. Government Car Rental Agreement to avail themselves of the Agreement's benefits (*see* FTR section 301–10.450). It has been determined that more specific guidance regarding the use of POVs and rental cars will save agencies money when authorizing employees to travel. This proposed rule provides that agencies must have an internal policy for determining whether to authorize a POV, as opposed to a rental car, in conjunction with TDY. Additionally, GSA proposes specifying that travelers who have been authorized by their agencies to travel via common carrier or rental car, and choose to use a POV instead, will be reimbursed at the applicable POV mileage rate up to the constructive cost of the authorized mode of transportation plus per diem. Further, this amendment proposes that travelers who are authorized to use a rental car in conjunction with TDY must use the least expensive compact car available. This amendment also proposes that travelers will not be reimbursed for pre-paid refueling options for rental cars. Moreover, this amendment proposes that agencies may not reimburse travelers surcharges involved when rental car companies purchase miles from airlines and provide those miles to their vehicle customers. Finally, this amendment also proposes to make certain miscellaneous corrections, where applicable.

B. Executive Orders 12866 and 13563

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

C. Regulatory Flexibility Act

This proposed rule would 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.* This proposed rule is also exempt from the Administrative Procedure Act pursuant to 5 U.S.C. 553(a)(2) because it applies to agency management or personnel.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FTR do not impose recordkeeping or information collection requirements, or the collection of information from offerors, 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.*

E. Small Business Regulatory Enforcement Fairness Act

This proposed rule is also exempt from Congressional review prescribed

under 5 U.S.C. 801. This proposed rule is not a major rule under 5 U.S.C. 804.

List of Subjects in 41 CFR Parts 300–3, 301–10, and 301–70

Administrative practices and procedures, Government employees, Travel and transportation expenses.

Dated: August 14, 2014.

Christine J. Harada,

Associate Administrator, Office of Government-wide Policy.

For the reasons set forth in the preamble, pursuant to 5 U.S.C. 5701–5711, GSA proposes to amend 41 CFR parts 300–3, 301–10, and 301–70 as set forth below:

PART 300–3—GLOSSARY OF TERMS

■ 1. The authority citation for 41 CFR part 300–3 is revised to read as follows:

Authority: 5 U.S.C. 5707; 40 U.S.C. 121(c); 49 U.S.C. 40118; 5 U.S.C. 5738; 5 U.S.C. 5741–5742; 20 U.S.C. 905(a); 31 U.S.C. 1353; E.O. 11609, as amended, 3 CFR, 1971–1975 Comp., p. 586, OMB Circular No. A–126, revised May 22, 1992.

§ 300–3.1 [Amended]

■ 2. Amend § 300–3.1 by—

■ a. In the term ''Government-furnished automobile'', removing the word ''furnished'' and adding the word ''owned'' in its place and by adding the acronym ''(GOA)'' after the word ''automobile''.

■ b. In the term and definition for ''Government-furnished vehicle'', removing the word ''furnished'' and adding the word ''owned'' wherever it appears.

■ c. In newly revised term ''Government-owned vehicle'', adding ''(GOV)'' after the word ''vehicle''.

PART 301–10—TRANSPORTATION EXPENSES

■ 3. The authority citation for 41 CFR part 301–10 continues to read as follows:

Authority: 5 U.S.C. 5707; 40 U.S.C. 121(c); 49 U.S.C. 40118; OMB Circular No. A–126, revised May 22, 1992.

■ 4. Amend § 301–10.5 by adding new paragraphs (c) and (d) to read as follows:

§ 301–10.5 What are the presumptions as to the most advantageous method of transportation by order of precedence?

* * * * *

(c) *Rental car.* If no Government-owned automobile is available, but your agency has determined that travel must be performed by automobile, then a rental car should be authorized.

(d) *Privately Owned Vehicle (POV).* POV's should be determined to be the most advantageous method of transportation only after your agency evaluates the use of a common carrier, a Government-owned automobile, and a rental car.

■ 5. Revise the undesignated center heading preceding § 301.10–220 to read as follows:

Government Owned Automobiles (GOA)

§ 301–10.309 [Amended]

■ 6. Amend § 301–10.309 by—

■ a. Adding the words ''or a rental vehicle'' after the word ''transportation'' in the section heading.

■ b. Adding the words ''the applicable POV rate'' after the word ''reimbursed'' in the body.

■ 7. Amend § 301–10.450 by revising the section heading and adding paragraphs (c), (d), and (e) to read as follows:

§ 301–10.450 What are the policies when authorized to rent a vehicle for official travel?

* * * * *

(c) Travelers must use the least expensive compact car available, unless an exception for another class of vehicle is approved. Agencies should approve these exceptions on a limited basis and must indicate on the travel authorization the reason for the exception. Your agency may authorize the use of other than a compact car if any of the following apply:

(1) When use of other than a compact car is necessary to accommodate a medical disability or other special need.

(i) A disability must be certified annually in a written statement by a competent medical authority. However, if the disability is a lifelong condition, then a one-time certification statement is required. Certification statements must include at a minimum:

(A) A written statement by a competent medical authority stating that special accommodation is necessary;

(B) An approximate duration of the special accommodation; and

(C) A recommendation as to the suitable class of rental vehicle based on the disability.

(ii) A special need must be certified annually in writing according to your agency's procedures. However, if the special need is a lifelong condition, then a one-time certification statement is required;

(iii) If you are authorized under *§ 301–13.3(a)* to have an attendant accompany you, your agency may authorize the use of other than a compact car if deemed necessary by your agency.

(2) When required because of agency mission, consistent with your agency's internal procedures pursuant to § 301–70.102(i).

(3) When the cost of other than a compact car is less than or equal to the cost of the least expensive compact car.

(4) When additional room is required to accommodate multiple employees authorized to travel together in the same rental vehicle.

(5) When travelers must carry a large amount of Government material incident to their official business, and a compact rental vehicle does not contain sufficient space.

(d) Travelers will not be reimbursed for purchasing pre-paid refueling options for rental cars. Therefore, travelers should refuel prior to returning the rental vehicle to the drop-off location.

(e) Travelers will not be reimbursed for fees associated with rental car loyalty points or the transfer of points charged by car companies.

PART 301–70—INTERNAL POLICY AND PROCEDURE REQUIREMENTS

■ 8. The authority citation for 41 CFR part 301–70 continues to read as follows:

Authority: 5 U.S.C. 5707; 40 U.S.C. 121(c); Sec. 2, Pub. L. 105–264, 112 Stat. 2350 (5 U.S.C. 5701, note), OMB Circular No. A–126, revised May 22, 1992, and OMB Circular No. A–123, Appendix B, revised January 15, 2009.

■ 9. Amend § 301–70.101 by revising paragraph (b) to read as follows:

§ 301–70.101 What factors must we consider in determining which method of transportation results in the greatest advantage to the Government?

* * * * *

(b) Travel by common carrier (air, rail, bus) is considered the most advantageous method to perform official travel. Other methods of transportation may be authorized as advantageous only when the use of common carrier transportation would interfere with the performance of official business or impose an undue hardship upon the traveler, or when the total cost by common carrier exceeds the cost by another method of transportation. When this occurs, the relative total costs of using a GOA, the least expensive compact rental vehicle, and a POV should all be considered in determining which transportation method is the most advantageous to the Government. The relative costs of using a POV would only come into play if the employee chooses to use a POV since agencies cannot mandate employees to use their POV for official reasons. A determination that another method of transportation is more advantageous to

the Government than common carrier transportation will not be made on the basis of personal preference or inconvenience to the traveler.

■ 10. Amend § 301–70.102 by revising paragraphs (d), (f), and (i) to read as follows:

§ 301–70.102 What governing policies must we establish for authorization and payment of transportation expenses?

* * * * *

(d) When you will consider use of a POV advantageous to the Government, such as travel to and from common carrier terminals or to the TDY location. When determining whether the use of a POV to a TDY location is the most advantageous method of transportation, agencies must consider the total cost of using a POV as compared to the total cost of using a rental vehicle, including rental costs, fuel, taxes, parking (at a common carrier terminal, etc.), and any other associated costs;

* * * * *

(f) Procedures for allowing the use of a special conveyance (*e.g.,* commercially rented vehicles), taking into account the requirements of § 301–10.450;

* * * * *

(i) Develop and issue internal guidance on what specific mission criteria justify approval of the use of other than coach-class transportation under §§ 301–10.123(a)(4), 301–10.123(b)(9), and 301–10.162(e), the use of other than lowest first-class under § 301–10.183(d), and the use of other than a compact rental car under § 301–10.450(c). The justification criteria shall be entered in the remarks section of the traveler's authorization.

* * * * *

§§ 301–10.5, 301–10.200, 301–10.220, 301–10.310 and 301–70.104 [Amended]

■ 11. Amend §§ 301–10.5, 301–10.200, 301–10.220, 301–10.310 and 301–70.104 by removing the terms ''Government automobile'' and ''Government-furnished automobile'' wherever they appear and adding ''GOA'' in its place.

[FR Doc. 2014–24498 Filed 10–17–14; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 140811659–4659–01]

RIN 0648–XD437

Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications

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

ACTION: Proposed rule.

SUMMARY: NMFS proposes to implement the annual catch limit (ACL), harvest guideline (HG), and associated annual reference points for Pacific mackerel in the U.S. exclusive economic zone (EEZ) off the Pacific coast for the fishing season of July 1, 2014, through June 30, 2015. This rule is proposed pursuant to the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). The proposed 2014–2015 HG for Pacific mackerel is 29,170 metric tons (mt). This is the primary commercial fishing target level. The proposed annual catch target (ACT), which will be the directed fishing harvest target, is 24,170 mt. If the fishery attains the ACT, the directed fishery will close, reserving the difference between the HG (29,170 mt) and ACT as a 5,000 mt set-aside for incidental landings in other CPS fisheries and other sources of mortality. This rule is intended to conserve and manage the Pacific mackerel stock off the U.S. West Coast.

DATES: Comments must be received by November 19, 2014.

ADDRESSES: You may submit comments on this document identified by NOAA–NMFS–2014–0126 by any of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0126,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to William W. Stelle, Jr., Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070; Attn: Joshua Lindsay.
- *Instructions:* Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only.

Copies of the report ''Pacific Mackerel (*Scomber japonicus*) Stock Assessment for USA Management in the 2011–12 Fishing Year'' and the report ''Pacific Mackerel Biomass Projection Estimate for USA Management (2014–15)'' may be obtained from the West Coast Regional Office (see **ADDRESSES**).

FOR FURTHER INFORMATION CONTACT: Joshua Lindsay, West Coast Region, NMFS, (562) 980–4034.

SUPPLEMENTARY INFORMATION: During public meetings each year, the estimated biomass for Pacific mackerel is presented to the Pacific Fishery Management Council's (Council) CPS Management Team (Team), the Council's CPS Advisory Subpanel (Subpanel) and the Council's Scientific and Statistical Committee (SSC), where the biomass and the status of the fisheries are reviewed and discussed. The biomass estimate is then presented to the Council along with the calculated overfishing limit (OFL), acceptable biological catch (ABC), ACL, HG and ACT recommendations and comments from the Team, Subpanel and SSC. Following review by the Council and after hearing public comment, the Council adopts a biomass estimate and makes its catch level recommendations to NMFS.

The purpose of this proposed rule is to implement the 2014–2015 ACL, HG, ACT and other annual catch reference points, including OFL and an ABC that takes into consideration uncertainty surrounding the current estimate of biomass for Pacific mackerel in the U.S. EEZ off the Pacific coast. The CPS FMP and its implementing regulations require NMFS to set these annual catch levels for the Pacific mackerel fishery based on the annual specification framework in the FMP. This framework includes a harvest control rule that

determines the HG, the primary management target for the fishery for the current fishing season. The HG is based, in large part, on the current estimate of stock biomass. The harvest control rule in the CPS FMP is HG = [(Biomass-Cutoff) * Fraction * Distribution] with the parameters described as follows:

1. *Biomass.* The estimated stock biomass of Pacific mackerel for the 2014–2015 management season is 157,106 mt.

2. *Cutoff.* This is the biomass level below which no commercial fishery is allowed. The FMP established this level at 18,200 mt.

3. *Fraction.* The harvest fraction is the percentage of the biomass above 18,200 mt that may be harvested.

4. *Distribution.* The average portion of the Pacific mackerel biomass estimated in the U.S. EEZ off the Pacific coast is 70 percent and is based on the average historical larval distribution obtained from scientific cruises and the distribution of the resource according to the logbooks of aerial fish-spotters.

In June 2014 the Council adopted and recommended to NMFS for the 2014–2015 Pacific mackerel fishing season an OFL of 32,992 metric tons (mt), an ABC and ACL of 30,138 mt each, a HG of 29,170 mt, and an ACT of 24,170 mt. These catch specifications are based on the control rules established in the CPS FMP and a biomass estimate of 157,106 mt; the biomass estimate is the result of a 2011 full stock assessment as updated with a catch-only projection estimate. The annual biomass estimates are an explicit part of the various harvest control rules for Pacific mackerel, and as the estimated biomass decreases or increases from one year to the next, the resulting allowable catch levels similarly trend. The Pacific mackerel fishing season runs from July 1 to June 30.

Upon attainment of the ACT, directed fishing would close, reserving the difference between the HG and ACT (5,000 mt) as a set aside for incidental landings in other CPS fisheries and other sources of mortality. For the remainder of the fishing year incidental landings would also be constrained to a 45 percent incidental catch allowance when Pacific mackerel are landed with other CPS (in other words, no more than 45 percent by weight of the CPS landed per trip may be Pacific mackerel), except that up to 1 mt of Pacific mackerel could be landed without landing any other CPS. Upon attainment of the HG (29,170 mt), no retention of Pacific mackerel would be allowed in CPS fisheries. The purpose of the incidental set-aside and allowance of an incidental fishery is to allow for the restricted incidental landings of Pacific mackerel in other fisheries, particularly other CPS fisheries, when the directed fishery is closed to reduce potential discard of Pacific mackerel and allow for continued prosecution of other important CPS fisheries.

The NMFS West Coast Regional Administrator will publish a notice in the **Federal Register** announcing the date of any closure to either directed or incidental fishing. Additionally, to ensure the regulated community is informed of any closure NMFS will also make announcements through other means available, including fax, email, and mail to fishermen, processors, and state fishery management agencies.

Detailed information on the fishery and the stock assessment are found in the reports ''Pacific Mackerel (*Scomber japonicus*) Stock Assessment for USA Management in the 2011–12 Fishing Year'' and ''Pacific Mackerel Biomass Projection Estimate for USA Management (2014–15)'' (see **ADDRESSES**).

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act, the Assistant Administrator, NMFS, has determined that this proposed rule is consistent with the CPS FMP, other provisions of the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable law, subject to further consideration after public comment.

These proposed specifications are exempt from review under Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities, for the reasons as follows:

The purpose of this proposed rule is to implement the 2014–2015 annual specifications for Pacific mackerel in the U.S. EEZ off the Pacific coast.

On June 12, 2014, the Small Business Administration (SBA) issued an interim final rule revising the small business size standards for several industries effective July 14, 2014 (79 FR 33467). The rule increased the size standard for Finfish Fishing from $19.0 to 20.5 million, Shellfish Fishing from $5.0 to 5.5 million, and Other Marine Fishing from $7.0 to 7.5 million. 78 FR 33656, 33660, 33666 (See Table 1). NMFS conducted its analysis for this action in light of the new size standards.

As stated above, the SBA now defines small businesses engaged in finfish fishing as those vessels with annual revenues of or below $20.5 million. Under the former, lower size standards, all entities subject to this action in previous years were considered small entities, and under the new standards, as described below, they all would continue to be considered small.

Pursuant to the Regulatory Flexibility Act and the SBA's June 20, 2013 and June 14, 2014 final rules (78 FR 37398 and 79 FR 33647, respectively), this certification was developed for this action using the SBA's revised size standards. NMFS considers all entities subject to this action to be small entities as defined by both the former, lower size standards and the revised size standards.

The small entities that would be affected by the proposed action are those vessels that harvest Pacific mackerel as part of the West Coast CPS purse seine fleet. The CPS FMP and its implementing regulations requires NMFS to set an OFL, ABC, ACL, HG and ACT for the Pacific mackerel fishery based on the harvest control rules in the FMP. These specific harvest control rules are applied to the current stock biomass estimate to derive these catch specifications, which are used to manage the commercial take of Pacific mackerel. A component of these control rules is that as the estimated biomass decreases or increases from one year to the next, so do the applicable quotas. For the 2014–2015 Pacific mackerel fishing season NMFS is proposing an OFL of 32,992 metric tons (mt), an ABC and ACL of 30,138 mt, an HG of 29,170 mt and an ACT, which is the directed fishing harvest target, of 24,170 mt. These catch specifications are based on a biomass estimate of 157,106 mt.

Pacific mackerel harvest is one component of CPS fisheries off the U.S. West Coast, which primarily includes the fisheries for Pacific sardine, northern anchovy and market squid. Pacific mackerel are principally caught off southern California within the limited entry portion (south of 39 degrees N. latitude; Point Arena, California) of the fishery. Currently there are 58 vessels permitted in the Federal CPS limited entry fishery off California of which about 25 to 39 vessels have been annually engaged in harvesting Pacific mackerel in recent years (2009–2013). For those vessels that caught Pacific mackerel during that time, the average annual per vessel revenue has been about $1.25 million. The individual vessel revenue for these vessels is well below the SBA's threshold level of $20.5 million;

therefore, all of these vessels are considered small businesses under the RFA. Because each affected vessel is a small business, this proposed rule has an equal or similar effect on all of these small entities, and therefore will impact a substantial number of these small entities in the same manner.

Additionally, since at least 2000, the vessels in the CPS purse seine fleet that fish for Pacific mackerel have never achieved annual revenue of $20.5 million from finfish fishing whether considering an individual vessel or per vessel average. The aggregate annual ex-vessel revenue from all fish species for the fleet that also landed Pacific mackerel has been less than $49 million (or about $1.25 million per vessel) in recent years. Excluding market squid (shellfish), the aggregate annual average ex-vessel revenue from finfish species for those vessels in the fleet that also landed Pacific mackerel is about $6 million (or $180,000 per vessel) in recent years.

NMFS used the ex-vessel revenue information for a profitability analysis, as the cost data for the harvesting operations of CPS finfish vessels was limited or unavailable. For the 2013–2014 fishing year, the maximum fishing level was 52,358 mt and was divided into a directed fishing harvest target (ACT) of 39,268 mt and an incidental set-aside of 13,089 mt. Approximately 11,472 mt was harvested in 2013–2014 fishing season with an estimated ex-vessel value of approximately $2.3 million.

The maximum fishing level for the 2014–2015 Pacific mackerel fishing season is 29,170 mt, with an ACT of 24,170 mt and an incidental set-aside of 5,000 mt. If the fleet were to take the entire 2014–2015 ACT, the potential revenue to the fleet would be approximately $4.7 million (based on average ex-vessel price of $193 per mt during 2012–2013 and 2013–2014). However, this result will depend greatly on market forces within the fishery, and on the regional availability of the resource to the fleet and the fleets' ability to find schools of Pacific mackerel. The annual average U.S. Pacific mackerel harvest over the last decade (2001–2013) and in recent years (2009–2013) has been about 4,900 mt and 4,500 mt, respectively. In those periods, the landings have not exceeded 11,500 mt. The annual average landings during 2001–2013 and 2009–2013 were only about 20% and 15% of the annual average HGs, respectively. As a result, although this year's ACT represents a decrease compared to the previous fishing season, it is highly unlikely that the ACT proposed in this rule will limit the potential profitability to the fleet from catching Pacific mackerel. Accordingly, vessel income from fishing is not expected to be altered as a result of this rule as it compares to recent catches in the fishery, and specifically the fishery under the previous season's regulations.

Additionally, revenue derived from harvesting Pacific mackerel is typically only one factor determining the overall revenue for a majority of the vessels that harvest Pacific mackerel; as a result, the economic impact to the fleet from the proposed action cannot be viewed in isolation. From year to year, depending on market conditions and availability of fish, most CPS vessels supplement their income by harvesting other species. Many vessels in California also harvest anchovy, sardine, and in particular market squid, making Pacific mackerel only one component of a multi-species CPS fishery. For example, in recent years the annual total fleet revenue from Pacific mackerel alone has ranged from about $200,000 to $1.5 million with average fleet revenue of about $800,000 (or $23,422 per vessel). Thus, the revenue from Pacific mackerel in the CPS fleet is a very small fraction of the revenue whether from CPS species or all fish species. The revenue from Pacific mackerel constitutes about 1.98% and 1.95% of the total revenue from CPS species and all fish species, respectively.

These vessels typically rely on multiple species for profitability because abundance of mackerel, like the other CPS stocks, is highly associated with ocean conditions and different times of the year, and therefore are harvested at various times and areas throughout the year. Because each species responds to ocean conditions in its own way, not all CPS stocks are likely to be abundant at the same time; therefore, as abundance levels and markets fluctuate, it has necessitated that the CPS fishery as a whole rely on a group of species for its annual revenues. The proposed HG (maximum fishing level) for the 2014–2015 Pacific mackerel fishing season is 29,170 mt, with an ACT of 24,170 mt, which is about 38% lower than the previous year as a result of the significantly reduced 2014–2015 biomass estimate.

As stated above in the preamble, the CPS FMP and its implementing regulations require NMFS to calculate annual harvest levels by applying the harvest control rule formulas to the current stock biomass estimate. Therefore, if the estimated biomass decreases or increases from one year to the next, so do the applicable quotas. Determining the annual harvest levels merely implements the established procedures of the FMP with the goal of continuing to provide expected net benefits to the nation, regardless of what the specific annual allowable harvest of Pacific mackerel is determined to be.

As a result of the factors provided above, an Initial Regulatory Flexibility Analysis is not required, and none has been prepared.

This action does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 8, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2014–24800 Filed 10–17–14; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 79, No. 202
Monday, October 20, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Foreign Travel Proposal

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the extension with revision of a currently approved information collection, Foreign Travel Proposal.

DATES: Comments must be received in writing on or before December 19, 2014 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to: USDA, Forest Service, Attn: Sandra Farber, International Programs Staff, P.O. Box 96090, Mail Stop 1127, Washington, DC 20090–6090.

Comments also may be submitted via facsimile to 540–659–4670, or by email to: *sfarber@fs.fed.us.*

Comments submitted in response to this notice may be made available to the public through relevant Web sites and upon request. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, 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. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

The public may inspect comments received at One Thomas Circle NW., Suite 400, Washington, DC 20005, during normal business hours. Visitors are encouraged to call ahead to 202–644–4600 to facilitate entry to the building. The public may request an electronic copy of the draft supporting statement and/or any comments received be sent via return email. Requests should be emailed to *sfarber@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Sandra Farber, U.S. Forest Service International Programs, 540–659–2973. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 twenty-four hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Foreign Travel Proposal.

OMB Number: 0596–216.

Expiration Date of Approval: 01/31/2015.

Type of Request: Extension with Revision of a Currently Approved Information Collection.

Abstract

Forest Service is seeking renewal of the OMB approval to collect information from private citizens (not Federal employees) traveling to foreign countries on behalf of the Agency. These private citizens are considered invitational travelers and can be volunteers or an individual intermittently in government service as an expert or consultant. Invitational travelers can be citizens of another country. The collection of this information is necessary to facilitate timely issuance of foreign travel authorizations, visas, and country clearances.

Federal Travel Regulations—part 301–10 covers transportation expenses for those whose air travel is financed by U.S. Government funds. USDA Departmental regulation, DM 2300–1, is the primary source of USDA policy on managing temporary duty travel for private citizens (not Federal employees) traveling to foreign countries on behalf of the Forest Service.

Information collected includes the traveler's destination, purpose of trip, and dates of travel. Also collected are name, address, contact telephone numbers, passport information, Country of citizenship (as required by the State Department), security clearance, as well as contacts information at each destination and hotel information. Federal Government employees provide date and place of birth and the last four digits of the social security number; non-US government employees do not have to provide their date of birth or the last four digits of their social security number. The last four digits of their social security number and date of birth are for passport requests only. The Forest Service does not obtain or issue official passports for invitational travelers.

Estimate of Burden per Response: 20 minutes.

Type of Respondents: U.S. Government invitees and/or contractors.

Estimated Annual Number of Respondents: 200 individuals.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 67 hours.

Comment is Invited

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request toward Office of Management and Budget approval.

Dated: October 9, 2014.

Valdis Mazainis,

Director, International Programs.

[FR Doc. 2014–24804 Filed 10–17–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–999]

Countervailing Duty Investigation of 1,1,1,2 Tetrafluoroethane From the People's Republic of China: Final Affirmative Countervailing Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the ''Department'') published the *Preliminary Determination* of the countervailing duty (''CVD'') investigation of 1,1,1,2 tetrafluoroethane (''tetrafluoroethane'') from the People's Republic of China (''PRC'') on April 18, 2014.[1] The Department determines that countervailable subsidies are being provided to producers and exporters of tetrafluoroethane from the PRC. For information on the estimated subsidy rates, *see* the ''Suspension of Liquidation'' section of this notice. The period of investigation is January 1, 2012–December 31, 2012.

DATES: *Effective Date:* October 20, 2014.

FOR FURTHER INFORMATION CONTACT: Katie Marksberry or Josh Startup, 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; Phone: 202–482–7906, or 202–482–5260, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department published the *Preliminary Determination* on April 18, 2014, additionally, the Department published the *Amended Preliminary Determination* on May 30, 2014.[2] On July 25, 2014, the Department released a post-preliminary determination.[3] Between July 29 and August 12, 2014, we conducted a verification of the questionnaire responses of the Zhejiang Quhua Fluor-Chemistry Co., Ltd., and its cross-owned affiliates' (collectively ''Juhua Group''), Sinochem Environmental Protection Chemicals (Taicang) Co., Ltd., and its cross-owned affiliates' (collectively ''Sinochem''), Jiangsu Bluestar Green Technology Co., Ltd (''Bluestar''), and T.T. International Co., Ltd. (''T.T. International''). Between September 2, 2014 and September 8, 2014, interested parties submitted case and rebuttal briefs. A full discussion of the issues raised by parties for this final determination may be found in the I&D Memo.[4] The I&D Memo is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). IA ACCESS is available to registered users at *http://iaaccess.trade.gov,* and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the I&D Memo can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed I&D Memo and the electronic version are identical in content.

Scope of the Investigation

The product subject to this investigation is 1,1,1,2-Tetrafluoroethane, R–134a, or its chemical equivalent, regardless of form, type, or purity level. The chemical formula for 1,1,1,2-tetrafluoroethane is CF_3–CH_2F, and the Chemical Abstracts Service (''CAS'') registry number is CAS 811–97–2.

1,1,1,2-Tetrafluoroethane is sold under a number of trade names including Klea 134a and Zephex 134a (Mexichem Fluor); Genetron 134a (Honeywell); Suva 134a, Dymel 134a, and Dymel P134a (DuPont); Solkane 134a (Solvay); and Forane 134a (Arkema). Generically, 1,1,1,2-tetrafluoroethane has been sold as Fluorocarbon 134a, R–134a, HFC–134a, HF A–134a, Refrigerant 134a, and UN3159.

Merchandise covered by the scope of this investigation is currently classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') at subheading 2903.39.2020. Although the HTSUS subheading and CAS registry number are provided for convenience and customs purposes, the written description of the scope is dispositive.

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the I&D Memo. A list of the issues that parties raised, and to which we responded in the I&D Memo, is attached to this notice as an Appendix.

Use of Adverse Facts Available

The Department notes that, in making these findings, we relied, in part, on facts available and, because one or more respondents did not act to the best of their ability to respond to the Department's requests for information, we drew an adverse inference where appropriate in selecting from among the facts otherwise available.[5] For further information, *see* ''Use of Facts Otherwise Available and Adverse Inferences'' in the I&D Memo.

Suspension of Liquidation

In accordance with section 705(c)(1)(B)(i) of the Act, we calculated a rate for each company respondent. Section 705(c)(5)(A)(i) of the Act states that, for companies not individually investigated, we will determine an ''all others'' rate equal to the weighted-average countervailable subsidy rates established for exporters and producers individually investigated, excluding any zero and *de minimis* countervailable subsidy rates, and any rates determined entirely under section 776 of the Act.

In accordance with sections 703(d) and 705(c)(5)(A) of the Act, for companies not investigated, we apply an ''all-others'' rate, which is normally calculated by weighting the subsidy rates of the individual companies selected as respondents by those companies' exports of the subject merchandise to the United States. Under section 705(c)(5)(A)(i) of the Act, the all-others rate should exclude zero and *de minimis* rates calculated for the exporters and producers individually investigated. Where the rates for the investigated companies are all zero or *de minimis,* section 705(c)(5)(A)(ii) of the Act instructs the Department to establish an all-others rate using ''any reasonable method.'' Notwithstanding the language of section 705(c)(5)(A)(i) of the Act, we have not calculated the ''all-others'' rate by weight averaging the rates of the two individually investigated respondents, because doing so risks disclosure of proprietary

[1] *See Countervailing Duty Investigation of 1,1,1,2 Tetrafluoroethane from the People's Republic of China: Preliminary Determination and Alignment of Final Determination with Final Antidumping Determination,* 79 FR 21895 (April 18, 2014) (''*Preliminary Determination*'').

[2] *See id.; see also Countervailing Duty Investigation of 1,1,1,2 Tetrafluoroethane from the People's Republic of China: Amended Preliminary Determination,* 79 FR 31088 (May 30, 2014) (''*Amended Preliminary Determination*'').

[3] *See* Memorandum, from James C. Doyle, Director, Office V, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, Re: Post-Preliminary Analysis of Countervailing Duty Investigation: 1,1,1,2 Tetrafluoroethane from the PRC, dated July 25, 2014 (''Post-Prelim Determination'').

[4] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Countervailing Duty Investigation of 1,1,1,2 Tetrafluoroethane from the People's Republic of China: Issues and Decision Memorandum for the Final Determination,'' dated concurrently with this notice (''I&D Memo'').

[5] *See* sections 776(a) and (b) of the Act.

information. Therefore, and consistent with the Department's practice, for the ''all-others'' rate, we calculated a simple average of the two mandatory respondents' rates.[6]

We determine the total estimated net countervailable subsidy rates to be:

Company	Subsidy rate (percent)
T.T. International Co., Ltd. ...	22.75
JUHUA (including Zhejiang Quhua Fluor-Chemistry Co., Ltd., and other Juhua Stock Companies)	5.71
Jiangsu Bluestar Green Technology Co., Ltd.	1.87
All Others	14.23

As a result of our *Preliminary Determination,* and pursuant to section 703(d) of the Act, we instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of merchandise under consideration from the PRC that were entered or withdrawn from warehouse, for consumption on or after April 18, 2014, the date of publication of the *Preliminary Determination* in the **Federal Register**. In accordance with section 703(d) of the Act, we issued instructions to CBP to discontinue the suspension of liquidation for CVD purposes for subject merchandise entered, or withdrawn from warehouse, on or after August 16, 2014, but to continue the suspension of liquidation of all entries from April 18, 2014, through August 15, 2014.

If the U.S. International Trade Commission (''ITC'') issues a final affirmative injury determination, we will issue a CVD order and reinstate the suspension of liquidation under section 706(a) of the Act and will require a cash deposit of estimated CVDs for such entries of merchandise in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (''APO''), without the written consent of the Assistant Secretary for Enforcement and Compliance.

Return or Destruction of Proprietary Information

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act.

Dated: October 14, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix—Issues and Decision Memorandum

1. Whether Loans Provided by Banks Other Than the ''Big Four'' Are Countervailable
2. Whether the Department is Properly Countervailing Loans to Companies Producing a Disfavored Product
3. Whether AFA is Warranted With Regard to the Fluorospar for LTAR Program & Whether the Program is Countervailable
4. Whether Partial AFA is Warranted For the Mining Rights for LTAR Program
5. Whether the Department Should Calculate a Separate Combination Rate for Weitron
6. Whether the Department Correctly Treated the Tax and VAT Programs as Recurring Subsidies
7. Bluestar's Minor Corrections With Regard to Electricity
8. Whether the Department Correctly Calculated the Electricity Benchmark
9. Whether the Department Correctly Included Purchases Made for Trading Purchases in its Fluorspar Calculation for JUHUA
10. Whether the Department Correctly Included Purchases Made From Trading Companies in its Fluorspar Calculation for JUHUA
11. Whether Certain Types of Financing are Countervailable
12. Whether the Department Used the Correct Denominator for Juhua Mining
13. Whether the Department Correctly Attributed Subsidies for Sinochem Taicang
14. Whether the Department Correctly Calculated the Benchmark for Loan Programs
15. Whether the Department Double Counted Loans Received by Sinochem Lantian
16. Whether the Department Correctly Calculated the Acidspar Benchmark
17. Whether the Department Should Cumulate the Subsidy Rates of Three AHF Suppliers to Sinochem
18. Whether the Attribution of Subsidies Received by Authorities is a Departure from Department Practice and Results in Double Counting of Subsidy Benefits
19. Whether the Department Properly Rejected Sinochem's August 1, 2014, Submission as Untimely
20. Whether the Department Should Apply the Program-Wide Change Rule and Not Calculate a Subsidy Rate for the Two-Free Three-Half Program

[FR Doc. 2014–24912 Filed 10–17–14; 8:45 am]

BILLING CODE 3510–DS–P

[6] *See, e.g., Countervailing Duty Investigation of Chlorinated Isocyanurates from the People's Republic of China: Preliminary Determination and Alignment of Final Determination With Final Antidumping Determination,* 79 FR 10097 (February 24, 2014). We did not include Bluestar in the ''all-others'' rate because it was not a mandatory respondent.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–839]

Certain Polyester Staple Fiber From the Republic of Korea: Preliminary Results of Changed Circumstances Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In response to a request from Toray Chemical Korea Inc. (Toray), a producer/exporter of certain polyester staple fiber (PSF) from the Republic of Korea (Korea), and pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216, the Department of Commerce (Department) preliminarily determines that Toray is the successor-in-interest to Woongjin Chemical Co., Ltd (Woongjin). We invite interested parties to comment on these preliminary results.

DATES: *Effective Date:* October 20, 2014.

FOR FURTHER INFORMATION CONTACT: Austin Redington at (202) 482–1664 or Nancy Decker at (202) 482–0196, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On May 25, 2000, the Department published notice of the antidumping duty order on PSF from Korea in the **Federal Register**.[1] On July 2, 2014,

[1] *See Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber From the Republic of Korea and*

Continued

Toray requested that the Department conduct a changed circumstances review pursuant to section 751(b)(1) of the Act and 19 CFR 351.216(b) to determine whether it is the successor-in-interest to Woongjin for purposes of the *Order*.[2] We received no comments from other interested parties.

On August 13, 2014, the Department initiated a changed circumstances review explaining that, while there was sufficient evidence to initiate a successor-in-interest review, it was necessary for the Department to request additional information for this review as provided by 19 CFR 351.221(b)(2).[3] On August 18, 2014, the Department issued a supplemental questionnaire to Toray, to which Toray responded on September 4, 2014.[4] We received no comments from other interested parties concerning Toray's questionnaire response.

Scope of the Order

The product covered by the order is certain PSF. The merchandise subject to this order is classified in the HTSUS at subheadings 5503.20.00.40 and 5503.20.00.60. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of this order is dispositive.

A complete description of the scope of the order is contained in the Preliminary Decision Memorandum.[5] The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov,* and IA ACCESS is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Methodology

In accordance with section 751(b)(1) of the Act, we are conducting this changed circumstances review based upon the information contained in Toray's submissions.[6] In making a successor-in-interest determination, the Department typically examines several factors including, but not limited to, changes in: (1) Management; (2) production facilities; (3) supplier relationships; and (4) customer base.[7] While no single factor or combination of factors will necessarily be dispositive, the Department generally will consider the new company to be the successor to the predecessor if the resulting operations of the successor are not materially dissimilar to that of its predecessor.[8] Thus, if the record demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the predecessor company, the Department may assign the new company the cash deposit rate of its predecessor.[9] For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

Preliminary Results of the Changed Circumstances Review

Based on the evidence reviewed, we preliminarily determine that Toray is the successor-in-interest to Woongjin. Specifically, we find that the change of the company name from ''Woongjin Chemical Co., Ltd'' to ''Toray Chemical Korea Inc.'' resulted in no material changes to management, production facilities, supplier relationships, customer relationships, or ownership/legal structure with respect to the production and sale of the subject merchandise. Thus, we preliminarily determine that Toray operates as the same business entity as Woongjin with respect to the subject merchandise. A list of topics discussed in the Preliminary Decision Memorandum appears in the Appendix to this notice.

If the Department upholds these preliminary results in the final results, Toray will be assigned the cash deposit rate currently assigned to Woongjin with respect to the subject merchandise (*i.e.,* the 2.13 percent cash deposit rate currently assigned to Woongjin).[10] If these preliminary results are adopted in the final results of this changed circumstances review, we will instruct U.S. Customs and Border Protection to suspend liquidation of entries of PSF made by Toray, effective on the publication date of the final results, at the cash deposit rate assigned to Woongjin.

Public Comment

Interested parties may submit case briefs not later than 30 days after the date of publication of this notice in the **Federal Register**.[11] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the case briefs are filed.[12] Parties that submit case or rebuttal briefs are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. All briefs are to be filed electronically using IA ACCESS.[13] An electronically filed document must be received successfully in its entirety by IA ACCESS by 5:00 p.m. Eastern Time on the day on which it is due.[14]

Interested parties who wish to request a hearing, or to participate in one if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance using IA ACCESS within 30 days after the date of publication of this notice in the **Federal Register**.[15] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. Oral presentations will be limited to issues raised in the case and rebuttal briefs. If

Antidumping Duty Orders: Certain Polyester Staple Fiber From the Republic of Korea and Taiwan, 65 FR 33807 (May 25, 2000) (*Order*).

[2] *See* Letter from Toray, ''Certain Polyester Staple Fiber from the Republic of Korea'' (July 2, 2014) (CCR Request).

[3] *See Certain Polyester Staple Fiber From the Republic of Korea: Initiation of Changed Circumstances Review,* 79 FR 49285 (August 20, 2014).

[4] *See* Letter from Toray, ''Certain Polyester Staple Fiber from the Republic of Korea: Questionnaire Response'' (September 4, 2014) (Toray's Questionnaire Response).

[5] *See* Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of Changes Circumstances Review: Certain Polyester Staple Fiber from the Republic of Korea'' (Preliminary Decision Memorandum), dated concurrently with and hereby adopted by this notice.

[6] *See* CCR Request; Toray's Questionnaire Response.

[7] *See, e.g., Certain Activated Carbon From the People's Republic of China: Notice of Initiation of Changed Circumstances Review,* 74 FR 19934, 19935 (April 30, 2009).

[8] *See, e.g., Notice of Initiation of Antidumping Duty Changed Circumstances Review: Certain Forged Stainless Steel Flanges from India,* 71 FR 327, 327 (January 4, 2006).

[9] *See, e.g., Fresh and Chilled Atlantic Salmon From Norway; Final Results of Changed Circumstances Antidumping Duty Administrative Review,* 64 FR 9979, 9980 (March 1, 1999).

[10] *See Notice of Amended Final Results of Antidumping Duty Administrative Review: Certain Polyester Staple Fiber from Korea,* 69 FR 67891, 67891 (November 22, 2004) (providing weighted-average dumping margin for Woongjin's predecessor, Seahan Industries, Inc.); *see also Notice of Final Results of Changed Circumstances Antidumping Duty Review: Certain Polyester Staple Fiber from the Republic of Korea,* 73 FR 49168 (August 20, 2008) (finding Woongjin as successor-in-interest to Seahan Industries, Inc.).

[11] *See* 19 CFR 351.309(c)(1)(ii).

[12] *See* 19 CFR 351.309(d)(1).

[13] *See* 19 CFR 351.303(b) and (f).

[14] *See* 19 CFR 351.303(b).

[15] *See* 19 CFR 351.310(c).

a request for a hearing is made, we will inform parties of the scheduled date for the hearing, which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined.[16] Parties should confirm by telephone the date, time, and location of the hearing.

Final Results of the Review

In accordance with 19 CFR 351.216(e), the Department intends to issue the final results of this changed circumstances review not later than 270 days after the date on which the review is initiated, or within 45 days if all parties agree to our preliminary finding.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(b)(l) and 777(i)(l) of the Act.

Dated: October 14, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Preliminary Results of Changed Circumstances Review
V. Recommendation

[FR Doc. 2014–24907 Filed 10–17–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–998]

1,1,1,2-Tetrafluroethane From the People's Republic of China: Final Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: We determine that 1,1,1,2-Tetrafluroethane (''tetrafluoroethane'') from the People's Republic of China (''PRC'') is being, or is likely to be, sold in the United States at less than fair value (''LTFV''), as provided in section 735 of the Tariff Act of 1930, as amended (''the Act''). This investigation's final dumping margins are in the ''Final Determination Margins'' section, *infra.*

DATES: *Effective Date:* October 20, 2014.

FOR FURTHER INFORMATION CONTACT: Frances Veith or Bob Palmer, 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) 482–4295 or (202) 482–9068, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 29, 2014, the Department of Commerce (''Department'') published its *Preliminary Determination* [1] and postponement of the final determination in the LTFV investigation of tetrafluoroethane from the PRC and on July 1, 2014, we published an *Amended Preliminary Determination.*[2] We invited interested parties to comment on our *Preliminary Determination* of sales at LTFV and *Amended Preliminary Determination.* For a list of the parties that filed case and rebuttal briefs, *see* the Issues and Decision Memorandum.[3] On September 30, 2014, the Department held a public hearing limited to issues raised in case and rebuttal briefs.

Period of Investigation

The period of investigation (''POI'') is April 1, 2013, through September 30, 2013. This period corresponds to the two most recent fiscal quarters prior to the month of the filing of the petition, which was October 2013.[4]

Scope of the Investigation

The product subject to this investigation is 1,1,1,2-Tetrafluoroethane, R–134a, or its chemical equivalent, regardless of form, type, or purity level. The chemical formula for 1,1,1,2-tetrafluoroethane is CF_3-CH_2F, and the Chemical Abstracts Service (''CAS'') registry number is CAS 811–97–2.

1,1,1,2-Tetrafluoroethane is sold under a number of trade names including Klea 134a and Zephex 134a (Mexichem Fluor); Genetron 134a (Honeywell); Suva 134a, Dymel 134a, and Dymel P134a (DuPont); Solkane 134a (Solvay); and Forane 134a (Arkema). Generically, 1,1,1,2-tetrafluoroethane has been sold as Fluorocarbon 134a, R–134a, HFC–134a, HF A–134a, Refrigerant 134a, and UN3159.

Merchandise covered by the scope of this investigation is currently classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') at subheading 2903.39.2020. Although the HTSUS subheading and CAS registry number are provided for convenience and customs purposes, the written description of the scope is dispositive.

Verification

As provided in section 782(i) of the Act, between June 4 and June 20, 2014, the Department verified the information submitted by Weitron International Refrigeration Equipment (Kunshan) Co., Ltd. (''Weitron Kunshan'') and Jiangsu Bluestar Green Technology Co., Ltd. (''Bluestar'') for use in the final determination.[5] We issued our verification reports on July 21, 2014, and July 23, 2014.[6] The Department used standard verification procedures, including examination of relevant accounting and production records and original source documents provided by respondents.[7]

Analysis of Comments Received

We addressed all issues raised by parties in case and rebuttal briefs in the Issues and Decision Memorandum.[8] The Appendix to this notice includes a list of the issues which the parties raised and to which the Department responded in the Issues and Decision Memorandum. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement

[16] *See* 19 CFR 351.310.

[1] *See 1,1,1,2-Tetrafluroethane from the People's Republic of China: Antidumping Duty Investigation, Preliminary Determination of Sales at Less Than Fair Value, Affirmative Preliminary Determination of Critical Circumstances, in Part, and Postponement of Final Determination,* 79 FR 30817 (May 29, 2014) (*Preliminary Determination*).

[2] *See 1,1,1,2-Tetrafluoroethane From the People's Republic of China: Antidumping Duty Investigation; Amended Affirmative Preliminary Determination of Critical Circumstances,* 79 FR 37287 (July 1, 2014) (*Amended Preliminary Determination*).

[3] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Issues and Decision Memorandum for the Final Determination of the Antidumping Duty Investigation of 1,1,1,2-Tetrafluroethane from the People's Republic of China,'' dated concurrently with this notice (''Issues and Decision Memorandum'').

[4] *See* 19 CFR 351.204(b)(1).

[5] *See* the Department's four memoranda regarding: (1) ''Verification of the Sales and Factors Responses of Jiangsu Bluestar Green Technology Co., Ltd., in the Investigation of 1,1,1,2-Tetrafluroethane from the People's Republic of China,'' dated July 21, 2014; (2) ''Verification of the CEP Sales Response of Weitron International Refrigeration Equipment (Kunshan) Co., Ltd. and Weitron, Inc. in the Investigation of 1,1,1,2 Tetrafluoroethane from the People's Republic of China (''PRC''),'' dated July 23, 2014; (3) ''Verification of the Response of Weitron International Refrigeration Equipment (Kunshan) Co., Ltd. in the Investigation of 1,1,1,2 Tetrafluoroethane from the People's Republic of China (''PRC''),'' dated July 23, 2014; and (4) ''Verification of the Factors Responses of Zhejiang Juhua Co., Ltd. Organic Fluorine Plant (''JuhuaOP'') in the Investigation of 1,1,1,2 Tetrafluoroethane from the People's Republic of China (''PRC''),'' dated July 23, 2014.

[6] *Id.*

[7] *Id.*

[8] *See* Issues and Decision Memorandum.

and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and it is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum is available at *http://enforcement.trade.gov/frn/*. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Determination

Based on the Department's analysis of the comments received and our findings at verification, we made certain changes to Bluestar's margin calculations. Additionally, we determined that Weitron Kunshan was not an exporter of subject merchandise during the POI. Accordingly, we have not calculated a dumping margin based on the data reported by Weitron Kushan. For a discussion of these changes, see the Issues and Decision Memorandum.

Final Affirmative Determination of Critical Circumstances

We determine that critical circumstances exist with respect to Bluestar, non-individually examined companies, and the PRC-wide entity.[9]

Combination Rates

In the *Initiation Notice,*[10] the Department stated that it would calculate combination rates for the respondents that are eligible for a separate rate in this investigation. Policy Bulletin 05.1 describes this practice.[11]

Final Determination

The final weighted-average antidumping duty (''AD'') margin percentages are as follows:

Exporter	Producer	Weighted-average margin (%)
Jiangsu Bluestar Green Technology Co., Ltd.	Jiangsu Bluestar Green Technology Co., Ltd.	[12] 280.67
Shandong Dongyue Chemical Co., Ltd.	Shandong Dongyue Chemical Co., Ltd.	280.67
T.T. International Co., Ltd.	Sinochem Environmental Protection Chemicals (Taicang) Co., Ltd.	280.67
T.T. International Co., Ltd.	Zhejiang Quhua Fluor-Chemistry Co., Ltd.	280.67
T.T. International Co., Ltd.	Jiangsu Bluestar Green Technology Co., Ltd.	280.67
T.T. International Co., Ltd.	Zhejiang Sanmei Chemical Ind, Co., Ltd.	280.67
T.T. International Co., Ltd.	Zhejiang Pujiang Bailian Chemical Co., Ltd.	280.67
T.T. International Co., Ltd.	Jiangsu Jinxue Group Co., Ltd.	280.67
T.T. International Co., Ltd.	Zhejiang Quzhou Lianzhou Refrigerants Co., Ltd.	280.67
Zhejiang Sanmei Chemical Industry Co., Ltd.	Zhejiang Sanmei Chemical Industry Co., Ltd.	280.67
Zhejiang Sanmei Chemical Industry Co., Ltd.	Jiangsu Sanmei Chemicals Co., Ltd.	280.67
PRC-Wide Entity [13]		280.67

Disclosure

We intend to disclose to parties the calculations performed in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(4)(A) of the Act, the Department will instruct U.S. Customs and Border Protection (''CBP'') to continue to retroactively suspend liquidation of all appropriate entries of tetrafluoroethane from the PRC as described in the ''Scope of the Investigation'' section, which were entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the date on which the suspension of liquidation was first ordered (*i.e.,* May 29, 2014, the date of publication in the **Federal Register** of the notice of an affirmative preliminary determination that tetrafluoroethane is being, or is likely to be, sold in the United States at LTFV). Further, pursuant to 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit [14] equal to the weighted-average amount by which the normal value exceeds U.S. price, adjusted where appropriate for export subsidies and estimated domestic subsidy pass-through, as follows: (1) For the exporter/producer combination listed in the table above, the cash deposit rate will be equal to the dumping margin which the Department determined in this final determination; (2) for all combinations of PRC exporters/producers of merchandise under consideration which have not received their own separate rate above, the cash deposit rate will be equal to the dumping margin established for the PRC-wide entity; and (3) for all non-PRC exporters of merchandise under consideration which have not received their own separate rate above, the cash deposit rate will be equal to the cash deposit rate applicable to the PRC exporter/producer combination that supplied that non-PRC exporter. These suspension-of-liquidation instructions will remain in effect until further notice.

We did not adjust the final determination AD margins for export subsidies because the Department found no evidence of export subsidies in the

[9] *See* the Issues and Decision Memorandum at Comment 6.

[10] *See 1,1,1,2-Tetrafluoroethane from the People's Republic of China: Initiation of Antidumping Duty Investigation,* 77 FR 73832, 73836 (December 9, 2013) (''*Initiation Notice*'').

[11] *See* Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, ''Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non-Market Economy Countries,'' (April 5, 2005) (''Policy Bulletin 05.1''), available on the Department's Web site at *http://enforcement.trade.gov/policy/bull05-1.pdf.*

[12] Jiangsu Bluestar Green Technology Co., Ltd.'s margin is the only calculated margin. As the only calculated margin, it is the margin assigned to the separate rate companies. Addtionally, as it is the higher of the calculated margin or the petition rate, it is also the PRC-Wide Entity margin.

[13] This also includes Weitron International Refrigeration Equipment (Kunshan) Co., Ltd., Zhejiang Bailian Industry and Trade, Jiangsu Jin Xue Group Co., Ltd., SC Ningbo International Ltd, Sinochem Environmental Protection Chemicals (Taichang) Co., Ltd., Sinochem Ningbo Ltd., Zhejiang Quhua Fluor-Chemistry Co., Ltd., Zhejiang Quzhou Lianzhou Refrigerants Co., Ltd. and Aerospace Communications Holdings, Co. Ltd.

[14] *See* Modification of Regulations Regarding the Practice of Accepting Bonds During the Provisional Measures Period in Antidumping and Countervailing Duty Investigations, 76 FR 61042 (October 3, 2011).

companion countervailing duty proceeding. Additionally, the Department did not adjust the final determination AD margins for estimated domestic subsidy pass-through because respondents provided no information to support an adjustment pursuant to section 777A(f) of the Act.

ITC Notification

In accordance with section 735(d) of the Act, we notified the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. As the Department's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of tetrafluoroethane from the PRC, or sales (or the likelihood of sales) for importation, of tetrafluoroethane from the PRC. If the ITC determines that such injury does not exist, this proceeding with be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess, upon further instruction by the Department, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Return or Destruction of Proprietary Information

This notice also serves as a reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of propriety information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of 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 sanctionable violation,

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: October 14, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix—Issues and Decision Memorandum

Summary
Background
Use of Adverse Facts Available
Weitron Kunshan
Critical Circumstances
Margin Calculations
Discussion of the Issues
Comment 1: Separate Rate Practice
Comment 2: Whether Weitron Kunshan Qualifies as a Respondent
Comment 3: Surrogate Country
Comment 4: By-products
Comment 5: Price Adjustments—ISO Tanks
Comment 6: Critical Circumstances
Comment 7: Whether to Continue to Rely on the Average-to-Average Margin Calculation Methodology
Comment 8: Whether to Add an Additional USHTS Code to the Scope
Comment 9: Whether The Department's Rejection of Minor Corrections Was Contrary to Law
Comment 10: Hydrogen Fluoride Surrogate Value
Comment 11: Color Salts Surrogate Value
Comment 12: Caustic Potash Surrogate Value
Comment 13: Dawson Gas Surrogate Value
Comment 14: Whether to Categorize Catalyst, Refrigerants and Compressed Air as Factory Overhead
Comment 15: Compressed Air Surrogate Value
Comment 16: Selection of Surrogate Financial Statements
Comment 17: Calculation of Thai-Japan Financial Ratios
Comment 18: Inland Freight and Brokerage & Handling
Comment 19: Bluestar R22 Supplier Distance
Comment 20: Packing Materials
Comment 21: Domestic Movement Expense Calculation
Comment 22: Whether to Correct the Unit Weight of Certain Packing Inputs
Comment 23: Whether to Delete Unknown Country of Origin Sales from Weitron's Reported Sales
Comment 24: Whether to Apply Subsidy Offset to Weitron's Margin Recommendation

[FR Doc. 2014–24903 Filed 10–17–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD564

Caribbean Fishery Management Council (CFMC); Public Meeting

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

ACTION: Notice of public meeting via webinar.

SUMMARY: The Caribbean Fishery Management Council's (Council) Scientific and Statistical Committee (SSC) will hold a meeting via webinar.

DATES: The SSC meeting via webinar will be held on November 12, 2014, from 9 a.m. to 5 p.m.

ADDRESSES: The address to access the SSC meeting via webinar is: *https://global.gotomeeting.com/join/978083813*. Use your microphone and speakers (VOIP) for audio. You can also join through your smartphone by dialing 1 (408) 650–3131. Access code: 978–083–813, Audio Pin: Will be provided upon joining the session.

SUPPLEMENTARY INFORMATION: The SSC will discuss the items contained in the following agenda:

- FMUs ACL Overages—SERO Update
- Red Hind SEDAR 35 Assessment Review
  1. Peer Review and Discussion
  2. Recommendations to the CFMC
- National SSC V (February 23–25, 2015): Update and Discussion
- Discussion of 5-year Research Plan
- Selection Criteria for Exclusion/Inclusion of Species in the Island-Based FMPs

A. Commercial Landings Data—SEFSC Update

1. Overview of Recent Years Landings Data: Species List Ranked by Poundage and Value—Puerto Rico, St. Thomas/St. John, St. Croix
2. Landings by Coast for Puerto Rico, as a Proxy to Differentiate Species that Might be Restricted to the State Waters
3. SEFSC/DNER Revision of the 2005 East Coast Correction Factor Update

B. Recreational Landings Data—SEFSC Update

1. Overview of Recent Years Landings Data: Species List Ranked by Poundage

C. Recommendations to the CFMC

The SSC meeting via webinar is open to the public, and will be conducted in English.

Special Accommodations

This meeting via webinar is accessible to people with disabilities. For more information please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918, telephone: (787) 766–5926, at least 5 days prior to the meeting date.

Dated: October 15, 2014.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–24855 Filed 10–17–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD556

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Hearing

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

ACTION: Notice of public hearing for Regulatory Amendment 22 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a public hearing via webinar to solicit public comment on proposed changes to the management of wreckfish and gag, two species in the snapper grouper complex. The webinar is open to the public.

DATES: The webinar will begin at 6 p.m. on Thursday, November 6, 2014.

ADDRESSES: *Council address:* South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405; telephone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: Regulatory Amendment 22 proposes addressing management measures for gag grouper and wreckfish. Specifically, the amendment would adjust the acceptable biological catch (ABC), annual catch limit (ACL) and optimum yield (OY) for wreckfish and gag in response to recently completed assessments for those stocks. In addition, the amendment proposes modifications to the bag limit for gag. The Council will accept public comment on Regulatory Amendment 22 until 5 p.m. on November 14, 2014. Comments may be submitted in writing at the Council address above. Comments may also be submitted via fax (843) 769–4520 or email (*Mike.Collins@safmc.net*) with the subject line ''Reg 22''.

Special Accommodations

Webinars are accessible to people with disabilities. Requests for auxiliary aids should be directed to the council office (see **ADDRESSES**) 3 days prior to the webinar.

Note: The times and sequence specified in this agenda are subject to change.

Dated: October 15, 2014.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–24854 Filed 10–17–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Business Board; Notice of Federal Advisory Committee Meeting; Revision

AGENCY: DoD.

ACTION: Meeting notice; revision.

SUMMARY: On October 3, 2014 (79 FR 59758–59759), the Department of Defense published a notice announcing an October 23, 2014 meeting of the Defense Business Board. The Department of Defense announces that the meeting time has changed. All other information in the notice of October 3, 2014 remains the same.

DATES: The public meeting of the Defense Business Board (hereafter referred to as ''the Board'') will be held on Thursday, October 23, 2014. The meeting will now begin at 11:00 a.m. and end at 11:45 a.m. (Escort required; see guidance in the **SUPPLEMENTARY INFORMATION** section, ''Public's Accessibility to the Meeting.'')

FOR FURTHER INFORMATION CONTACT: Committee's Designated Federal Officer: The Board's Designated Federal Officer is Phyllis Ferguson, Defense Business Board, 1155 Defense Pentagon, Room 5B1088A, Washington, DC 20301–1155, *phyllis.l.ferguson2.civ@mail.mil,* 703–695–7563. For meeting information please contact Ms. Debora Duffy, Defense Business Board, 1155 Defense Pentagon, Room 5B1088A, Washington, DC 20301–1155, *debora.k.duffy.civ@mail.mil,* (703) 697–2168.

SUPPLEMENTARY INFORMATION: Due to scheduling conflicts the Department of Defense must change the meeting times previously announced for the Defense Business Board's scheduled meeting on October 23, 2014. As a result, the Department of Defense is unable to provide appropriate notification as required by 41 CFR § 102–3.150(a). Therefore, 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. Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the Department of Defense announces that the meeting time has changed.

Meeting Agenda

11:00 a.m.–11:45 a.m. Task Group Updates on

- *''Guiding Principles to Optimize DoD's Research and Development Investments''*
- *''Transformational Change for the Department of Defense Business Systems''*

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is limited and is on a first-come basis. All members of the public who wish to attend the public meeting must contact Ms. Debora Duffy at the number listed in the **FOR FURTHER INFORMATION CONTACT** section no later than 12:00 p.m. on Tuesday, October 21 to register and make arrangements for a Pentagon escort, if necessary. Public attendees requiring escort should arrive at the Pentagon Metro Entrance with sufficient time to complete security screening no later than 10:30 a.m. on October 23, 2014. To complete security screening, please come prepared to present two forms of identification and one must be a pictured identification card.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact Ms. Duffy at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Dated: October 15, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–24902 Filed 10–17–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Health Board; Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense

Health Board will take place. This meeting will be open to the public.

DATES:

Thursday, November 6, 2014

8:45 a.m.—11:45 a.m. (Open Session)
11:45 a.m.—1:00 p.m. (Preparatory Meeting)
1:00 p.m.—5:00 p.m. (Open Session)

ADDRESSES: Hope Hotel and Richard C. Holbrooke Conference Center, Room B–29 Super Fortress, Building #823, Area A, Gate 12A, Wright-Patterson Air Force Base, Ohio 45433.

FOR FURTHER INFORMATION CONTACT: The Director of the Defense Health Board is Ms. Christine Bader, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042, (703) 681–6653, Fax: (703) 681–9539, *Christine.bader@dha.mil.* For meeting information, please contact Ms. Kendal Brown, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042, *Kendal.Brown.ctr@dha.mil,* (703) 681–6670, Fax: (703) 681–9539.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, and in accordance with section 10(a)(2) of the Federal Advisory Committee Act.

Additional information, including discussion topics and registration instructions, are available at the DHB Web site, *http://www.health.mil/About-MHS/Defense-Health-Board/Meetings.*

Purpose of the Meeting

The purpose of the meeting is for the Defense Health Board Subcommittees to provide decision briefs or progress updates on the status of their individual taskings before the DHB.

Agenda

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165 and subject to availability of space, the DHB meeting is open to the public from 8:45 a.m. to 11:45 a.m. and 1:00 p.m. to 5:00 p.m. on November 6, 2014. The DHB will receive decision briefings on the Combat Theater Trauma Lessons Learned and Deployment Pulmonary Health reports. In addition, the DHB will receive briefings on the progress being made by the subcommittees on the sustainment and advancement of amputee care, dual loyalties of military medical providers, continuing health education, and post-concussive computerized neurocognitive assessments, as well as a briefing on the Air Force Research Laboratory/711th Human Performance Wing Overview.

Public's Accessibility to the Meeting

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165 and subject to availability of space, this meeting is open to the public. Seating is limited and is on a first-come basis. All members of the public who wish to attend the public meeting must contact Ms. Kendal Brown at the number listed in the section **FOR FURTHER INFORMATION CONTACT** no later than 12:00 p.m. on Friday, October 31, 2014 to register. On November 6, public attendees access the Hope Hotel on Wright-Patterson Air Force Base through the No Pass Entrance (Gate 12A, on Route 444). Free parking is available at the Hope Hotel.

Special Accommodations

Individuals requiring special accommodations to access the public meeting should contact Ms. Kendal Brown at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Statements

Any member of the public wishing to provide comments to the DHB may do so in accordance with 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, and the procedures described in this notice.

Individuals desiring to provide comments to the DHB may do so by submitting a written statement to the DHB Designated Federal Officer (DFO) (see **FOR FURTHER INFORMATION CONTACT**). Written statements should address the following details: the issue, discussion, and a recommended course of action. Supporting documentation may also be included, as needed, to establish the appropriate historical context and to provide any necessary background information.

If the written statement is not received at least five (5) business days prior to the meeting, the DFO may choose to postpone consideration of the statement until the next open meeting.

The DFO will review all timely submissions with the DHB President and ensure they are provided to members of the DHB before the meeting that is subject to this notice. After reviewing the written comments, the President and the DFO may choose to invite the submitter to orally present their issue during an open portion of this meeting or at a future meeting. The DFO, in consultation with the DHB President, may allot time for members of the public to present their issues for review and discussion by the Defense Health Board.

Dated: October 15, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–24893 Filed 10–17–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID USA–2014–0038]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Department of the Army proposes to alter a system of records notice AAFES 0408.14, entitled ''Tuition Assistance Case Files'' in its existing inventory of records systems subject to the Privacy Act of 1974, as amended. This system is used to maintain information on participants in the tuition assistance program.

DATES: Comments will be accepted on or before November 19, 2014. This proposed action will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- Federal Rulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Mail: Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Leroy Jones, Department of the Army, Privacy Office, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA

22325–3905 or by calling (703) 428–6185.

SUPPLEMENTARY INFORMATION: The Department of the Army's notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a(r)), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Office Web site at *http://dpclo.defense.gov/.* The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act, as amended, were submitted on October 6, 2014, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996, (February 20, 1996, 61 FR 6427).

Dated: October 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

AAFES 0408.14

SYSTEM NAME:

Tuition Assistance Case Files (August 9, 1996, 61 FR 41572).

CHANGES:

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Participant's name, current address, telephone number; application, academic transcripts, curricula, grade reports, request for disbursement, and Exchange approval/disapproval documents.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 8013, Secretary of the Air Force; Army Regulation 215–1, The Administration of Morale, Welfare, and Recreation Activities and Non-appropriated Fund Instrumentalities; and Army Regulation 215–8/AFI 34–211(I), Army & Air Force Exchange Service Operations.''

* * * * *

RETRIEVABILITY:

Delete entry and replace with ''Participant's name.''

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to records is limited to person(s) with an official ''need to know'' who are responsible for servicing the record in performance of their official duties. Persons are properly screened and cleared for access.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Records are cut-off at the close of the fiscal year in which the course is completed, or two years after the date of the last action if the completion date is not known. Destroy by shredding two years after the cut-off.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Director/Chief Executive Officer, Army and Air Force Exchange Service, 3911 South Walton Walker Blvd., Dallas, TX 75236–1598.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director/Chief Executive Officer, Army and Air Force Exchange Service, 3911 South Walton Walker Blvd., Dallas, TX 75236–1598.

Requests should contain the individual's full name, current address, telephone number, details concerning application for tuition assistance, and signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States:

'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United State of America that the foregoing is true and correct. Executed on (date). (Signature)'.

If executed within the United States, its territories, possessions, or commonwealths:

'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director/Chief Executive Officer, Army and Air Force Exchange Service, 3911 South Walton Walker Blvd., Dallas, TX 75236–1598.

Requests should contain the individual's full name, current address, telephone number, and signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States:

'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'.

If executed within the United States, its territories, possessions, or commonwealths:

'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.''

* * * * *

[FR Doc. 2014–24767 Filed 10–17–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–OS–0142]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Office of the Secretary of Defense proposes to alter a system of records, DHA 14, entitled ''Computer/Electronic Accommodations Program'' in its inventory of record systems subject to the Privacy Act of 1974, as amended. This system is used to administer a centrally funded program that provides assistive (computer/electronic) technology solutions to individuals with hearing, visual, dexterity, cognitive, and/or communications impairments in the form of an accessible work environment. The system documents and tracks provided computer/electronic accommodations. Used as a management tool for statistical analysis, tracking, reporting, evaluating program effectiveness, and for conducting research.

DATES: Comments will be accepted on or before November 19, 2014. This proposed action will be effective the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Allard, Chief, OSD/JS Privacy Office, Freedom of Information Directorate, Washington Headquarters Service, 1155 Defense Pentagon, Washington, DC 20301–1155, or by phone at (571) 372–0461.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy and Civil Liberties Office Web site at *http://dpclo.defense.gov/.*

The proposed system report, as required by U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on October 9, 2014, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: October 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DHA 14

SYSTEM NAME:

Computer/Electronic Accommodations Program (August 11, 2011, 76 FR 49753).

CHANGES:

SYSTEM IDENTIFIER:

Delete entry and replace with ''DHRA 15 DoD.''

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Computer/Electronic Accommodations Program, Defense Manpower Data Center, 400 Gigling Road, Seaside, CA 93955–6771.''

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Full name; prior assistive technology solutions provided to the individual; work email, mailing address, and telephone number; Federal agency; Computer/Electronic Accommodations Program (CAP) request number; disability data; verification of disability; history of accommodations being sought, and their disposition, and other documentation used in support of the request for an assistive technology solution. Product and vendor contact information includes vendor name and address, vendor alias, phone number, fax number, email address, web address, order submission preference, orders, invoices, declination, and cancellation data for the product and identification of vendors, vendor products used, and product costs.''

* * * * *

PURPOSE(S):

Delete entry and replace with ''To administer a centrally funded program that provides assistive (computer/electronic) technology solutions to individuals with hearing, visual, dexterity, cognitive, and/or communications impairments in the form of an accessible work environment. The system documents and tracks provided computer/electronic accommodations. Used as a management tool for statistical analysis, tracking, reporting, evaluating program effectiveness, and for conducting research.''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To Federal Government agencies participating in the CAP for purposes of providing information as necessary to permit the agency to carry out its responsibilities under the program.

To commercial vendors for purposes of providing information to permit the vendor to identify and provide assistive technology solutions for individuals with disabilities.

The DoD Blanket Routine Uses set forth at the beginning of the Office of the Secretary of Defense (OSD) compilation of systems of records notices may apply to this system.''

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Delete entry and replace with ''Electronic storage media.''

RETRIEVABILITY:

Delete entry and replace with ''Full name, CAP request number, and work telephone number.''

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in controlled areas accessible only to authorized DoD personnel, including system users, developers, and system administrators, and authorized contractors. Access to personal information is further restricted by the use of the Common Access Card and user ID/passwords, intrusion detection system, encryption, firewalls, virtual private network, and DoD public key infrastructure certificates. Records are maintained in a controlled facility where physical entry is restricted by the use of cipher locks, guards, and closed circuit TV. Administrative procedures, including periodic security audits and methods to ensure only authorized personnel access Personally Identifiable Information (PII).''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Destroyed three (3) years after employee's separation from the agency or all appeals are concluded, whichever is later.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Senior Program Manager, Computer/Electronic Accommodations Program, 1700 N. Moore Street, Suite 1000, Arlington, VA 22209–1953.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine if information about themselves is contained in this system of records should address written inquiries to Defense Human Resources Activity, CAP Senior Program Manager, 1700 N.

Moore Street, Suite 1000, Arlington, VA 22209–1953.

Signed, written request should contain full name, CAP request number, and work telephone number.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to records about themselves contained in this system should address written inquiries to the Office of the Secretary of Defense/Joint Staff, Freedom of Information Act Requester Service Center, Office of Freedom of Information, 1155 Defense Pentagon, Washington, DC 20301–1155.

Signed, written request should contain full name, federal agency, CAP request number, and work telephone number, and the name and number of this system of records notice.''

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''Individual and vendor.''

* * * * *

[FR Doc. 2014–24754 Filed 10–17–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

Western Hemisphere Institute for Security Cooperation Board of Visitors Meeting Notice

AGENCY: Department of the Army, DoD.

ACTION: Notice of open meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Western Hemisphere Institute for Security Cooperation (WHINSEC) Board of Visitors. This meeting is open to the public.

DATES: The WHINSEC Board of Visitors will meet from 8:00 a.m. to 12:00 p.m. on Friday, November 21, 2014.

ADDRESSES: Western Hemisphere Institute for Security Cooperation, Bradley Hall, 7301 Baltzell Avenue, Building 396, Fort Benning, GA 31905.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Procell, Acting Executive Secretary for the Committee, in writing at USACGSC, 100 Stimson Avenue, Fort Leavenworth, KS 66027–2301, by email at *richard.procell@us.army.mil,* or by telephone at (913) 684–2963.

SUPPLEMENTARY INFORMATION: The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), 41 CFR 102–3.140(c), and 41 CFR 102–3.150.

Purpose of the Meeting: The Western Hemisphere Institute for Security Cooperation (WHINSEC) Board of Visitors (BOV) is a non-discretionary Federal Advisory Committee chartered to provide the Secretary of Defense, through the Secretary of the Army, independent advice and recommendations on matters pertaining to the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Institute; other matters relating to the Institute that the Board decides to consider; and other items that the Secretary of Defense determines appropriate. The Board reviews curriculum to determine whether it adheres to current U.S. doctrine, complies with applicable U.S. laws and regulations, and is consistent with U.S. policy goals toward Latin America and the Caribbean. The Board also determines whether the instruction under the curriculum of the Institute appropriately emphasizes human rights, the rule of law, due process, civilian control of the military, and the role of the military in a democratic society. The Secretary of Defense may act on the Committee's advice and recommendations.

Proposed Agenda: Status briefing on the Institute from the Commandant; update briefings from the Office of the Under Secretary of Defense (Policy); Department of State; U.S. Northern Command; and U.S. Southern Command. Presentation of other information appropriate to the board's interests, and a public comments period.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public. Seating is on a first to arrive basis. Attendees are requested to submit their name, affiliation, and daytime phone number seven business days prior to the meeting to Mr. Procell, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Because the meeting of the committee will be held in a Federal Government facility on a military base, security screening is required. A photo ID is required to enter base. Please note that security and gate guards have the right to inspect vehicles and persons seeking to enter and exit the installation. Bradley Hall is fully handicap accessible. Wheelchair access is available in front at the main entrance of the building. For additional information about public access procedures, contact Mr. Procell at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments and Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the Committee, in response to the stated agenda of the open meeting or in regard to the Committee's mission in general. Written comments or statements should be submitted to Mr. Procell, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received at least seven business days prior to the meeting to be considered by the Committee. The Designated Federal Officer will review all timely submitted written comments or statements with the Committee Chairperson, and ensure the comments are provided to all members of the Committee before the meeting. Written comments or statements received after this date may not be provided to the Committee until its next meeting. Pursuant to 41 CFR z102–3.140d, the Committee is not obligated to allow a member of the public to speak or otherwise address the Committee during the meeting. Members of the public will be permitted to make verbal comments during the Committee meeting only at the time and in the manner described below. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three (3) days in advance to Mr. Procell, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Requests will be logged in the order received. The Designated Federal Officer in consultation with the Committee Chair will determine whether the subject matter of each comment is relevant to the Committee's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of meeting will be available for verbal public comments. Members of the public who

have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during this period, and will be invited to speak in the order in which their requests were received.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2014–24821 Filed 10–17–14; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID USA–2014–0037]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to delete a System of Records.

SUMMARY: The Department of the Army proposes to delete a system of records, A0351 USAREUR, entitled ''Individual Academic Record Files'' in its inventory of record systems subject to the Privacy Act of 1974, as amended. This system was used to determine the eligibility for enrollment/attendance, monitor student progress, and record accomplishments for management studies and reports.

DATES: Comments will be accepted on or before November 19, 2014. This proposed action will be effective on the day following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* Federal Rulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

* Mail: Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Leroy Jones, Jr., Department of the Army, Privacy Office, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22315–3827 or by phone at 703–428–6185.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy and Civil Liberties Division Web site at *http://dpclo.defense.gov/.* The proposed changes to the record system being amended are set forth below. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: October 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DELETION:

A0351 USAREUR

Individual Academic Record Files (September 11, 2001, 66 FR 47181).

Reason: The USAREUR military activity that was collecting these records was deactivated in 2011 and is no longer operational. The remaining records will now be covered under System of Records Notice, A0350–1a TRADOC, Resident Individual Training Management System (RITMS) (December 14, 2010, 75 FR 77853) and will retain the same 40 year retention period from date of deactivation of activity; therefore, A0351 USAREUR can be deleted.

[FR Doc. 2014–24766 Filed 10–17–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–248–D]

Application To Export Electric Energy; Constellation NewEnergy, Inc.

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: Constellation NewEnergy, Inc. (Applicant) has applied to renew its authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before November 19, 2014.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to 202–586–8008.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On December 21, 2009, DOE issued Order No. EA–248–C to the Applicant, which authorized Constellation NewEnergy, Inc. to transmit electric energy from the United States to Canada as a power marketer for a five-year term using existing international transmission facilities. That authority expires on December 21, 2014. On September 8, 2014, the Applicant filed an application with DOE for renewal of the export authority contained in Order No. EA–248–C for an additional ten-year term.

In its application, the Applicant states that it does not own or operate any electric transmission facilities, and it does not have a franchised service area. The electric energy that the Applicant proposes to export to Canada would either be generated by the Applicant or would be surplus energy purchased from third parties such as electric utilities and Federal power marketing agencies pursuant to voluntary agreements. The Applicant is also requesting expedited treatment of this renewal application and issuance of an Order within 60 days to avoid any lapse in Constellation NewEnergy, Inc.'s authority to export electricity to Canada.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five copies

of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning the Constellation NewEnergy, Inc. application to export electric energy to Canada should be clearly marked with OE Docket No. EA–248–D. An additional copy is to be provided directly to both Joseph Donovan and David O. Dardis, Exelon Corporation, 111 Market Place, Suite 500, Baltimore, MD 21202 and to Christopher A. Wilson, Exelon Corporation, 101 Constitution Avenue NW., Suite 400 East, Washington, DC 20001.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after a determination is made by DOE that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://energy.gov/node/11845,* or by emailing Angela Troy at *Angela.Troy@hq.doe.gov.*

Issued in Washington, DC, on October 10, 2014.

Brian Mills,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2014–24914 Filed 10–17–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–247–D]

Application To Export Electric Energy; Constellation NewEnergy, Inc.

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: Constellation NewEnergy, Inc. (Applicant) has applied to renew its authority to transmit electric energy from the United States to Mexico pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before November 19, 2014.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to 202–586–8008.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On December 21, 2009, DOE issued Order No. EA–247–C to the Applicant, which authorized Constellation NewEnergy, Inc. to transmit electric energy from the United States to Mexico as a power marketer for a five-year term using existing international transmission facilities. That authority expires on December 21, 2014. On September 8, 2014, the Applicant filed an application with DOE for renewal of the export authority contained in Order No. EA–247–C for an additional ten-year term.

In its application, the Applicant states that it does not own or operate any electric transmission facilities, and it does not have a franchised service area. The electric energy that the Applicant proposes to export to Mexico would be surplus energy either generated by the Applicant or purchased from third parties such as electric utilities and Federal power marketing agencies pursuant to voluntary agreements. The Applicant is also requesting expedited treatment of this renewal application and issuance of an Order within 60 days to avoid any lapse in Constellation NewEnergy, Inc.'s authority to export electricity to Mexico.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning the Constellation NewEnergy, Inc. application to export electric energy to Mexico should be clearly marked with OE Docket No. EA–247–D. An additional copy is to be provided directly to both Joseph Donovan and David O. Dardis, Exelon Corporation, 111 Market Place, Suite 500, Baltimore, MD 21202 and to Christopher A. Wilson, Exelon Corporation, 101 Constitution Avenue NW., Suite 400 East, Washington, DC 20001.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after a determination is made by DOE that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://energy.gov/node/11845,* or by emailing Angela Troy at *Angela.Troy@hq.doe.gov.*

Issued in Washington, DC, on October 10, 2014.

Brian Mills,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2014–24896 Filed 10–17–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Commission To Review the Effectiveness of the National Energy Laboratories

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting of the Commission to Review the Effectiveness of the National Energy Laboratories (Commission). The Commission was created pursuant section 319 of the Consolidated Appropriations Act, 2014, Public Law No. 113–76, and in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2. This notice is provided in accordance with the Act.

DATES: Tuesday, November 4, 2014, 9:00 a.m.–4:00 p.m.

ADDRESSES: TCS Conference Center, Argonne National Laboratory, Theory and Computing Sciences Building (Building 240), 9700 South Cass Avenue, Lemont, IL 60439.

FOR FURTHER INFORMATION CONTACT: Karen Gibson, Designated Federal

Officer, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; telephone: (202) 586–3787; email: *crenel@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Commission was established to provide advice to the Secretary on the Department's national laboratories. The Commission will review the DOE national laboratories for alignment with the Department's strategic priorities, clear and balanced missions, unique capabilities to meet current energy and national security challenges, appropriate size to meet the Department's energy and national security missions, and support of other Federal agencies. The Commission will also look for opportunities to more effectively and efficiently use the capabilities of the national laboratories and review the use of laboratory directed research and development (LDRD) to meet the Department's science, energy, and national security goals.

Purpose of the Meeting: This meeting is the fourth meeting of the Commission.

Tentative Agenda: The meeting will start at 9:00 a.m. on November 4. The tentative meeting agenda includes a review of lab relationships with industry and university R&D and the role of DOE Labs in national security and U.S. science and technology. Key presenters will address and discuss these topics with comments from the public. The meeting will conclude at 4:00 p.m.

Public Participation: The meeting is open to the public. Individuals who would like to attend must RSVP to Karen Gibson no later than 5:00 p.m. on Wednesday, October 29, 2014 by email at: *crenel@hq.doe.gov.* Please provide your name, organization, citizenship, and contact information. Anyone attending the meeting will be required to present government-issued identification. Individuals and representatives of organizations who would like to offer comments and suggestions may do so at the end of the meeting. Approximately 30 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but will not exceed five minutes. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Those wishing to speak should register to do so beginning at 9:00 a.m. on November 4.

Those not able to attend the meeting or who have insufficient time to address the committee are invited to send a written statement to Karen Gibson, U.S. Department of Energy, 1000 Independence Avenue SW., Washington DC 20585, or to email at: *crenel@hq.doe.gov.*

Minutes: The minutes of the meeting will be available on the Commission's Web site at: *http://energy.gov/labcommission.*

Issued in Washington, DC, on October 10, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–24873 Filed 10–17–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Certification Notice—226]

Notice of Filing of Self-Certification of Coal Capability Under the Powerplant and Industrial Fuel Use Act

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of filing.

SUMMARY: On September 5, 2014, Panda Liberty LLC, as owner and operator of a new base load electric generating plant, submitted a coal capability self-certification to the Department of Energy (DOE) pursuant to § 201(d) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended, and DOE regulations in 10 CFR 501.60, 61. FUA and regulations thereunder require DOE to publish a notice of filing of self-certification in the **Federal Register**. 42 U.S.C. 8311(d) and 10 CFR 501.61(c).

ADDRESSES: Copies of coal capability self-certification filings are available for public inspection, upon request, in the Office of Electricity Delivery and Energy Reliability, Mail Code OE–20, Room 8G–024, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Christopher Lawrence at (202) 586–5260.

SUPPLEMENTARY INFORMATION: Title II of FUA, as amended (42 U.S.C. 8301 *et seq.*), provides that no new base load electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. Pursuant to FUA in order to meet the requirement of coal capability, the owner or operator of such a facility proposing to use natural gas or petroleum as its primary energy source shall certify to the Secretary of Energy (Secretary) prior to construction, or prior to operation as a base load electric powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with FUA section 201(a) as of the date it is filed with the Secretary. 42 U. S. C. 8311.

The following owner of a proposed new base load electric powerplant has filed a self-certification of coal-capability with DOE pursuant to FUA section 201(d) and in accordance with DOE regulations in 10 CFR 501.60, 61:

Owner: Panda Liberty LLC
Capacity: 829 megawatts (MW)
Plant Location: Towanda, PA
In-Service Date: March 5, 2016

Issued in Washington, DC, on October 10, 2014.

Brian Mills,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2014–24905 Filed 10–17–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Certification Notice—227]

Notice of Filing of Self-Certification of Coal Capability Under the Powerplant and Industrial Fuel Use Act

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of filing.

SUMMARY: On September 5, 2014, Panda Patriot LLC, as owner and operator of a new base load electric generating plant, submitted a coal capability self-certification to the Department of Energy (DOE) pursuant to § 201(d) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended, and DOE regulations in 10 CFR 501.60, 61. FUA and regulations thereunder require DOE to publish a notice of filing of self-certification in the **Federal Register**. 42 U.S.C. 8311(d) and 10 CFR 501.61(c).

ADDRESSES: Copies of coal capability self-certification filings are available for public inspection, upon request, in the Office of Electricity Delivery and Energy Reliability, Mail Code OE–20, Room 8G–024, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Christopher Lawrence at (202) 586–5260.

SUPPLEMENTARY INFORMATION: Title II of FUA, as amended (42 U.S.C. 8301 *et seq.*), provides that no new base load electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. Pursuant to FUA in order to meet the requirement of coal capability, the owner or operator of such

a facility proposing to use natural gas or petroleum as its primary energy source shall certify to the Secretary of Energy (Secretary) prior to construction, or prior to operation as a base load electric powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with FUA section 201(a) as of the date it is filed with the Secretary. 42 U.S.C. 8311.

The following owner of a proposed new base load electric powerplant has filed a self-certification of coal-capability with DOE pursuant to FUA section 201(d) and in accordance with DOE regulations in 10 CFR 501.60, 61:

Owner: Panda Patriot LLC
Capacity: 829 megawatts (MW)
Plant Location: Montgomery, PA
In-Service Date: June 1, 2016

Issued in Washington, DC, on October 10, 2014.

Brian Mills,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2014–24898 Filed 10–17–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Certification Notice—228]

Notice of Filing of Self-Certification of Coal Capability Under the Powerplant and Industrial Fuel Use Act

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of filing.

SUMMARY: On September 5, 2014, Panda Temple Power II, LLC, as owner and operator of a new base load electric generating plant, submitted a coal capability self-certification to the Department of Energy (DOE) pursuant to § 201(d) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended, and DOE regulations in 10 CFR 501.60, 61. FUA and regulations thereunder require DOE to publish a notice of filing of self-certification in the **Federal Register**. 42 U.S.C. 8311(d) and 10 CFR 501.61(c).

ADDRESSES: Copies of coal capability self-certification filings are available for public inspection, upon request, in the Office of Electricity Delivery and Energy Reliability, Mail Code OE–20, Room 8G–024, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Christopher Lawrence at (202) 586–5260.

SUPPLEMENTARY INFORMATION: Title II of FUA, as amended (42 U.S.C. 8301 *et seq.*), provides that no new base load electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. Pursuant to FUA in order to meet the requirement of coal capability, the owner or operator of such a facility proposing to use natural gas or petroleum as its primary energy source shall certify to the Secretary of Energy (Secretary) prior to construction, or prior to operation as a base load electric powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with FUA section 201(a) as of the date it is filed with the Secretary. 42 U.S.C. 8311.

The following owner of a proposed new base load electric powerplant has filed a self-certification of coal-capability with DOE pursuant to FUA section 201(d) and in accordance with DOE regulations in 10 CFR 501.60, 61:

OWNER: Panda Temple Power II, LLC
CAPACITY: 758 megawatts (MW)
PLANT LOCATION: Temple, TX
IN-SERVICE DATE: June 1, 2015

Issued in Washington, DC, on October 10, 2014.

Brian Mills,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2014–24909 Filed 10–17–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Wind and Water Power Program: Guidance for Hydroelectric Incentive Payments

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

ACTION: Notice of availability of draft guidance.

SUMMARY: The U.S. Department of Energy (DOE) invites public comment on a second version of its draft *Guidance for EPAct 2005 Section 242 Program.* The guidance describes how DOE intends to provide incentive payments to the owners or operators of qualified hydroelectric facilities for electric energy generated and sold for a specified 10-year period as authorized under section 242 of the Energy Policy Act of 2005.

DATES: Comments regarding this draft guidance must be received on or before November 4, 2014.

ADDRESSES: Written comments may be sent to the Office of Energy Efficiency and Renewable Energy (EE–4), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0121, or by email at *hydroincentive@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Mr. Steven Lindenberg, Office of Energy Efficiency and Renewable Energy (EE–4), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0121, (202) 586–2783, *hydroincentive@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: In the Energy Policy Act of 2005 (EPAct 2005; Pub. L. 109–58) Congress established a new program to support the expansion of hydropower energy development at existing dams and impoundments through an incentive payment procedure. Under section 242 of EPAct 2005, the Secretary of Energy is directed to provide incentive payments to the owner or operator of qualified hydroelectric facilities for electric energy generated and sold by a qualified hydroelectric facility for a specified 10-year period. (See 42 U.S.C. 15881) DOE has not made these incentive payments in the past due to a lack of appropriations for the hydroelectric production incentive. The conference report to the Fiscal Year 2014 Omnibus Appropriations bill, however, includes $3,600,000 for conventional hydropower under section 242 of EPAct 2005.

In response, DOE developed draft guidance intended to describe the application process and the information necessary for DOE to make a determination of eligibility under section 242. On July 2, 2014, DOE issued draft guidance for public comment. *See* 79 FR 37733 and *http://energy.gov/eere/water/water-power-program.* A summary of the comments and the DOE response is available at: *http://energy.gov/eere/water/water-power-program.* Based on the comments received and a re-examination of the statutory intent of the program, DOE is proposing the following changes to the draft guidance and is accepting additional public comment:

- The definition of ''existing dam or conduit'' is amended to specify that generator penstocks associated with a new generator and a temporary increase in dam height that does not expand reservoir topographic area and is for purposes of flood control, hydroelectric generation efficiency improvement, and/or health and safety improvements would not eliminate facilities from eligibility.

• ''Qualified hydroelectric facility'' is redefined to recognize both conventional and new innovative technologies and that construction should not require any permanent enlargement of impoundment or diversion structure when installed.

• A definition for ''qualified kilowatt-hours'' is added.

• The definition of ''sale'' of electricity is amended to specify that not-for-profit electric cooperatives and municipal utilities are considered unrelated to their members for purposes of hydroelectric production incentive payments.

• Definitions in the guidance are appealable.

• The net electric energy generated and sold must either be metered or must be measured through an alternative means confirmed by a third party.

• A definition for ''first eligible for payment'' is added and defined as the first Federal fiscal year that a qualified hydroelectric facility operates to sell electric energy and this change is repeated in other relevant portions of the guidance.

After receiving public comment asking for clarification about the date that hydropower facility owners or operators are first eligible for incentive payments, DOE reexamined the July draft guidance proposal that the 10-year eligibility period was to begin the first fiscal year in which the application for payment is made. The July draft guidance defined the period of eligibility to be ''the fiscal year in which application for payment for electricity generated by the facility is first made and the facility is determined by DOE to be eligible for and receives an incentive payment.'' *See http://energy.gov/eere/water/water-power-program.* DOE recognizes that the purpose of the section 242 program is to incentivize new hydropower development and production. The statute envisioned 10 years of consecutive payments to stimulate such investment. Moreover, the incentive period mentioned in section 242(a) refers to the period of 10 fiscal years that begins with the fiscal year in which the electric energy generated from the facility is first eligible for such payments. Hydroelectric facilities are first eligible for such payments the date these facilities meet the ''qualified hydroelectric facility'' definition in section 242(b)(1), regardless of whether funds were appropriated in a given fiscal year. Congress only authorized appropriations for fiscal years 2006 through 2015, though it did not actually provide funding prior to fiscal year 2014, and limited the pool of qualified hydroelectric facilities to those that begin operation between fiscal years 2006 through 2015. DOE is now proposing that the 10-year period of eligibility begins the date a qualified hydroelectric facility begins operation and generates energy for sale (must be between fiscal year 2006 and fiscal year 2015) and ends 10 fiscal years from that date. (*See* 42 U.S.C. 15881(a)–(d)) DOE is accepting comments on this and all other aspects of the draft guidance.

Issued in Washington, DC, on October 14, 2014.

David Danielson,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 2014–24919 Filed 10–17–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Request for Information; Assisting Federal Facilities With Energy Conservation Technologies, Fiscal Year 2015

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Request for Information (RFI) and public comment.

SUMMARY: The Department of Energy (DOE) today invites public comment on its Request for Information (RFI) number DE–FOA–0001203 regarding ''Assisting Federal Facilities with Energy Conservation Technologies Fiscal Year 2015.'' The RFI document is posted at *https://eere-exchange.energy.gov/.*

EERE intends to issue, on behalf of the U.S. Department of Energy (DOE) Federal Energy Management Program (FEMP), a Funding Opportunity Announcement (FOA) entitled ''Assisting Federal Facilities with Energy Conservation Technologies Fiscal Year 2015 (AFFECT 2015).'' This RFI seeks input from interested parties and stakeholders regarding the subject of the anticipated FOA and related details. If the FOA is issued, it will likely provide grants to Federal agencies for renewable energy projects that are incorporated into a privately financed performance contract, such as an Energy Savings Performance Contract or Utility Energy Service Contract, or as part of a renewable energy Power Purchase Agreement (PPA). Applications for renewable energy projects that are financed through appropriations will also be considered. If the FOA is issued, it will be released at some point in Fiscal Year 2015, which began October 1, 2014 and ends September 30, 2015.

This is solely a Request for Information and not a Funding Opportunity Announcement (FOA). EERE is not accepting applications.

DATES: Responses to the RFI must be received by November 13, 2014.

ADDRESSES: The complete RFI document is located at *https://eere-exchange.energy.gov/.*

FOR FURTHER INFORMATION CONTACT: Responses to the RFI should be sent via email or email attachment to *rfi.affect2015@hq.doe.gov.* Further instruction can be found in the RFI document posted on EERE Exchange.

SUPPLEMENTARY INFORMATION: This RFI is not a Funding Opportunity Announcement (FOA); therefore, EERE is not accepting applications at this time. EERE may issue a FOA in the future based on or related to the content and responses to this RFI; however, EERE may also elect not to issue a FOA. There is no guarantee that a FOA will be issued as a result of this RFI. Responding to this RFI does not provide any advantage or disadvantage to potential applicants if EERE chooses to issue a FOA regarding the subject matter. Final details, including the anticipated award size, quantity, and timing of EERE funded awards, will be subject to Congressional appropriations and direction.

Any information obtained as a result of this RFI is intended to be used by the Government on a non-attribution basis for planning and strategy development; this RFI does not constitute a formal solicitation for proposals or abstracts. Your response to this notice will be treated as information only. EERE will review and consider all responses in its formulation of program strategies for the identified materials of interest that are the subject of this request. EERE will not provide reimbursement for costs incurred in responding to this RFI. Respondents are advised that EERE is under no obligation to acknowledge receipt of the information received or provide feedback to respondents with respect to any information submitted under this RFI. Responses to this RFI do not bind EERE to any further actions related to this topic.

Issued on October 9, 2014.

Timothy D. Unruh,

Director, Federal Energy Management Program, Energy Efficiency and Renewable Energy.

[FR Doc. 2014–24867 Filed 10–17–14; 8:45 am]

BILLING CODE 6450–01–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: PR15–2–000.
Applicants: The Peoples Gas Light and Coke Company.
Description: Tariff filing per 284.123(b)(2) + (g): Application for Approval of Rates Pursuant to Sections 284.123 and 284.224 to be effective 11/1/2014; TOFC:1310.
Filed Date: 10/9/14.
Accession Number: 20141009–5070.
Comments Due: 5 p.m. ET 10/30/14.
284.123(g) Protests Due: 5 p.m. ET 12/8/14.

Docket Numbers: RP15–38–000.
Applicants: WBI Energy Transmission, Inc.
Description: § 4(d) rate filing per 154.204: 2014 Non-conforming Service Agreement—Revised NSP to be effective 5/1/2014.
Filed Date: 10/8/14.
Accession Number: 20141008–5058.
Comments Due: 5 p.m. ET 10/20/14.

Docket Numbers: RP15–39–000.
Applicants: Enable Gas Transmission, LLC.
Description: EGT Annual Report of Total Penalty Revenue Credits for period ending July 31, 2014.
Filed Date: 10/8/14.
Accession Number: 20141008–5100.
Comments Due: 5 p.m. ET 10/20/14.

Docket Numbers: RP15–40–000.
Applicants: Enable Gas Transmission, LLC.
Description: EGT Annual Report of Linked Firm Service Penalty Revenue Credits for period ending July 31, 2014.
Filed Date: 10/8/14.
Accession Number: 20141008–5101.
Comments Due: 5 p.m. ET 10/20/14.

Docket Numbers: RP15–41–000.
Applicants: Ozark Gas Transmission, L.L.C.
Description: § 4(d) rate filing per 154.204: Negotiated Rate Filing for 12–1–2014 to be effective 12/1/2014.
Filed Date: 10/9/14.
Accession Number: 20141009–5151.
Comments Due: 5 p.m. ET 10/21/14.

Docket Numbers: RP15–42–000.
Applicants: Northwest Pipeline LLC.
Description: § 4(d) rate filing per 154.204: Plymouth Tariff Sheet Update Filing to be effective 10/27/2014.
Filed Date: 10/9/14.
Accession Number: 20141009–5156.
Comments Due: 5 p.m. ET 10/21/14.

Docket Numbers: RP15–43–000.
Applicants: Guardian Pipeline, L.L.C.
Description: § 4(d) rate filing per 154.204: Summary of Agreements—Addition of Exelon PAL Agreements and Clean Up to be effective 11/1/2014.
Filed Date: 10/9/14.
Accession Number: 20141009–5201.
Comments Due: 5 p.m. ET 10/21/14.

Docket Numbers: RP15–44–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) rate filing per 154.204: Filing to Incorporate Volume 2 TOC and Remove Expired Agreements to be effective 9/23/2014.
Filed Date: 10/10/14.
Accession Number: 20141010–5054.
Comments Due: 5 p.m. ET 10/22/14.

Docket Numbers: RP15–45–000.
Applicants: Colorado Interstate Gas Company, L.L.C.
Description: Annual Report Detailing 2013 Surcharge of Colorado Interstate Gas Company, L.L.C.
Filed Date: 10/10/14.
Accession Number: 20141010–5161.
Comments Due: 5 p.m. ET 10/22/14.

Docket Numbers: RP15–46–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) rate filing per 154.601: Negotiated Rate Agmt—Antero to be effective 10/11/2014.
Filed Date: 10/10/14.
Accession Number: 20141010–5180.
Comments Due: 5 p.m. ET 10/22/14.

Docket Numbers: RP15–47–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) rate filing per 154.601: Negotiated & Non-Conforming Service Agmts—West Side to be effective 11/1/2014.
Filed Date: 10/10/14.
Accession Number: 20141010–5205.
Comments Due: 5 p.m. ET 10/22/14.

Docket Numbers: RP15–48–000.
Applicants: Lake Charles LNG Company, LLC.
Description: eTariff filing per 154.202: New Tariff Volume with Name Change to be effective 10/14/2014.
Filed Date: 10/14/14.
Accession Number: 20141014–5181.
Comments Due: 5 p.m. ET 10/27/14.

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 date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

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: October 14, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–24884 Filed 10–17–14; 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: PR12–24–001.
Applicants: Liberty Utilities (Midstates Natural Gas) Corp.
Description: Submits tariff filing per 284.123/.224: CP12–42–001 ISRS Compliance Filing to be effective 10/6/2014; TOFC: 790.
Filed Date: 10/6/14.
Accession Number: 20141006–5039.
Comments Due: 5 p.m. ET 10/27/14.
284.123(g) Protests Due:

Docket Numbers: PR15–1–000.
Applicants: ONEOK Field Services Company, L.L.C.
Description: Submits tariff filing per 284.123(b)(2)/.: OFS Firm 311 Rate Filing to be effective 11/1/2014; TOFC 760.
Filed Date: 10/2/14.
Accession Number: 20141002–5065.
Comments Due: 5 p.m. ET 10/23/14.
284.123(g) Protests Due:

Docket Numbers: RP15–32–000.
Applicants: Equitrans, L.P.
Description: Tariff Cancellation per 154.602: Terminate Negotiated Rate Agreement—Scharp Resources to be effective 10/7/2014.
Filed Date: 10/6/14.
Accession Number: 20141006–5047.
Comments Due: 5 p.m. ET 10/20/14.

Docket Numbers: RP15–33–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) rate filing per 154.204: Negotiated Rate for BP Energy K# 510771 to be effective 11/1/2014.

Filed Date: 10/6/14.
Accession Number: 20141006–5080.
Comments Due: 5 p.m. ET 10/20/14.
Docket Numbers: RP15–34–000.
Applicants: Enable Mississippi River Transmission, L.
Description: § 4(d) rate filing per 154.204: Negotiated Rate Filing to Amend LER 5680's Attachment A_10–6–14 to be effective 10/6/2014.
Filed Date: 10/6/14.
Accession Number: 20141006–5092.
Comments Due: 5 p.m. ET 10/20/14.
Docket Numbers: RP15–35–000.
Applicants: Natural Gas Pipeline Company of America.
Description: Penalty Revenue Crediting Report of Natural Gas Pipeline Company of America LLC.
Filed Date: 10/6/14.
Accession Number: 20141006–5187.
Comments Due: 5 p.m. ET 10/20/14.
Docket Numbers: RP15–36–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: § 4(d) rate filing per 154.204: Negotiated Rates Filing on 10–7–14 to be effective 10/20/2014.
Filed Date: 10/7/14.
Accession Number: 20141007–5059.
Comments Due: 5 p.m. ET 10/20/14.
Docket Numbers: RP15–37–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) rate filing per 154.204: Amendment to Neg Rate Agmt (Questar 37657–96) to be effective 10/8/2014.
Filed Date: 10/8/14.
Accession Number: 20141008–5037.
Comments Due: 5 p.m. ET 10/20/14.

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 date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

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: October 8, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–24883 Filed 10–17–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–6–000.
Applicants: American Transmission Company LLC.
Description: Application of ATC for Authority to Acquire Transmission Facilities Under Section 203 of the FPA.
Filed Date: 10/9/14.
Accession Number: 20141009–5094.
Comments Due: 5 p.m. ET 10/30/14.
Docket Numbers: EC15–7–000.
Applicants: American Transmission Company LLC.
Description: Application of ATCLLC for Authority to Acquire Transmission Facilities Under Section 203 of the FPA.
Filed Date: 10/9/14.
Accession Number: 20141009–5102.
Comments Due: 5 p.m. ET 10/30/14.
Docket Numbers: EC15–8–000.
Applicants: American Transmission Company LLC.
Description: Application of ATCLLC for Authority to Acquire Transmission Facilities Under Section 203 of the FPA.
Filed Date: 10/9/14.
Accession Number: 20141009–5103.
Comments Due: 5 p.m. ET 10/30/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–2908–000.
Applicants: Public Service Company of New Mexico.
Description: Southern California Public Power Authority submits Certificate of Concurrence to the Public Service Company of New Mexico San Juan Generating Station Fuel and Capital Funding Agreement.
Filed Date: 10/9/14.
Accession Number: 20141009–5171.
Comments Due: 5 p.m. ET 10/30/14.
Docket Numbers: ER15–52–001.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Tariff Amendment per 35.17(b): 2014–10–09 GVTC Amendment to be effective 12/6/2014.
Filed Date: 10/9/14.
Accession Number: 20141009–5205.
Comments Due: 5 p.m. ET 10/30/14.
Docket Numbers: ER15–64–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: Compliance filing per 35: Amendments Related to Order No. 784 Compliance Order to be effective 12/9/2014.
Filed Date: 10/9/14.
Accession Number: 20141009–5150.
Comments Due: 5 p.m. ET 10/30/14.
Docket Numbers: ER15–65–000.
Applicants: Public Service Company of New Hampshire.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 8 PSNH Qualifying Facility Interconnection Agreements to be effective 12/8/2014.
Filed Date: 10/9/14.
Accession Number: 20141009–5164.
Comments Due: 5 p.m. ET 10/30/14.
Docket Numbers: ER15–66–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2014–10–09_GMC to be effective 1/1/2015.
Filed Date: 10/9/14.
Accession Number: 20141009–5200.
Comments Due: 5 p.m. ET 10/30/14.
Docket Numbers: ER15–67–000.
Applicants: Ameren Illinois Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Letter Agreement Between AIC and Prairie Power, Inc. to be effective 9/23/2014.
Filed Date: 10/9/14.
Accession Number: 20141009–5217.
Comments Due: 5 p.m. ET 10/30/14.
Docket Numbers: ER15–68–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Revisions to OATT Att DD Section 5.14(h) re: New Entry costs for CC/CT for MOPR to be effective 12/8/2014.
Filed Date: 10/9/14.
Accession Number: 20141009–5219.
Comments Due: 5 p.m. ET 10/30/14.

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: October 9, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–24882 Filed 10–17–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–2897–001.

Applicants: Direct Energy Business, LLC.

Description: Tariff Amendment per 35.17(b): Amendment to 51 to be effective 10/10/2014.

Filed Date: 10/9/14.

Accession Number: 20141009–5246.

Comments Due: 5 p.m. ET 10/30/14.

Docket Numbers: ER14–2898–001.

Applicants: Direct Energy Marketing Inc.

Description: Tariff Amendment per 35.17(b): Amendment to 49 to be effective 10/10/2014.

Filed Date: 10/9/14.

Accession Number: 20141009–5238.

Comments Due: 5 p.m. ET 10/30/14.

Docket Numbers: ER14–2899–001.

Applicants: Direct Energy Services, LLC.

Description: Tariff Amendment per 35.17(b): Amendment to 48 to be effective 10/10/2014.

Filed Date: 10/9/14.

Accession Number: 20141009–5231.

Comments Due: 5 p.m. ET 10/30/14.

Docket Numbers: ER14–2901–001.

Applicants: Energy America, LLC.

Description: Tariff Amendment per 35.17(b): Amendment to 50 to be effective 10/10/2014.

Filed Date: 10/9/14.

Accession Number: 20141009–5220.

Comments Due: 5 p.m. ET 10/30/14.

Docket Numbers: ER15–69–000.

Applicants: Direct Energy Small Business, LLC.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Normal 2014 to be effective 10/10/2014.

Filed Date: 10/9/14.

Accession Number: 20141009–5232.

Comments Due: 5 p.m. ET 10/30/14.

Docket Numbers: ER15–70–000.

Applicants: Erie Power, LLC.

Description: Initial rate filing per 35.12 Erie Power Market Based Rate Tariff to be effective 12/9/2014.

Filed Date: 10/9/14.

Accession Number: 20141009–5254.

Comments Due: 5 p.m. ET 10/30/14.

Docket Numbers: ER15–71–000.

Applicants: Direct Energy Business Marketing, LLC.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Normal 2014 to be effective 10/10/2014.

Filed Date: 10/9/14.

Accession Number: 20141009–5256.

Comments Due: 5 p.m. ET 10/30/14.

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: October 10, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–24888 Filed 10–17–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–9–000.

Applicants: Duke Energy Progress, Inc.

Description: Application for Authorization to Transfer Jurisdictional Assets Under Section 203 of the Federal Power Act of Duke Energy Progress, Inc.

Filed Date: 10/10/14.

Accession Number: 20141010–5155.

Comments Due: 5 p.m. ET 10/31/14.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG15–4–000.

Applicants: Mesquite Creek Wind LLC.

Description: Self-Certification of EG or FC of Mesquite Creek Wind LLC.

Filed Date: 10/10/14.

Accession Number: 20141010–5090.

Comments Due: 5 p.m. ET 10/31/14.

Docket Numbers: EG15–5–000.

Applicants: Sky Global Power One, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator of Sky Global Power One, LLC.

Filed Date: 10/10/14.

Accession Number: 20141010–5122.

Comments Due: 5 p.m. ET 10/31/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–2678–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment per 35.17(b): 2014–10–10_SA 2684 Amended GRE–MP Ortman T–T IA to be effective 8/20/2014.

Filed Date: 10/10/14.

Accession Number: 20141010–5095.

Comments Due: 5 p.m. ET 10/31/14.

Docket Numbers: ER14–2894–001.

Applicants: Bounce Energy NY, LLC.

Description: Tariff Amendment per 35.17(b): Amendment to 128 to be effective 10/10/2014.

Filed Date: 10/10/14.

Accession Number: 20141010–5000.

Comments Due: 5 p.m. ET 10/31/14.

Docket Numbers: ER14–2896–001.

Applicants: Bounce Energy PA, LLC.

Description: Tariff Amendment per 35.17(b): Amendment to 129 to be effective 10/10/2014.

Filed Date: 10/10/14.

Accession Number: 20141010–5001.

Comments Due: 5 p.m. ET 10/31/14.

Docket Numbers: ER15–72–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 1976R3 Kaw Valley Electric Cooperative, Inc. NITSA and NOA to be effective 8/1/2014.

Filed Date: 10/10/14.

Accession Number: 20141010–5075.

Comments Due: 5 p.m. ET 10/31/14.

Docket Numbers: ER15–73–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2014–10–10_SVP_MSSA to be effective 11/1/2014.

Filed Date: 10/10/14.

Accession Number: 20141010–5100.

Comments Due: 5 p.m. ET 10/31/14.

Docket Numbers: ER15–74–000.

Applicants: Duke Energy Progress, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): DEP–NCEMPA Wholesale PPA and Amendments to Rate Schedules to be effective 12/10/2014.

Filed Date: 10/10/14.
Accession Number: 20141010–5134.
Comments Due: 5 p.m. ET 10/31/14.
Docket Numbers: ER15–75–000.
Applicants: PacifiCorp.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Revised Network Integration Transmission SAs (BAL–002) to be effective 10/1/2014.
Filed Date: 10/10/14.
Accession Number: 20141010–5143.
Comments Due: 5 p.m. ET 10/31/14.

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: October 10, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–24889 Filed 10–17–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–4–000.
Applicants: AL Sandersville, LLC, Effingham County Power, LLC, MPC Generating, LLC, Walton County Power, LLC, Washington County Power, LLC.
Description: Application for Authorization for Disposition of Jurisdictional Facilities and Request for Expedited Action of AL Sandersville, LLC, et. al.
Filed Date: 10/8/14.
Accession Number: 20141008–5218.
Comments Due: 5 p.m. ET 10/29/14.
Docket Numbers: EC15–5–000.
Applicants: American Transmission Company LLC.
Description: Application of ATCLLC for Authority to Acquire Transmission Facilities Under Section 203 of the FPA.
Filed Date: 10/9/14.
Accession Number: 20141009–5085.
Comments Due: 5 p.m. ET 10/30/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–701–002.
Applicants: New York Independent System Operator, Inc.
Description: Compliance filing per 35: Compliance filing—set effective date for NYISO/ISONE CTS provisions to be effective 10/22/2014.
Filed Date: 10/8/14.
Accession Number: 20141008–5142.
Comments Due: 5 p.m. ET 10/29/14.
Docket Numbers: ER14–552–001.
Applicants: New York Independent System Operator, Inc.
Description: Compliance filing per 35: NYISO filing re: 2-week advance notice for CTS implementation/effective date to be effective 10/22/2014.
Filed Date: 10/8/14.
Accession Number: 20141008–5143.
Comments Due: 5 p.m. ET 10/29/14.
Docket Numbers: ER14–2552–001.
Applicants: New York Independent System Operator, Inc.
Description: Compliance filing per 35: Compliance filing—set effective date for NYISO CTS provisions to be effective 10/22/2014.
Filed Date: 10/8/14.
Accession Number: 20141008–5144.
Comments Due: 5 p.m. ET 10/29/14.
Docket Numbers: ER14–2570–001.
Applicants: Southwest Power Pool, Inc.
Description: Compliance filing per 35: Order 792 Small Generator Interconnection Amended Compliance Filing to be effective 8/1/2014.
Filed Date: 10/8/14.
Accession Number: 20141008–5165.
Comments Due: 5 p.m. ET 10/15/14.
Docket Numbers: ER14–2587–001.
Applicants: Black Hills Power, Inc.
Description: Compliance filing per 35: Additional Changes to Pending Order No. 792 Compliance Filing to be effective 8/5/2014.
Filed Date: 10/8/14.
Accession Number: 20141008–5199.
Comments Due: 5 p.m. ET 10/29/14.
Docket Numbers: ER14–2588–001.
Applicants: Black Hills/Colorado Electric Utility Co.
Description: Compliance filing per 35: Additional Changes to Pending Order No. 792 Compliance Filing to be effective 8/5/2014.
Filed Date: 10/8/14.
Accession Number: 20141008–5191.
Comments Due: 5 p.m. ET 10/29/14.
Docket Numbers: ER14–2589–001.
Applicants: Cheyenne Light, Fuel and Power Company.
Description: Compliance filing per 35: Additional Changes to Pending Order No. 792 Compliance Filing to be effective 8/5/2014.
Filed Date: 10/8/14.
Accession Number: 20141008–5194.
Comments Due: 5 p.m. ET 10/29/14.
Docket Numbers: ER14–2825–001.
Applicants: Backbone Mountain Windpower LLC.
Description: Compliance filing per 35: Backbone Mountain Windpower, LLC Amendment to Order No. 784 Compliance Filing to be effective 9/11/2014.
Filed Date: 10/8/14.
Accession Number: 20141008–5163.
Comments Due: 5 p.m. ET 10/29/14.
Docket Numbers: ER14–2826–001.
Applicants: Bayswater Peaking Facility, LLC.
Description: Compliance filing per 35: Bayswater Peaking Facility, LLC Amendment to Order No. 784 Compliance Filing to be effective 9/11/2014.
Filed Date: 10/8/14.
Accession Number: 20141008–5169.
Comments Due: 5 p.m. ET 10/29/14.
Docket Numbers: ER14–2827–001.
Applicants: Energy Storage Holdings, LLC.
Description: Compliance filing per 35: Energy Storage Holdings, LLC Amendment to Order No. 784 Compliance Filing to be effective 9/11/2014.
Filed Date: 10/8/14.
Accession Number: 20141008–5175.
Comments Due: 5 p.m. ET 10/29/14.
Docket Numbers: ER14–2828–001.
Applicants: FPL Energy Cape, LLC.
Description: Compliance filing per 35: FPL Energy Cape, LLC Amendment to Order No. 784 Compliance Filing to be effective 9/11/2014.
Filed Date: 10/8/14.
Accession Number: 20141008–5176.
Comments Due: 5 p.m. ET 10/29/14.
Docket Numbers: ER14–2829–001.
Applicants: FPL Energy Illinois Wind, LLC.
Description: Compliance filing per 35: FPL Energy Illinois Wind, LLC Amendment to Order No. 784 Compliance Filing to be effective 9/11/2014.
Filed Date: 10/8/14.
Accession Number: 20141008–5178.
Comments Due: 5 p.m. ET 10/29/14.
Docket Numbers: ER14–2830–001.
Applicants: FPL Energy Marcus Hook, L.P.

Description: Compliance filing per 35: FPL Energy Marcus Hook, L.P. Amendment to Order No. 784 Compliance Filing to be effective 9/11/2014.

Filed Date: 10/8/14.

Accession Number: 20141008–5179.

Comments Due: 5 p.m. ET 10/29/14.

Docket Numbers: ER14–2831–001.

Applicants: FPL Energy Wyman LLC.

Description: Compliance filing per 35: FPL Energy Wyman, LLC Amendment to Order No. 784 Compliance Filing to be effective 9/11/2014.

Filed Date: 10/8/14.

Accession Number: 20141008–5181.

Comments Due: 5 p.m. ET 10/29/14.

Docket Numbers: ER14–2832–001.

Applicants: FPL Energy Wyman IV LLC.

Description: Compliance filing per 35: FPL Energy Wyman IV, LLC Amendment to Order No. 784 Compliance Filing to be effective 9/11/2014.

Filed Date: 10/8/14.

Accession Number: 20141008–5184.

Comments Due: 5 p.m. ET 10/29/14.

Docket Numbers: ER14–2833–001.

Applicants: Jamaica Bay Peaking Facility, LLC.

Description: Compliance filing per 35: Jamaica Bay Peaking Facility, LLC Amendment to Order No. 784 Compliance Filing to be effective 9/11/2014.

Filed Date: 10/8/14.

Accession Number: 20141008–5186.

Comments Due: 5 p.m. ET 10/29/14.

Docket Numbers: ER14–2836–001.

Applicants: Meyersdale Windpower LLC.

Description: Compliance filing per 35: Meyersdale Windpower LLC Amendment to Order No. 784 Compliance Filing to be effective 9/11/2014.

Filed Date: 10/8/14.

Accession Number: 20141008–5187.

Comments Due: 5 p.m. ET 10/29/14.

Docket Numbers: ER14–2837–001.

Applicants: Mill Run Windpower, LLC.

Description: Compliance filing per 35: Mill Run Windpower, LLC Amendment to Order No. 784 Compliance Filing to be effective 9/11/2014.

Filed Date: 10/8/14.

Accession Number: 20141008–5188.

Comments Due: 5 p.m. ET 10/29/14.

Docket Numbers: ER14–2838–001.

Applicants: NEPM II, LLC.

Description: Compliance filing per 35: NEPM II, LLC Amendment to Order No. 784 Compliance Filing to be effective 9/11/2014.

Filed Date: 10/8/14.

Accession Number: 20141008–5189.

Comments Due: 5 p.m. ET 10/29/14.

Docket Numbers: ER14–2839–001.

Applicants: NextEra Energy Seabrook, LLC.

Description: Compliance filing per 35: NextEra Energy Seabrook, LLC Amendment to Order No. 784 Compliance Filing to be effective 9/11/2014.

Filed Date: 10/8/14.

Accession Number: 20141008–5190.

Comments Due: 5 p.m. ET 10/29/14.

Docket Numbers: ER14–2840–001.

Applicants: NextEra Energy Services Massachusetts, LLC.

Description: Compliance filing per 35: NextEra Energy Services Massachusettes, LLC Amend to Order No. 784 Compliance to be effective 9/11/2014.

Filed Date: 10/8/14.

Accession Number: 20141008–5192.

Comments Due: 5 p.m. ET 10/29/14.

Docket Numbers: ER14–2841–001.

Applicants: North Jersey Energy Associates, A Limited Partnership.

Description: Compliance filing per 35: NJEA Amendment to Order No. 784 Compliance Filing to be effective 9/11/2014.

Filed Date: 10/8/14.

Accession Number: 20141008–5193.

Comments Due: 5 p.m. ET 10/29/14.

Docket Numbers: ER14–2842–001.

Applicants: Northeast Energy Associates, A Limited Partnership.

Description: Compliance filing per 35: Northeast Energy Associates, L.P. Amendment to Order No. 784 Compliance Filing to be effective 9/11/2014.

Filed Date: 10/8/14.

Accession Number: 20141008–5195.

Comments Due: 5 p.m. ET 10/29/14.

Docket Numbers: ER14–2843–001.

Applicants: Pennsylvania Windfarms, LLC.

Description: Compliance filing per 35: Pennsylvania Windfarms, LLC Amendment to Order No. 784 Compliance Filing to be effective 9/11/2014.

Filed Date: 10/8/14.

Accession Number: 20141008–5196.

Comments Due: 5 p.m. ET 10/29/14.

Docket Numbers: ER14–2844–001.

Applicants: Somerset Windpower, LLC.

Description: Compliance filing per 35: Somerset Windpower, LLC Amendment to Order No. 784 Compliance Filing to be effective 9/11/2014.

Filed Date: 10/8/14.

Accession Number: 20141008–5197.

Comments Due: 5 p.m. ET 10/29/14.

Docket Numbers: ER14–2845–001.

Applicants: Waymart Wind Farm L.P.

Description: Compliance filing per 35: Waymart Wind Farm, L.P. Amendment to Order No. 784 Compliance Filing to be effective 9/11/2014.

Filed Date: 10/8/14.

Accession Number: 20141008–5198.

Comments Due: 5 p.m. ET 10/29/14.

Docket Numbers: ER14–2857–001.

Applicants: FPL Energy MH50, L.P.

Description: Compliance filing per 35: FPL Energy MH50, L.P. Amendment to Order No. 784 Compliance Filing to be effective 9/11/2014.

Filed Date: 10/8/14.

Accession Number: 20141008–5180.

Comments Due: 5 p.m. ET 10/29/14.

Docket Numbers: ER15–63–000.

Applicants: PJM Interconnection, L.L.C., American Transmission Systems, Incorporated, Pennsylvania Electric Company, The Potomac Edison Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): ATSI, Penelec and Potomac Edison submit Service Agreement Nos. 3944 thru 3953 to be effective 12/8/2014.

Filed Date: 10/8/14.

Accession Number: 20141008–5177.

Comments Due: 5 p.m. ET 10/29/14.

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: October 9, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–24881 Filed 10–17–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications

Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requester
Prohibited		
1. CP13–113–000	9–18–14	Calvert Citizens.[1]
2. CP13–113–000	9–25–14	J. Capozzelli.
3. CP14–17–000	9–26 to 10–1–14	Chain emails.[2]
4. CP13–113–000	9–30–14	Robert E. Rutkowski.[3]
5. P–2305–036	10–10–14	Toledo-Bend Citizens Advisory Committee.
Exempt		
1. P–13994–002	9–16–14	US Fish & Wildlife.[4]
2. P–13948–002	9–16–14	US Fish & Wildlife.[5]
3. CP14–119–000; CP14–120–000; CP14–122–000	9–19–14	FERC Staff.[6]
4. CP13–483–000; CP13–492–000	9–24–14	FERC Staff.[7]
5. CP14–96–000	9–25–14	Hon. Stephen F. Lynch.
6. CP14–96–000	9–25–14	Gov. Paul R. LePage.
7. CP14–96–000; PF13–16–000	9–30–14	Hon. Elizabeth H. Esty.
8. CP13–483–000	10–6–14	FERC Staff.[8]
9. CP14–96–000	10–6–14	Mayor Martin J. Walsh.
10. CP14–497–000	10–7–14	Associated General Contractors Of New York State, LLC.
11. CP13–483–000; CP13–492–000	10–8–14	FERC Staff.[9]
12. CP14–96–000	10–9–14	Hon. Nita M. Lowey.

[1] A CD containing approximately 21,320 letters was given to the Commission.
[2] 114 Chain emails have been sent to FERC Commissioners and staff under this docket number.
[3] Email record.
[4] Email record.
[5] Email record.
[6] Telephone record.
[7] Telephone record.
[8] Email record.
[9] Telephone record.

Dated: October 10, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–24887 Filed 10–17–14; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection Renewals; Comment Request (3064–0022, 0027 & 0115)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, 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 the renewal of existing information collections, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comment on renewal of the information collections described below.

DATES: Comments must be submitted on or before December 19, 2014.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/.*
- *Email: comments@fdic.gov* Include the name of the collection in the subject line of the message.
- *Mail:* Gary A. Kuiper (202.898.3877), Counsel, Room NYA–5046, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gary A. Kuiper, at the FDIC address above.

SUPPLEMENTARY INFORMATION:

Proposal To Renew the Following Currently-Approved Collections of Information

1. *Title:* Securities of Insured Nonmember Banks.
OMB Number: 3064–0022.
Form Numbers: Form MSD–4 or Form MSD–5.
Affected Public: State non-member banks and savings associations.
Estimated Number of Respondents: 75.
Estimated Time per Response: 1 hour.
Frequency of Response: On occasion.
Total estimated annual burden: 75 hours.
General Description of Collection: An insured state nonmember bank that serves as a municipal securities dealer must file Form MSD–4 or Form MSD–5, as applicable, to permit an employee to become associated with, or to terminate the association with, the municipal securities dealer. The filing requirements are based on rules promulgated by the Municipal Securities Rulemaking Board.

2. *Title:* Request for Deregistration for Registered Transfer Agents.
OMB Number: 3064–0027.
Form Number: FDIC Form 6342/12.
Affected Public: Insured financial institutions.
Estimated Number of Respondents: 5.
Frequency of Response: On occasion.
Estimated Annual Burden Hours per Response: .42 hours.
Total estimated annual burden: 2.1 hours.
General Description of Collection: Under the Securities Exchange Act of 1934 (15 U.S.C. 78q–1), an insured nonmember bank (or a subsidiary of such a bank) that functions as a transfer agent may withdraw from registration as a transfer agent by filing a written notice of withdrawal with the FDIC. The FDIC requires such banks to file FDIC Form 6342/12.

3. *Title:* Prompt Corrective Action.
OMB Number: 3064–0115.
Affected Public: Insured financial institutions.
Estimated Burden Hours:
Number of reports submitted: 50.
Hours to prepare the report: 4.
Total annual burden hours: 200 hours.

General Description of Collection: The Prompt Corrective Action (''PCA'') provisions of section 38 of the Federal Deposit Insurance Act require or permit the FDIC and other federal banking agencies to take certain supervisory actions when FDIC-insured institutions fall within one of five capital categories. They also restrict or prohibit certain activities and require the submission of a capital restoration plan when an insured institution becomes undercapitalized. Various provisions of the statute and the FDIC's implementing regulations require the prior approval of the FDIC before an FDIC-supervised institution can engage in certain activities, or allow the FDIC to make exceptions to restrictions that would otherwise be imposed. This collection of information consists of the applications that are required to obtain the FDIC's prior approval.

Request for Comment

Comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collections, 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 information collections on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

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

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–24839 Filed 10–17–14; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10:00 a.m. on Tuesday, October 21, 2014, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous Board of Directors' Meetings.

Memorandum and resolution re: Proposed Rule to Revise 12 CFR part 340, ''Restrictions on Sales of Assets by the Federal Deposit Insurance Corporation''.

Memorandum and resolution re: Joint Notice of Proposed Rulemaking for the Purpose of Implementing the Escrow Requirements of the Homeowner Flood Insurance Affordability Act.

Memorandum and resolution re: Notice of Proposed Rulemaking Regarding the Retention of Records of a Covered Financial Company and of the FDIC as Receiver pursuant to the Dodd-Frank Act.

Memorandum and resolution re: Designated Reserve Ratio for 2015.

Memorandum and resolution re: Final Rule regarding Part 390 Subpart U and Part 335—Securities of State Nonmember Banks and State Savings Associations.

Summary reports, status reports, reports of the Office of Inspector General, and reports of actions taken pursuant to authority delegated by the Board of Directors.

Discussion Agenda: Memorandum and resolution re: Final Rule: Credit Risk Retention.

Briefing re: Update of Projected Deposit Insurance Fund Losses, Income, and Reserve Ratios for the Restoration Plan.

The meeting will be held in the Board Room temporarily located on the fourth floor of the FDIC Building located at 550 17th Street NW., Washington, DC.

This Board meeting will be Webcast live via the Internet and subsequently made available on-demand approximately one week after the event. Visit *https://fdic.primetime.mediaplatform.com/#/channel/1232003497484/Board+Meetings* to view the event. If you need any technical assistance, please visit our Video Help page at: *http://www.fdic.gov/video.html.*

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call 703–562–2404 (Voice) or 703–649–4354 (Video Phone) to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at 202–898–7043.

Dated: October 16, 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–24993 Filed 10–16–14; 4:15 pm]

BILLING CODE P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, October 23, 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 October 9, 2014

Draft Advisory Opinion 2014–16: Connecticut Democratic State Central Committee

Proposed Final Audit Report on the Democratic Party of Illinois (A11–15)

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. 2014–25015 Filed 10–16–14; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 4, 2014.

A. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *Louis Bernard Eckelkamp, Jr., and William Wood Eckelkamp, both of Washington, Missouri, and Susan Ellen Eckelkamp, St. Albans, Missouri, individually; and Robert Marvin and Judith Ann Tobben,* both of Washington, Missouri; to acquire voting shares of Cardinal Bancorp, Inc., and thereby indirectly acquire voting shares of Citizens National Bank of Greater St. Louis, both in Maplewood, Missouri.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Michael E. Rockers, Nancy J. Rockers, Patrick N. Rockers, Connie M. Rockers, Douglas A. Rockers, Paige M. Rockers, Lori K. Rockers, all of Greeley, Kansas; Diane M. Fyock, Desoto, Kansas; Sennett M. Rockers, Philadelphia, Pennsylvania; Weston B. Rockers, Los Angeles, California; Tyler C. Rockers, Lawrence, Kansas; Troy N. Rockers, Garnett, Kansas; and Todd A. Foltz,* Merriam, Kansas; all acting as a group in concert, to retain voting shares of Greeley Bancshares, Inc., and thereby indirectly retain voting shares of Bank of Greeley, both in Greeley, Kansas.

Board of Governors of the Federal Reserve System, October 15, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–24901 Filed 10–17–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 14, 2014.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. *American National Bankshares Inc.,* Danville, Virginia; to merge with MainStreet Bankshares Inc., Martinsville, Virginia, and thereby indirectly acquire Franklin Community

Bank, National Association, Rocky Mount, Virginia.

B. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Park Cities Financial Group, Inc.,* Dallas, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of CU Bank Shares, Inc., and thereby indirectly acquire Town North Bank, National Association, both in Dallas, Texas.

Board of Governors of the Federal Reserve System, October 15, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–24900 Filed 10–17–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of September 16–17, 2014

In accordance with Section 271.25 of its rules regarding availability of information (12 CFR part 271), there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on September 16–17, 2014.[1]

Consistent with its statutory mandate, the Federal Open Market Committee seeks monetary and financial conditions that will foster maximum employment and price stability. In particular, the Committee seeks conditions in reserve markets consistent with federal funds trading in a range from 0 to ¼ percent. The Committee directs the Desk to undertake open market operations as necessary to maintain such conditions. Beginning in October, the Desk is directed to purchase longer-term Treasury securities at a pace of about $10 billion per month and to purchase agency mortgage-backed securities at a pace of about $5 billion per month. The Committee also directs the Desk to engage in dollar roll and coupon swap transactions as necessary to facilitate settlement of the Federal Reserve's agency mortgage-backed securities transactions. The Committee directs the Desk to maintain its policy of rolling over maturing Treasury securities into new issues and its policy of reinvesting principal payments on all agency debt and agency mortgage-backed securities in agency mortgage-backed securities. The System Open Market Account manager and the secretary will keep the Committee informed of ongoing developments regarding the System's balance sheet that could affect the attainment over time of the Committee's objectives of maximum employment and price stability.

By order of the Federal Open Market Committee, October 9, 2014.

William B. English,

Secretary, Federal Open Market Committee.

[FR Doc. 2014–24832 Filed 10–17–14; 8:45 am]

BILLING CODE 6210–01–P

[1] Copies of the Minutes of the Federal Open Market Committee at its meeting held on September 16–17, 2014, which includes the domestic policy directive issued at the meeting, are available upon request to the Board of Governors of the Federal Reserve System, Washington, DC 20551. The minutes are published in the Federal Reserve Bulletin and in the Board's Annual Report.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act; Notice of Meeting

TIME AND DATE: 8:30 a.m. October 27, 2014.

PLACE: 10th Floor Board Meeting Room, 77 K Street, NE., Washington, DC 20002.

STATUS: Parts will be open to the public and parts closed to the public.

MATTERS TO BE CONSIDERED:

Parts Open to the Public

1. Approval of the Minutes of the September 29, 2014 Board Member Meeting
2. Thrift Savings Plan Reports
   a. Monthly Participant Activity Report
   b. Quarterly Investment Policy Report
   c. Legislative Report
3. BlackRock Account Review
4. Quarterly Reports
   a. Vendor Financials
   b. Audit Status
   c. Budget Review
5. Internal Audit Charter
6. Annual Review of Capital Markets and L Funds (Mercer)

Parts Closed to the Public

1. Procurement
2. Personnel

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director Office of External Affairs, (202) 942–1640.

Dated: October 16, 2014.

James Petrick,

Secretary, Federal Retirement Thrift Investment Board.

[FR Doc. 2014–24973 Filed 10–16–14; 8:45 am]

BILLING CODE 6760–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection: Comment Request

AGENCY: Federal Trade Commission (''Commission'' or ''FTC'').

ACTION: Notice.

SUMMARY: The FTC plans to conduct a study to examine consumer perception of fuel economy advertising. The study is part of the Commission's regulatory review of the Guide Concerning Fuel Economy Advertising for New Automobiles (''Fuel Economy Guide'' or ''Guide''). This is the second of two notices required under the Paperwork Reduction Act (''PRA'') in which the FTC seeks public comments on its proposed consumer research in connection with Office of Management and Budget (''OMB'') review of, and clearance for, the collection of information discussed herein.

DATES: Comments must be received on or before November 19, 2014.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Fuel Economy Consumer Study, Project No. P134202'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/fueleconomystudypra2,* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex 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.

FOR FURTHER INFORMATION CONTACT: Hampton Newsome, 202–326–2889, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Mailstop CC–9528, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Background

The Commission issued the Guide Concerning Fuel Economy Advertising for New Automobiles (''Fuel Economy Guide'' or ''Guide'') (16 CFR Part 259) in 1975 to prevent deceptive fuel economy advertising and to facilitate the use of fuel economy information in advertising. The Guide helps advertisers

avoid unfair or deceptive claims under Section 5 of the FTC Act.[1] To accomplish this goal, the Guide advises marketers to disclose established Environmental Protection Agency (EPA) fuel economy estimates (*e.g.,* miles per gallon or ''mpg'') whenever they make any fuel economy claim based on those estimates. In addition, if advertisers make fuel economy claims based on non-EPA tests, the Guide directs them also to disclose EPA-derived fuel economy estimates and provide details about the non-EPA tests such as the source of the test, driving conditions, and vehicle configurations.

On May 15, 2014, the Commission published a Notice (79 FR 27820) resuming its regulatory review of the Guide, which previously had been postponed [2] pending new fuel economy labeling requirements from the EPA and completion of the FTC's review of its Alternative Fuel Rule (16 CFR Part 309). On May 8, 2014, the Commission published a separate Notice (79 FR 26428) seeking comment under the PRA on the planned FTC consumer research designed to aid the regulatory review.

II. FTC's Proposed Study

A. Study Description

As part of the ongoing regulatory review, the FTC plans to conduct Internet-based consumer research to explore consumer perceptions of certain fuel economy claims to help the Commission better advise marketers on how to comply with the law. Specifically, using a treatment-effect methodology, the proposed study will compare participant responses regarding their understanding of a variety of claim types, such as general fuel economy claims (*e.g.,* ''this car gets great gas mileage''), specific MPG claims (*e.g.,* ''25 mpg''), and electric vehicle claims. To aid in developing possible changes to the Fuel Economy Guide, FTC staff will consider the consumer research results in conjunction with the broad range of issues raised by commenters during the Guide review.

Having considered the costs and benefits of various data collection methods, FTC staff has concluded that an Internet panel with nationwide coverage will provide the most efficient way to collect data to meet the research objectives within a feasible budget. Thus, the FTC proposes to collect responses from U.S. automobile consumers representing a broad spectrum of the U.S. adult population. Participants will be drawn from an Internet panel maintained by a commercial firm. All participation will be voluntary. While the results will not be generalizable to the U.S. population, the Commission believes that they will provide useful insights into consumer understanding of the claims being considered. The FTC has contracted with Great Lakes Marketing, a consumer research firm with substantial experience assessing consumer communications via the Internet and alternative protocols, to administer the Internet study.

B. PRA Burden Analysis

In its May 8, 2014 Notice, the FTC provided PRA burden estimates for the research. Staff is revising certain assumptions based on a more precise target population and further consultation with its contractor regarding the anticipated response rate. The contractor anticipates that approximately 50% percent of those invited to participate in the study will fully complete the pretest and questionnaire. Accordingly, the contractor might contact as many as 8,000 persons to achieve the study's goal of fully surveying 3,600 respondents and pretesting an additional 100 respondents beforehand. Staff projects that those who will prematurely end the process will do so in under one minute. Thus, this activity will total 72 hours (4,300 respondents × 1 minute).

As before, staff estimates that respondents to the Internet questionnaire will require, on average, approximately 20 minutes to complete it. Staff will pretest the questionnaire with approximately 100 respondents to ensure that all questions are easily understood. Allowing for an extra three minutes for questions unique to the pretest, the pretest will total approximately 38 hours cumulatively (100 respondents × 23 minutes each). Once the pretest is completed, the FTC plans to seek information from up to 3,600 respondents for approximately 20 minutes each for a total of 1,200 hours. Thus, cumulatively, for all respondents, responding to the FTC's pretest and questionnaire will consume approximately 1,310 hours. The cost per respondent should be negligible. Participation is voluntary and will not require any labor expenditures by respondents. There are no capital, start-up, operation, maintenance, or other similar costs to the respondents.

III. Paperwork Reduction Act

Under the PRA, 44 U.S.C. 3501–3521, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party.[3] As required by section 3506(c)(2) of the PRA, the FTC published a notice seeking public comment on the proposed collections of information. *See* 79 FR 16330 (Mar. 25, 2014). In response to the PRA notice, the Commission did not receive any comments. However, in response to its May 15, 2014 Notice announcing resumption of the regulatory review of the Guide, two commenters discussed the proposed research.

Pursuant to the OMB regulations, 5 CFR Part 1320, that implement the PRA, the Commission is providing this second opportunity for public comment. All comments should be filed as prescribed in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below, and must be received on or before November 19, 2014.

IV. Analysis of Comments

As noted above, in response to a separate Notice, the Commission received two comments related to the proposed study.

Consumer Groups: A group of consumer, energy efficiency, and environmental organizations [4] urged the FTC to test various format and font requirements to determine the most effective way to communicate fuel economy information in radio, print, television, and the web. Though such information may be helpful for advertisers, the FTC staff does not plan to devote the limited resources of this study to explore font and format issues. Instead, the FTC staff plans to focus on fundamental issues related to respondents' understanding of various claim types. In addition, the FTC has already provided substantial guidance on conspicuous disclosures in other

[1] 15 U.S.C. 45(a). The Commission's industry guides, such as the Fuel Economy Guide, are administrative interpretations of the application of Section 5 of the FTC Act, 15 U.S.C. 45(a), to advertising claims. The Commission issues industry guides to provide guidance for the public to conform with legal requirements. The Guide provides the basis for voluntary abandonment of unlawful practices by industry members. 16 CFR Part 17. The Guide does not have the force and effect of law and is not independently enforceable. However, failure to follow industry guides may result in corrective action under Section 5 of the FTC Act. The Commission, therefore, can take action under the FTC Act if a business makes fuel economy marketing claims inconsistent with the Guide. In any such enforcement action, the Commission must prove that the act or practice at issue is unfair or deceptive.

[2] 76 FR 31467 (June 1, 2011).

[3] 44 U.S.C. 3502(3); 5 CFR 1320.3(c).

[4] #573-#00006. See *http://www.ftc.gov/policy/public-comments/initiative-573.*

contexts.[5] Finally, the study's online format may not provide the best means to draw conclusions about format and font requirements given different screen sizes and font settings that respondents may use.

National Automobile Dealers Association (NADA): The NADA suggested that the FTC consider existing research, including that conducted by the EPA, National Highway Traffic Safety Administration, and the U.S. Department of Energy (DOE), before conducting its own study.[6] Staff has consulted with these agencies and searched for relevant studies and has not identified any recent studies that address the types of fuel economy advertising issues under consideration in the present project.

V. Request for Comment

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before November 19, 2014. Write ''Fuel Economy Consumer Study, Project No. P134202'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential,'' as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[7] 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 comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/fueleconomystudypra2,* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex 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 additionally be submitted to OMB. If sent by U.S. mail, they should be addressed 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) 395–5806.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before November 19, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

David C. Shonka,

Principal Deputy General Counsel.

[FR Doc. 2014–24846 Filed 10–17–14; 8:45 am]

BILLING CODE 6750–01–P

[5] *See, e.g.,* ''.com Disclosures: How to Make Effective Disclosures in Digital Advertising,'' FTC, March 2013, *http://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-staff-revises-online-advertising-disclosure-guidelines/130312dotcomdisclosures.pdf.*

[6] Comment #573-#00008. See *http://www.ftc.gov/policy/public-comments/initiative-573.*

[7] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0163; Docket 2014–0001; Sequence 4]

Submission to OMB for Review; General Services Administration; Information Specific to a Contract or Contracting Action (Not Required by Regulation)

AGENCY: Office of the Chief Acquisition Officer, General Services Administration (GSA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB information collection.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding Information Specific to a Contract or Contracting Action (not required by regulation). A notice was published in the **Federal Register** at 79 FR 42514, on July 22, 2014. No comments were received.

DATES: Submit comments on or before: November 19, 2014.

ADDRESSES: Submit comments identified by Information Collection 3090–0163, Information Specific to a Contract or Contracting Action (Not Required by Regulation), by any of the following methods:

• *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 3090–0163. Select the link ''Comment Now'' that corresponds with ''Information Collection 3090–0163, Information Specific to a Contract or

Contracting Action (Not Required by Regulation)''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 3090–0163, Information Specific to a Contract or Contracting Action (Not Required by Regulation)'', on your attached document.

- Fax: 202–501–4067.
- Mail: General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 3090–0163, Information Specific to a Contract or Contracting Action (Not Required by Regulation).

Instructions: Please submit comments only and cite Information Collection 3090–0163, Information Specific to a Contract or Contracting Action (Not Required by Regulation), in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Matthew E. McFarland, Program Analyst, GSA Acquisition Policy Division, at telephone 202–690–9232 or email *matthew.mcfarland@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The General Services Administration (GSA) has various mission responsibilities related to the acquisition and provision of supplies, transportation, information technology, telecommunications, real property management, and disposal of real and personal property. These mission responsibilities generate requirements that are realized through the solicitation and award of public contracts. In Fiscal Year 2013, these contracts had values ranging from under $100 to over $300,000,000.

Most GSA procurement-related information collections are required by the Federal Acquisition Regulation (FAR) or General Services Administration Acquisition Regulation (GSAR); each clause requiring such a collection must be individually approved by the Office of Management and Budget (OMB). However, some solicitations require contractors to submit information specific to that contracting action, such as information needed to evaluate offers (e.g. specific instructions for technical and price proposals, references for past performance) or data used to administer resulting contracts (e.g. project management plans).

This information collection is currently associated with GSA's information collection requirements contained in solicitations issued in accordance with the Uniform Contract Format under FAR Part 14, Sealed Bidding (see GSAR 514.201–1); FAR Part 15, Contracting by Negotiation (see GSAR 515.204–1); and solicitations under FAR Part 12, Acquisition of Commercial Items, when issued in accordance with the policy and procedures of FAR Part 14 and FAR Part 15 (see GSAR 512.301). This includes information collection requirements found in GSA Federal Supply Schedule (FSS) solicitations.

B. Annual Reporting Burden

Respondents: 267,021.
Responses per Respondent: 1.
Total Responses: 267,021.
Hours per Response: .40.
Total Burden Hours: 66,800.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate and based on valid assumptions and methodology; and ways to enhance the quality, utility, and clarity of the information to be collected.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street, Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 3090–0163, Information Specific to a Contract or Contracting Action (Not Required by Regulation), in all correspondence.

Dated: September 14, 2014.

Jeffrey Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2014–24904 Filed 10–17–14; 8:45 am]

BILLING CODE 6820–61–P

GOVERNMENT ACCOUNTABILITY OFFICE

Methodology Committee of the Patient-Centered Outcomes Research Institute (PCORI); Nominations

AGENCY: Government Accountability Office (GAO)

ACTION: Call for Nominations.

SUMMARY: The Patient Protection and Affordable Care Act gave the Comptroller General of the United States responsibility for appointing not more than 15 members to a Methodology Committee of the Patient-Centered Outcomes Research Institute. In addition, the Directors of the Agency for Healthcare Research and Quality and the National Institutes of Health, or their designees, are members of the Methodology Committee. Methodology Committee members must meet the qualifications listed in Section 6301 of the Act. We are accepting nominations for one vacancy on the Committee. Expertise in health informatics, especially expertise in developing data networks or decision support for clinicians and patients, would be beneficial. Letters of nomination and resumes should be submitted by November 17, 2014 to ensure adequate opportunity for review and should be sent to either the email or mailing address listed below.

ADDRESSES:

Email: PCORIMethodology@gao.gov.

Mail: U.S. GAO, Attn: PCORI Methodology Committee Appointments 441 G Street NW., Washington, DC 20548.

FOR FURTHER INFORMATION CONTACT: GAO: Office of Public Affairs, (202) 512–4800.

[Sec. 6301, Pub. L. 111–148]

Gene L. Dodaro,

Comptroller General of the United States.

[FR Doc. 2014–24875 Filed 10–17–14; 8:45 am]

BILLING CODE 1610–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice of a decision to designate a class of employees from the General Atomics facility in La Jolla, California, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000. On September 25, 2014, the Secretary of HHS designated the following class of employees as an addition to the SEC:

''All Atomic Weapons Employees who worked for General Atomics at its facility in

La Jolla, California, during the period from January 1, 1960, through December 31, 1969, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.''

This designation will become effective on October 25, 2014, unless Congress provides otherwise prior to the effective date. After this effective date, HHS will publish a notice in the **Federal Register** reporting the addition of this class to the SEC or the result of any provision by Congress regarding the decision by HHS to add the class to the SEC.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, NIOSH, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 1–877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV.*

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2014–24827 Filed 10–17–14; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Department of Agriculture

Announcement of the Sixth 2015 Dietary Guidelines Advisory Committee Meeting

AGENCY: U.S. Department of Agriculture, Food, Nutrition and Consumer Services and Research, Education, and Economics, Office of the Assistant Secretary for Health; Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act (FACA), the U.S. Department of Health and Human Services (HHS), in collaboration with the U.S. Department of Agriculture (USDA), is hereby giving notice that a meeting of the 2015 Dietary Guidelines Advisory Committee (DGAC) will be held and will be open to the public by Internet access only.

DATES: This meeting will be held on November 7, 2014, from 10:00 a.m.–5:30 p.m. E.S.T.

ADDRESSES: The meeting will be accessible to the public by webcast on the Internet only. There will be no in person attendance.

FOR FURTHER INFORMATION CONTACT: Designated Federal Officer (DFO), 2015 DGAC, Richard D. Olson, M.D., M.P.H.; Office of Disease Prevention and Health Promotion, OASH/HHS; 1101 Wootton Parkway, Suite LL100 Tower Building; Rockville, MD 20852: Telephone: (240) 453–8280; Fax: (240) 453–8281; Alternate DFO, 2015 DGAC, Kellie (O'Connell) Casavale, Ph.D., R.D., Nutrition Advisor; Office of Disease Prevention and Health Promotion, OASH/HHS; 1101 Wootton Parkway, Suite LL100 Tower Building; Rockville, MD 20852: Telephone: (240) 453–8280; Fax: (240) 453–8281; Lead USDA Co-Executive Secretary, Colette I. Rihane, M.S., R.D., Director, Office of Nutrition Guidance and Analysis, Center for Nutrition Policy and Promotion, USDA; 3101 Park Center Drive, Room 1034; Alexandria, VA 22302; Telephone: (703) 305–7600; Fax: (703) 305–3300; and/or USDA Co-Executive Secretary, Shanthy A. Bowman, Ph.D., Nutritionist, Food Surveys Research Group, Beltsville Human Nutrition Research Center, Agricultural Research Service, USDA; 10300 Baltimore Avenue, BARC-West Bldg 005, Room 125; Beltsville, MD 20705–2350; Telephone: (301) 504–0619. Additional information about the 2015 DGAC and the agenda for this meeting will be made available on the Internet at *www.DietaryGuidelines.gov.*

SUPPLEMENTARY INFORMATION: Under Section 301 of Public Law 101–445 (7 U.S.C. 5341, the National Nutrition Monitoring and Related Research Act of 1990, Title III) the Secretaries of Health and Human Services (HHS) and Agriculture (USDA) are directed to issue at least every five years a report titled *Dietary Guidelines for Americans.* The law instructs that this publication shall contain nutritional and dietary information and guidelines for the general public, shall be based on the preponderance of scientific and medical knowledge current at the time of publication, and shall be promoted by each federal agency in carrying out any federal food, nutrition, or health program. The *Dietary Guidelines for Americans* was issued voluntarily by HHS and USDA in 1980, 1985, and 1990; the 1995 edition was the first statutorily mandated report, followed by subsequent editions at appropriate intervals. To assist with satisfying the mandate, a discretionary federal advisory committee is established every five years to provide independent, science-based advice and recommendations. The DGAC consists of a panel of experts who were selected from the public/private sector. Individuals who were selected to serve on the Committee have current scientific knowledge in the field of human nutrition and chronic disease.

Appointed Committee Members: Fourteen members currently serve on the 2015 DGAC. They were appointed by the Secretaries of HHS and USDA in May 2013. Information on the DGAC membership is available at *www.DietaryGuidelines.gov.*

Authority: The 2015 DGAC is authorized under 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended.

Committee's Task: The work of the DGAC is solely advisory in nature and time-limited. The Committee is tasked with developing recommendations based on the preponderance of current scientific and medical knowledge using a systematic review approach. The DGAC will examine the current *Dietary Guidelines for Americans,* take into consideration new scientific evidence and current resource documents, and develop a report that is to be given to the Secretaries of HHS and USDA. The report will outline science-based recommendations and rationales which will serve as the basis for developing the eighth edition of the *Dietary Guidelines for Americans.* It is planned for the Committee to hold approximately seven public meetings to review and discuss recommendations. This will be the sixth meeting of the 2015 DGAC. Meeting dates, times, locations, and other relevant information are announced at least 15 days in advance of each meeting via **Federal Register** notice. As stipulated in the charter, the Committee will be terminated after delivery of its final report to the Secretaries of HHS and USDA or two years from the date the charter was filed, whichever comes first.

Purpose of the Meeting: In accordance with FACA and to promote transparency of the process, deliberations of the Committee will occur in a public forum. At this meeting, the Committee will continue its deliberations.

Meeting Agenda: The meeting agenda will include (a) review of Committee work since the last public meeting and (b) plans for future Committee work.

Meeting Registration: The meeting will be publicly accessible by webcast on the Internet. Registration is required and is expected to open on October 23, 2014. To register, please go to *www.DietaryGuidelines.gov* and click on the link for ''Meeting Registration.'' To register by phone, please call National Capitol Contracting, Shayla Edmonds at (703) 243–9696 by 5:00 p.m. E.S.T. November 3, 2014. Registration must include name, affiliation, and phone

number or email address. After registering, individuals will receive webcast access information via email.

Written Public Comments: Written comments from the public will continue to be accepted throughout the Committee's deliberative process. Written public comments can be submitted and/or viewed at *www.DietaryGuidelines.gov* using the ''Submit Comments'' and ''Read Comments'' links, respectively. Those commenting are asked to provide comments as early as possible in the Committee's process to increase the opportunity for meaningful impact. There is no deadline for comment submission prior to each public meeting. The Committee requests that commenters provide a brief (250 words) summary of the points or issues in the comment text box. If commenters are providing literature or other resources, complete citations or abstracts and electronic links to full articles or reports are preferred instead of attaching these documents to the comment.

Meeting Documents: Documents pertaining to Committee deliberations, including meeting agendas, summaries, and webcasts will be available on *www.DietaryGuidelines.gov* under ''Meetings.'' Meeting information will continue to be accessible online, at the NIH Library, and upon request at the Office of Disease Prevention and Health Promotion, OASH/HHS; 1101 Wootton Parkway, Suite LL100 Tower Building; Rockville, MD 20852: Telephone (240) 453–8280; Fax: (240) 453–8281.

Dated: October 2, 2014.

Don Wright,

Deputy Assistant Secretary for Health, Office of Disease Prevention and Health Promotion, Office of the Assistant Secretary for Health, U.S. Department of Health and Human Services.

Dated: October 6, 2014.

Angela Tagtow,

Executive Director, Center for Nutrition Policy and Promotion, U.S. Department of Agriculture.

Dated: October 6, 2014.

Chavonda Jacobs-Young,

Administrator, Agricultural Research Service, U.S. Department of Agriculture.

[FR Doc. 2014–24850 Filed 10–17–14; 8:45 am]

BILLING CODE 4150–32–P

DEPARTMENT OF HEALTH AND HUMAN SERIVCES

Announcement of Solicitation of Written Comments on Modifications of Healthy People 2020 Objectives

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of the Assistant Secretary of Health, Office of Disease Prevention and Health Promotion.

ACTION: Notice.

SUMMARY: The U.S. Department of Health and Human Services solicits written comments regarding new objectives proposed to be added to Healthy People 2020 since the fall 2013 public comment period, as well as written comments proposing new objectives to be included within existing Healthy People 2020 topic areas. Public participation helps shape Healthy People 2020, its framework, objectives, organization, and targets. Healthy People 2020 will provide opportunities for public input periodically throughout the decade to ensure that Healthy People 2020 reflects current public health priorities and public input. The updated set of Healthy People 2020 objectives will be incorporated on *www.HealthyPeople.gov.* This set will reflect further review and deliberation by the topic area workgroups, Federal Interagency Workgroup on Healthy People 2020, and other Healthy People 2020 stakeholders.

DATES: Written comments will be accepted until 5:00 p.m. ET on November 4, 2014.

ADDRESSES: Written comments will be accepted via an online public comment database at *http://www.healthypeople.gov/2020/about/history-development/Public-Comment;* by mail at the Office of Disease Prevention and Health Promotion, U.S. Department of Health and Human Services, Attn: Public Comment, 1101 Wootton Parkway, Room LL–100, Rockville, MD 20852; fax—(240) 453–8281; or *email—HP2020@hhs.gov.*

FOR FURTHER INFORMATION CONTACT: Theresa Devine, MPH, Office of Disease Prevention and Health Promotion, U.S. Department of Health and Human Services, 1101 Wootton Parkway, Room LL–100, Rockville, MD 20852, *Theresa.Devine@hhs.gov* (email), (240) 453–6112 (telephone), (240) 453–8281 (fax).

SUPPLMENTARY INFORMATION: For three decades, Healthy People has provided a comprehensive set of national 10-year health promotion and disease prevention objectives aimed at improving the health of all Americans. Healthy People 2020 objectives provide a framework by presenting a comprehensive picture of the nation's health at the beginning of the decade, establishing national goals and targets to be achieved by the year 2020, and monitoring progress over time. The U.S. Department of Health and Human Services is soliciting the submission of written comments regarding new objectives proposed to be added to Healthy People 2020 since the fall 2013 public comment period.

Healthy People 2020 is the product of an extensive collaborative process that relies on input from a diverse array of individuals and organizations, both within and outside the federal government, with a common interest in improving the nation's health. Public comments were a cornerstone of Healthy People 2020's development. During the first phase of planning for Healthy People 2020, HHS asked for the public's comments on the vision, mission, and implementation of Healthy People 2020. Those comments helped set the framework for Healthy People 2020. The public was also invited to submit comments on proposed Healthy People 2020 objectives, which helped shape the final set of Healthy People 2020 objectives.

The public is now invited to comment on new objectives proposed to be added to Healthy People 2020. These new objectives were developed by topic area workgroups led by various agencies within the federal government. They have been reviewed by the Federal Interagency Workgroup on Healthy People 2020 and are presented now for the public's review and comment. The public is also invited to suggest additional objectives for consideration that address critical public health issues within existing Healthy People 2020 topic areas. Any proposed new objective must meet all of the objective selection criteria (see below).

Written comments will be accepted at *http://www.healthypeople.gov/2020/about/history-development/Public-Comment* during a three-week public comment period beginning in October 2014. The public will also be able to submit written comments via mail, fax, and email (see contact information above). Comments received in response to this notice will be reviewed and considered by the appropriate topic area workgroup, Federal Interagency Workgroup on Healthy People 2020, and other Healthy People 2020 stakeholders.

Objective Selection Criteria

The following nine criteria should be taken into consideration when commenting on the proposed new objectives or suggesting additional objectives.

1. The result to be achieved should be important and understandable to a broad audience and support the Healthy People 2020 goals.

2. Objectives should be prevention oriented and should address health

improvements that can be achieved through population-based and individual actions, and systems-based, environmental, health-service, or policy interventions.

3. Objectives should drive actions that will work toward the achievement of the proposed targets (defined as quantitative values to be achieved by the year 2020).

4. Objectives should be useful and reflect issues of national importance. Federal agencies, states, localities, non-governmental organizations, and the public and private sectors should be able to use objectives to target efforts in schools, communities, work sites, health practices, and other environments.

5. Objectives should be measurable and should address a range of issues, such as: Behavior and health outcomes; availability of, access to, and content of behavioral and health service interventions; socio-environmental conditions; and community capacity—directed toward improving health outcomes and quality of life across the life span. (Community capacity is defined as the ability of a community to plan, implement, and evaluate health strategies.)

6. Continuity and comparability of measured phenomena from year to year are important, thus, when appropriate, retention of objectives from previous Healthy People iterations is encouraged. However, in instances where objectives and/or measures have proven ill-suited to the purpose or are inadequate, new improved objectives should be developed. Whether or not an objective has met its target in a previous Healthy People iteration should not be the sole basis for retaining or archiving an objective.

7. The objectives should be supported by the best available scientific evidence. The objective selection and review processes should be flexible enough to allow revisions to objectives in order to reflect major updates or new knowledge.

8. Objectives should address population disparities. These include populations categorized by race/ethnicity, socioeconomic status, gender, disability status, sexual orientation, and geographic location. For particular health issues, additional special populations should be addressed, based on an examination of the available evidence on vulnerability, health status, and disparate care.

9. Healthy People 2020, like past versions, is heavily data driven. Valid, reliable, nationally representative data and data systems should be used for Healthy People 2020 objectives. Each objective must have (1) a data source, or potential data source, identified, (2) baseline data and (3) assurance of at least one additional data point throughout the decade.

Dated: October 7, 2014.

Don Wright,

Deputy Assistant Secretary for Health, Office of Disease Prevention and Health Promotion.

[FR Doc. 2014–24927 Filed 10–17–14; 8:45 am]

BILLING CODE 4150–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–15–15BM]

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

Assessing the Impact of Organizational and Personal Antecedents on Proactive Health/Safety Decision Making—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

NIOSH, under Public Law 91–596, Sections 20 and 22 (Section 20–22, Occupational Safety and Health Act of 1977) has the responsibility to conduct research relating to innovative methods, techniques, and approaches dealing with occupational safety and health problems.

This research relates to the interplay of personal, organizational, and cultural influences on risk-taking and proactive decision-making behaviors among mine workers. Proactive behavior refers to taking initiative to improve current conditions, adapting to present conditions, being self-starting and taking charge, and overcoming barriers to being safer. However, the antecedents, or characteristics, that impact these behaviors are not well understood in mining. Understanding the degree to which antecedents influence decisions can inform the focus of future health and safety management interventions.

NIOSH proposes a project that seeks to empirically understand the factors and conditions that contribute to mine workers' safe decisions (or lack thereof) while completing job tasks. The following question guides this study:

What are the most important organizational and personal antecedent characteristics needed to support worker health and safety (H&S) performance behaviors in the mining industry?

To answer the above question, NIOSH researchers developed a psychometrically supported survey. Researchers identified seven worker perception-based 'organizational values' and four 'personal characteristics' that are presumed to be important in fostering H&S knowledge, motivation, proactive behaviors, and safety

outcomes. Because these emergent, worker perception-based constructs have a theoretical and empirical history, psychometrically tested items exist for each of them.

The organizational values found to positively impact proactive safety/health behavior at work include:

- Supervisor Support: The degree to which supervisors value workers' contribution to the organization and care about their personal wellbeing.
- Supervisory Detection of Safety Behaviors: The degree to which supervisors emphasize the health and safety of their workers during job tasks.
- Organizational Detection of Safety Behaviors: The degree of priority assigned to safety within the organization.
- Perception of Adequate Safety Training: The degree to which employees are provided occupational safety training that covers aspects of safety-related knowledge, competence, and behavior.
- Employee Involvement: The degree to which the organization is willing to involve workers in decision-making processes about procedures that influence their work.
- Vertical Communication: The degree to which downward sharing of safety information occurs as well as the ease with which workers can communicate with their supervisors and managers about workplace H&S issues.
- Horizontal Communication: The degree to which employees communicate with and trust their coworkers.

The personal characteristics found to influence safety/health proactive work behavior include:

- Change Orientation: The degree to which an individual feels that he or she is personally obligated to bring about constructive change.
- Locus of Control: The extent to which people attribute rewards at work to their own behavior.
- Conscientiousness: The degree of self-discipline workers possess related to their safety/health work tasks.
- Risk Propensity: The individuals' general tendency to engage in risks/risky situations at work.

Even though all scales used to complete the survey were deemed valid, NIOSH researchers will revalidate each scale to ensure that measurement is valid. A quantitative approach, via a short survey, allows for prioritization, based on statistical significance, of the antecedents that have the most critical influence on proactive behaviors. Data collection will take place with approximately 800 mine workers over three years. The respondents targeted for this study include any active mine worker at a mine site, both surface and underground. It is estimated that a sample of up to 800 surveys will be collected from participants at various mining operations which have agreed to participate. All participants will be between the ages of 18 and 75, currently employed, and living in the United States. Participation will require no more than 20 minutes of workers' time (5 minutes for consent and 15 minutes for the survey). The total estimated annualized burden hours are 90. There is no cost to respondents other than their time.

Upon collection of the data, it will be used to answer what organizational/personal characteristics have the biggest impact on proactive and compliant health and safety behaviors. Dominance and relative weights analysis will be used as the data analysis method to statistically rank order the importance of predictors in numerous regression contexts. Safety proactive and safety compliance will serve as the dependent variables in these regression analyses, with the organizational and personal characteristics as independent variables.

Findings will be used to improve the safety and health organizational values and focus of mine organizations, as executed through their health and safety management system for mitigating health and safety risks at their mine site. Specifically, if organizations are lacking in values that are of high importance among employees, site leadership knows where to focus new, innovative methods, techniques, and approaches to dealing with their occupational safety and health problems. Finally, the data can be directly compared to data from other mine organizations that are administered the same standardized methods to provide broader context for areas in which the mining industry can focus more attention if trying to encourage safer work behavior.

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
Safety/health Mine Operator	Mine Recruitment Script	10	1	5/60	1
Mine Worker	Individual Miner Recruitment Script	266	1	5/60	22
Mine Worker	Survey	266	1	15/60	67
Total					90

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. 2014–24880 Filed 10–17–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 Day–15–14KW]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of

the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov*. Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Measuring the Effects of State and Local Radon Policies—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Lung cancer is the leading cause of cancer-related death in the U.S. population, with only 17% of lung cancer patients surviving 5 years or more from the time of diagnosis. Radon is a radioactive gas that concentrates in homes and is well-established as the leading cause of lung cancer in non-smokers and the second leading cause of lung cancer in smokers. Radon exposure reduction is the focus of two Healthy People 2020 objectives related to reduction of the number of people living in high-concentration radon homes and the subject of a ''Call to Action'' from the US Surgeon General. Despite these recommendations, it is estimated that fewer than 25% of existing U.S. homes have been tested for radon.

There are significant gaps in understanding the impact of radon control efforts, especially those in the area of policy. As of February 2013, 22 states required general disclosure of known environmental hazards (including radon) during home sale, 21 states had radon professional licensure policies, and 8 states required notification of radon risks and test results as separate documents during a home sale. Twenty-one states had no radon-related policies. To date there are no studies that assess the effect of radon-related policies on increasing awareness or testing of radon and decreasing exposure to this well-known carcinogen.

To address this gap in knowledge, CDC proposes to conduct a new study to understand how state and local radon policies affect radon awareness, testing, and mitigation. The primary focus of the study will be on how single-family homebuyers and real estate agents understand and are affected by radon policies involving home sales. This information will allow stakeholders to better understand the impact of various policies intended to prevent exposure to radon.

The study approach will involve complementary qualitative and quantitative methods whose results will guide future research and educational efforts. The main outcomes evaluated will be the effect of policies related to generic disclosure of environmental hazards at the time of home sale, notification specific to awareness of and test results for radon at the time of home sale, and radon professional certification. Participants' understanding of the Environmental Protection Agency (EPA) lead-based paint disclosure law, which is present in all states, will be assessed to understand if general environmental awareness differs between states.

Investigators seek to interview and send questionnaires to participants from Illinois, Minnesota, Ohio, and North Carolina: Two states with home sale notification policies specific to radon (IL and MN), one state with only a generic disclosure law (OH), and one state with no environmental disclosure policy (NC). Investigators will identify counties or jurisdictions that approximate the percentage of that state's population in urban and rural locations. This will improve the ability to apply findings to other situations.

The Homebuyer Component of the study will involve information collection from 3,000 individuals (750 from each state) who purchased a single-family home in the last 12 months. Potential respondents for the Homebuyer Survey will be identified through review of publicly-available tax records of home sales and recruited through mailed invitations. The survey will ask questions regarding homebuyers' knowledge about radon and lead-based paint as well as how home sale and professional certification policies for radon and lead-based paint affected their decisions during the home buying process. Responses will be collected via mail and the internet. To improve the quality of information collected through the Homebuyer Survey, a draft instrument will be cognitively tested with up to 32 respondents before the final survey is distributed.

The Real Estate Agent Component of the study will involve focus groups with full-time real estate agents who specialize in single-family home sales and are members of a national, state, or an equivalent realtors association. Respondents will be recruited through mailed invitations to real estate offices, phone calls, and possibly outreach at local real estate agent meetings. Investigators will conduct three, one-hour focus groups of 6–8 agents per state for a total of up to 96 respondents. These recorded discussions will ask real estate agents about their and their clients' understanding of radon and lead, how/whether this understanding affected decisions during the home buying process, and whether professional certification affected decisions during the home buying process.

Understanding how these policies affect homebuyers and real estate agents will allow help stakeholders better prevent radon exposure and decrease the incidence of lung cancer in the U.S. population. This information will help provide an evidence basis for CDC's many grantees who work to understand the impact of policies in their states. OMB approval is requested for two years. Participation is voluntary and there are no costs to respondents other than their time. The total estimated annualized burden hours are 256.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)
Homebuyers	Cognitive Testing Interview Guide	16	1	30/60
	Homebuyer Survey	1,500	1	8/60
Real Estate Agents	Focus Group Interview Guide	48	1	1

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. 2014–24793 Filed 10–17–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–0822]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov*. Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

The National Intimate Partner and Sexual Violence Surveillance System (NISVS)(0920–0822, Expiration 06/30/2014)—Reinstatement with change—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The health burden of Intimate Partner Violence (IPV), Sexual Violence (SV) and stalking are substantial. In order to address this important public health problem, CDC implemented, beginning in 2010, the National Intimate Partner and Sexual Violence Surveillance System (NISVSS) that produces national and state level estimates of IPV, SV and Stalking on an annual basis.

In 2010, a total of 16,507 NISVSS interviews were conducted among English and/or Spanish speaking male and female adults (18 years and older) living in the United States. The data indicated that nearly 1 in 3 women and 1 in 10 men in the United States have experienced rape, physical violence and/or stalking by an intimate partner and reported at least one impact related to experiencing these or other forms of violent behavior within the relationship (e.g., being fearful, concerned for safety, post-traumatic stress disorder (PTSD) symptoms, need for health care, injury, contacting a crisis hotline, need for housing services, need for victim's advocate services, need for legal services, missed at least one day of work or school). Approximately 6.9 million women and 5.6 million men experienced rape, physical violence and/or stalking by an intimate partner within the last year. The health care costs associated with IPV exceed $5.8 billion each year, of which nearly $3.9 billion is for direct medical and mental health care services.

Sexual violence also has a profound and long-term impact on the physical and mental health of the victim. Existing estimates of lifetime experiences of rape range from 15% to 36% for females. Sexual violence against men, although less prevalent, is also a public health problem; approximately, 1 in 5 women and 1 in 71 men have experienced attempted, completed, or alcohol or drug facilitated rape at some point in their lifetime. Nearly 1.3 million women reported being raped in the past 12 months.

The NISVSS data indicates that approximately 5 million women and 1.4 million men in the United States were stalked in the 12 months prior to the survey. There are overlaps between stalking and other forms of violence in intimate relationships; approximately 14% of females who were stalked by an intimate partner in their lifetime also experienced physical violence by an intimate partner; while 12% of female victims experienced rape, physical violence and stalking by a current or former intimate partner in their lifetime. Furthermore, 76% of female victims of intimate partner homicides were stalked by their partners before they were killed.

CDC requests Office of Management and Budget (OMB) approval reinstatement with changes for an additional three years to implement the previously approved pilot tested instrument of 2013 in the normal data collection cycle in order to collect national level data annually beginning in 2014. The NISVSS survey instrument had been shortened in efforts to develop a core instrument that will be administered on an annual basis. The goals of the revised data collection instrument are to: (1) Improve NISVSS data quality, (2) increase our response rates, (3) decrease the breakoff rates, (4) reduce the average amount of time it takes to complete the survey, (5) and ultimately reduce the burden on the respondent.

In this data collection period, 85,000 households will be screened. After determining eligibility and consent, 12,500 respondents will complete the survey. The average burden per screened respondent remains at 3 minutes, while the average burden per surveyed respondent is 25 minutes. The total estimated annualized burden hours are 9,458.

The survey will be conducted among English or Spanish speaking male and female adults (18 years and older) living in the United States. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Non-Participating Household (Screened)	NISVS Survey Instrument. First section non-participating.	85,000	1	3/60
Eligible Household (Completes Survey)	NISVS Survey Instrument. Section for participating.	12,500	1	25/60

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. 2014–24879 Filed 10–17–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10398 and CMS–10529]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by November 19, 2014.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806, *OR,* Email: *OIRA_s submission@omb.eop.gov*.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Website address at *http://www.cms.hhs.gov/PaperworkReductionActof1995*.
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*.
3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Generic Clearance for Medicaid and CHIP State Plan, Waiver, and Program Submissions; *Use:* State Medicaid and CHIP agencies are responsible for developing submissions to CMS, including state plan amendments and requests for waivers and program demonstrations. States use templates when they are available and submit the forms to review for consistency with statutory and regulatory requirements (or in the case of waivers and demonstrations whether the proposal is likely to promote the objectives of the Medicaid program). If the requirements are met, we approve the states' submissions giving them the authority to implement the flexibilities. For a state to receive Medicaid Title XIX funding, there must be an approved Title XIX state plan.

The development of streamlined submissions forms enhances the collaboration and partnership between states and CMS by documenting our policy for states to use as they are developing program changes. Streamlined forms improve efficiency of administration by creating a common and user-friendly understanding of the information we need to quickly process requests for state plan amendments, waivers, and demonstration, as well as ongoing reporting.

Form Number: CMS–10398 (OMB control number: 0938–1148); *Frequency:* Collection-specific, but generally the

frequency is yearly, once, and occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Responses:* 1,540 (3-year total); *Total Hours:* 86,240 (3-year total). (For policy questions regarding this collection contact Annette Pearson at 410–786–6858).

2. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Quarterly Medicaid and CHIP Budget and Expenditure Reporting for the Medical Assistance Program, Administration and CHIP; *Use:* At the request of OMB, this action would consolidate the following three OMB control numbers for forms CMS–21 and –21B (OMB control number: 0938–0731), CMS–37 (OMB control number: 0938–0101), and CMS–64 (OMB control number: 0938–0067) into a single control number that will be assigned upon OMB approval. It is important to emphasize that the consolidation of the control numbers does not consolidate any of the forms required for Medicaid and CHIP Budget and Expenditure Reporting.

While the overall package has been assigned a new CMS identification number (CMS–10529), the individual forms will retain their respective CMS-specific identification numbers, namely CMS–21, CMS–21B, CMS–37, and CMS–64. Supporting materials (see **ADDRESSES**) can be found under parent identification number, namely CMS–10529.

This action also revises CMS–37 and –64 while CMS–21 and –21B remain unchanged. Forms CMS–21 and –21B provide CMS with the information necessary to issue quarterly grant awards, monitor current year expenditure levels, determine the allowability of state claims for reimbursement, develop Children's Health Insurance Program (CHIP) financial management information, provide for state reporting of waiver expenditures, and ensure that the federally established allotment is not exceeded. They are also necessary in the redistribution and reallocation of unspent funds over the federally mandated timeframes.

Form CMS–37 due dates are November 15, February 15, May 15 and August 15 of each fiscal year. While all submissions represent equally important components of the grant award cycle, the May and November submissions are particularly significant for budget formulation. The November submission introduces a new fiscal year to the budget cycle and serves as the basis for the formulation of the Medicaid portion of the President's Budget, which is presented to Congress in January. The February and August submissions are used primarily for budget execution in providing interim updates to our Office of Financial Management, the Department of Health and Human Services, the Office of Management and Budget and Congress depending on the scheduling of the national budget review process in a given fiscal year. The submissions provide us with base information necessary to track current year obligations and expenditures in relation to the current year appropriation and to notify senior managers of any impending surpluses or deficits.

Form CMS–64 is used to issue quarterly grant awards, monitor current year expenditure levels, determine the allowability of state claims for reimbursement, develop Medicaid financial management information provide for state reporting of waiver expenditures, ensure that the federally-established limit is not exceeded for HCBS waivers, and to allow for the implementation of the Assignment of Rights and Part A and Part B Premium (i.e., accounting for overdue Part A and Part B Premiums under state buy-in agreements)—Billing Offsets.

Form Number: CMS–10529 (OMB control number: 0938—New); *Frequency:* Quarterly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 672; *Total Annual Hours:* 17,920. (For policy questions regarding this collection contact Abraham John at 410–786–4519).

Dated: October 15, 2014.

Martique Jones,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–24862 Filed 10–17–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2005–N–0161]

Agency Information Collection Activities; Proposed Collection; Comment Request; Current Good Manufacturing Practices and Related Regulations for Blood and Blood Components; and Requirements for Donor Testing, Donor Notification, and ''Lookback''

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the collection of information requirements relating to FDA's regulation of current good manufacturing practice (CGMP) and related regulations for blood and blood components; and requirements for donor testing, donor notification, and ''lookback.''

DATES: Submit either electronic or written comments on the collection of information by December 19, 2014.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in the brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Current Good Manufacturing Practices and Related Regulations for Blood and Blood Components; and Requirements for Donor Testing, Donor Notification, and ''Lookback''—(OMB Control Number 0910–0116)—Extension

All blood and blood components introduced or delivered for introduction into interstate commerce are subject to section 351(a) of the Public Health Service Act (PHS Act) (42 U.S.C. 262(a)). Section 351(a) requires that manufacturers of biological products, which include blood and blood components intended for further manufacture into injectable products, have a license, issued upon a demonstration that the product is safe, pure, and potent and that the manufacturing establishment meets all applicable standards, including those prescribed in the FDA regulations designed to ensure the continued safety, purity, and potency of the product. In addition, under section 361 of the PHS Act (42 U.S.C. 264), by delegation from the Secretary of Health and Human Services, FDA may make and enforce regulations necessary to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the States or possessions, or from one State or possession into any other State or possession.

Section 351(j) of the PHS Act states that the Federal Food, Drug, and Cosmetic (FD&C) Act also applies to biological products. Blood and blood components for transfusion or for further manufacture into injectable products are drugs, as that term is defined in section 201(g)(1) of the FD&C Act (21 U.S.C. 321(g)(1)). Because blood and blood components are drugs under the FD&C Act, blood and plasma establishments must comply with the substantive provisions and related regulatory scheme of the FD&C Act. For example, under section 501 of the FD&C Act (21 U.S.C. 351(a)), drugs are deemed ''adulterated'' if the methods used in their manufacturing, processing, packing, or holding do not conform to CGMP and related regulations.

The CGMP regulations (part 606) (21 CFR part 606)) and related regulations implement FDA's statutory authority to ensure the safety, purity, and potency of blood and blood components. The public health objective in testing human blood donors for evidence of infection due to communicable disease agents and in notifying donors is to prevent the transmission of communicable disease. For example, the ''lookback'' requirements are intended to help ensure the continued safety of the blood supply by providing necessary information to users of blood and blood components and appropriate notification of recipients of transfusion who are at increased risk for transmitting human immunodeficiency virus (HIV) or hepatitis C virus (HCV) infection.

The information collection requirements in the CGMP, donor testing, donor notification, and ''lookback'' regulations provide FDA with the necessary information to perform its duty to ensure the safety, purity, and potency of blood and blood components. These requirements establish accountability and traceability in the processing and handling of blood and blood components and enable FDA to perform meaningful inspections.

The recordkeeping requirements serve preventive and remedial purposes. The third-party disclosure requirements identify the various blood and blood components and important properties of the product, demonstrate that the CGMP requirements have been met, and facilitate the tracing of a product back to its original source. The reporting requirements inform FDA of certain information that may require immediate corrective action.

Under the reporting requirements, § 606.170(b), in brief, requires that facilities notify FDAs Center for Biologics Evaluation and Research (CBER), as soon as possible after confirming a complication of blood collection or transfusion to be fatal. The collecting facility is to report donor fatalities, and the compatibility testing facility is to report recipient fatalities. The regulation also requires the reporting facility to submit a written report of the investigation within 7 days after the fatality. In fiscal year 2013, FDA received 72 of these reports.

Section 610.40(g)(2) requires an establishment to obtain written approval from FDA to ship human blood or blood components for further manufacturing use prior to completion of testing for evidence of infection due to certain communicable disease agents.

Section 610.40(h)(2)(ii)(A), in brief, requires an establishment to obtain written approval from FDA to use or ship human blood or blood components found to be reactive by a screening test for evidence of certain communicable disease agent(s) or collected from a donor with a record of a reactive screening test.

Under the third-party disclosure requirements, § 610.40(c)(1)(ii) in part 610 (21 CFR part 610), in brief, requires that each donation dedicated to a single identified recipient be labeled as required under § 606.121 and with a label containing the name and identifying information of the recipient. The information collection requirements under § 606.121 are part of usual and customary business practice.

Sections 610.40(h)(2)(ii)(C) and (h)(2)(ii)(D), in brief, require an establishment to label certain reactive human blood and blood components with the appropriate screening test results, and, if they are intended for further manufacturing use into injectable products, to include a statement on the label indicating the exempted use specifically approved by FDA. Also, § 610.40(h)(2)(vi) requires each donation of human blood or blood components, excluding Source Plasma, that tests reactive by a screening test for syphilis and is determined to be a biological false positive to be labeled with both test results.

Section 610.42(a) requires a warning statement ''indicating that the product was manufactured from a donation found to be reactive by a screening test for evidence of infection due to the identified communicable disease agent(s)'' in the labeling for medical devices containing human blood or a blood component found to be reactive by a screening test for evidence of infection due to a communicable disease agent(s) or syphilis.

In brief, §§ 610.46 and 610.47 require blood collecting establishments to establish, maintain, and follow an appropriate system for performing HIV and HCV prospective ''lookback'' when: (1) A donor tests reactive for evidence of HIV or HCV infection or (2) the collecting establishment becomes aware of other reliable test results or information indicating evidence of HIV or HCV infection (''prospective lookback'') (see §§ 610.46(a)(1) and 610.47(a)(1)). The requirement for ''an appropriate system'' requires the collecting establishment to design standard operating procedures (SOPs) to

identify and quarantine all blood and blood components previously collected from a donor who later tests reactive for evidence of HIV or HCV infection, or when the collecting establishment is made aware of other reliable test results or information indicating evidence of HIV or HCV infection. Within 3 calendar days of the donor testing reactive by an HIV or HCV screening test or the collecting establishment becoming aware of other reliable test results or information, the collecting establishment must, among other things, notify consignees to quarantine all identified previously collected in-date blood and blood components (§§ 610.46(a)(1)(ii)(B) and 610.47(a)(1)(ii)(B)) and, within 45 days, notify the consignees of supplemental test results, or the results of a reactive screening test if there is no available supplemental test that is approved for such use by FDA (§§ 610.46(a)(3) and 610.47(a)(3)).

Consignees also must establish, maintain, and follow an appropriate system for performing HIV and HCV ''lookback'' when notified by the collecting establishment that they have received blood and blood components previously collected from donors who later tested reactive for evidence of HIV or HCV infection, or when the collecting establishment is made aware of other reliable test results or information indicating evidence of HIV or HCV infection in a donor (§§ 610.46(b) and 610.47(b)). This provision for a system requires the consignee to establish SOPs for, among other things, notifying transfusion recipients of blood and blood components, or the recipient's physician of record or legal representative, when such action is indicated by the results of the supplemental (additional, more specific) tests or a reactive screening test if there is no available supplemental test that is approved for such use by FDA, or if under an investigational new drug application (IND) or an investigational device exemption (IDE), is exempted for such use by FDA. The consignee must make reasonable attempts to perform the notification within 12 weeks of receipt of the supplemental test result or receipt of a reactive screening test result when there is no available supplemental test that is approved for such use by FDA, or if under an IND or IDE, is exempted for such use by FDA (§§ 610.46(b)(3) and 610.47(b)(3)).

Section 630.6(a) (21 CFR 630.6(a)) requires an establishment to make reasonable attempts to notify any donor who has been deferred as required by § 610.41, or who has been determined not to be eligible as a donor. Section 630.6(d)(1) requires an establishment to provide certain information to the referring physician of an autologous donor who is deferred based on the results of tests as described in § 610.41.

Under the recordkeeping requirements, § 606.100(b), in brief, requires that written SOPs be maintained for all steps to be followed in the collection, processing, compatibility testing, storage, and distribution of blood and blood components used for transfusion and further manufacturing purposes. Section 606.100(c) requires the review of all records pertinent to the lot or unit of blood prior to release or distribution. Any unexplained discrepancy or the failure of a lot or unit of final product to meet any of its specifications must be thoroughly investigated, and the investigation, including conclusions and followup, must be recorded.

In brief, § 606.110(a) provides that the use of plateletpheresis and leukaphesis procedures to obtain a product for a specific recipient may be at variance with the additional standards for that specific product if, among other things, the physician certifies in writing that the donor's health permits plateletpheresis or leukapheresis. Section 606.110(b) requires establishments to request prior approval from CBER for plasmapheresis of donors who do not meet donor requirements. The information collection requirements for § 606.110(b) are approved under OMB control number 0910–0338 and, therefore, are not reflected in tables 1 and 2 of this document.

Section 606.151(e) requires that SOPs for compatibility testing include procedures to expedite transfusion in life-threatening emergencies; records of all such incidents must be maintained, including complete documentation justifying the emergency action, which must be signed by a physician.

So that each significant step in the collection, processing, compatibility testing, storage, and distribution of each unit of blood and blood components can be clearly traced, § 606.160 requires that legible and indelible contemporaneous records of each such step be made and maintained for no less than 10 years. Section 606.160(b)(1)(viii) requires records of the quarantine, notification, testing and disposition performed under the HIV and HCV ''lookback'' provisions. Furthermore, § 606.160(b)(1)(ix) requires a blood collection establishment to maintain records of notification of donors deferred or determined not to be eligible for donation, including appropriate followup. Section 606.160(b)(1)(xi) requires an establishment to maintain records of notification of the referring physician of a deferred autologous donor, including appropriate followup.

Section 606.165, in brief, requires that distribution and receipt records be maintained to facilitate recalls, if necessary.

Section 606.170(a) requires records to be maintained of any reports of complaints of adverse reactions arising as a result of blood collection or transfusion. Each such report must be thoroughly investigated, and a written report, including conclusions and followup, must be prepared and maintained. Section 606.170(a) also requires that when an investigation concludes that the product caused the transfusion reaction, copies of all such written reports must be forwarded to and maintained by the manufacturer or collecting facility.

Section 610.40(g)(1) requires an establishment to appropriately document a medical emergency for the release of human blood or blood components prior to completion of required testing.

In addition to the CGMP regulations in part 606, there are regulations in part 640 (21 CFR part 640) that require additional standards for certain blood and blood components as follows: Sections 640.3(a)(1), (a)(2), and (f); 640.4(a)(1) and (a)(2); 640.25(b)(4) and (c)(1); 640.27(b); 640.31(b); 640.33(b); 640.51(b); 640.53(b) and (c); 640.56(b) and (d); 640.61; 640.63(b)(3), (e)(1), and (e)(3); 640.65(b)(2); 640.66; 640.71(b)(1); 640.72; 640.73; and 640.76(a) and (b). The information collection requirements and estimated burdens for these regulations are included in the part 606 burden estimates, as described in tables 1 and 2.

Respondents to this collection of information are licensed and unlicensed blood establishments that collect blood and blood components, including Source Plasma and Source Leukocytes, inspected by FDA, and other transfusion services inspected by Centers for Medicare and Medicaid Services (CMS). Based on information received from CBER's database systems, there are approximately 416 licensed Source Plasma establishments with multiple locations and approximately 1,265 licensed blood collection establishments, for an estimated total of 1,681 licensed blood collection establishments. Also, there are an estimated total of 680 unlicensed, registered blood collection establishments for an approximate total of 2,361 collection establishments (416 + 1,265 + 680 = 2,361 establishments). Of these establishments, approximately 990 perform plateletpheresis and

leukopheresis. These establishments annually collect approximately 40 million units of Whole Blood and blood components, including Source Plasma and Source Leukocytes, and are required to follow FDA ''lookback'' procedures. In addition, there are another 4,961 establishments that fall under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) (Public Law 100–578) (formerly referred to as facilities approved for Medicare reimbursement) that transfuse blood and blood components.

The following reporting and recordkeeping estimates are based on information provided by industry, CMS, and FDA experience. Based on information received from industry, we estimate that there are approximately 25 million donations of Source Plasma from approximately 2 million donors and approximately 15 million donations of Whole Blood, including approximately 225,000 (approximately 1.5 percent of 15 million) autologous donations, from approximately 10.9 million donors. Assuming each autologous donor makes an average of 2 donations, FDA estimates that there are approximately 112,500 autologous donors.

FDA estimates that approximately 5 percent (3,600 of the 72,000 donations that are donated specifically for the use of an identified recipient would be tested under the dedicated donors' testing provisions in § 610.40(c)(1)(ii).

Under §§ 610.40(g)(2) and (h)(2)(ii)(A), Source Leukocytes, a licensed product that is used in the manufacture of interferon, which requires rapid preparation from blood, is currently shipped prior to completion of testing for evidence of certain communicable disease agents. Shipments of Source Leukocytes are preapproved under a biologics license application (BLA) and each shipment does not have to be reported to the Agency. Based on information from CBER's database system, FDA receives less than one application per year from manufacturers of Source Leukocytes. However, for calculation purposes, we are estimating one application annually.

Under §§ 610.40(h)(2)(ii)(C) and (h)(2)(ii)(D), FDA estimates that each manufacturer would ship an estimated 1 unit of human blood or blood components per month (12 per year) that would require two labels; one as reactive for the appropriate screening test under § 610.40(h)(2)(ii)(C), and the other stating the exempted use specifically approved by FDA under § 610.40(h)(2)(ii)(D). According to CBER's database system, there are approximately 40 licensed manufacturers that ship known reactive human blood or blood components.

Based on information we received from industry, we estimate that approximately 18,000 donations: (1) Annually test reactive by a screening test for syphilis; (2) are determined to be biological false positives by additional testing; and (3) are labeled accordingly (§ 610.40(h)(2)(vi)).

Human blood or a blood component with a reactive screening test, as a component of a medical device, is an integral part of the medical device, e.g., a positive control for an in vitro diagnostic testing kit. It is usual and customary business practice for manufacturers to include on the container label a warning statement that identifies the communicable disease agent. In addition, on the rare occasion when a human blood or blood component with a reactive screening test is the only component available for a medical device that does not require a reactive component, then a warning statement must be affixed to the medical device. To account for this rare occasion under § 610.42(a), we estimate that the warning statement would be necessary no more than once a year.

FDA estimates that approximately 3,500 repeat donors will test reactive on a screening test for HIV. We also estimate that an average of three components was made from each donation. Under §§ 610.46(a)(1)(ii)(B) and (a)(3), this estimate results in 10,500 (3,500 × 3) notifications of the HIV screening test results to consignees by collecting establishments for the purpose of quarantining affected blood and blood components, and another 10,500 (3,500 × 3) notifications to consignees of subsequent test results.

We estimate that § 610.46(b)(3) will require 4,961 consignees to notify transfusion recipients, their legal representatives, or physicians of record an average of 0.35 times per year resulting in a total number of 1,755 (585 confirmed positive repeat donors × 3) notifications. Also under § 610.46(b)(3), we estimate and include the time to gather test results and records for each recipient and to accommodate multiple attempts to contact the recipient.

Furthermore, we estimate that approximately 7,800 repeat donors per year would test reactive for antibody to HCV. Under §§ 610.47(a)(1)(ii)(B) and 610.47(a)(3), collecting establishments would notify the consignee 2 times for each of the 23,400 (7,800 × 3 components) components prepared from these donations, once for quarantine purposes and again with additional HCV test results for a total of 46,800 notifications as an annual ongoing burden. Under § 610.47(b)(3), we estimate that approximately 4,961 consignees would notify approximately 2,050 recipients or their physicians of record annually.

Based on industry estimates, approximately 13 percent of approximately 10 million potential donors (1.3 million donors) who come to donate annually are determined not to be eligible for donation prior to collection because of failure to satisfy eligibility criteria. It is the usual and customary business practice of approximately 1,945 (1,265 + 680) blood collecting establishments to notify onsite and to explain why the donor is determined not to be suitable for donating. Based on such available information, we estimate that two-thirds (1,297) of the 1,945 blood collecting establishments provided onsite additional information and counseling to a donor determined not to be eligible for donation as usual and customary business practice. Consequently, we estimate that only one-third, or 648, approximately, blood collecting establishments would need to provide, under § 630.6(a), additional information and onsite counseling to the estimated 433,333 (one-third of approximately 1.3 million) ineligible donors.

It is estimated that another 4.5 percent of 10 million potential donors (450,000 donors) are deferred annually based on test results. We estimate that approximately 95 percent of the establishments that collect 99 percent of the blood and blood components notify donors who have reactive test results for HIV, Hepatitis B Virus (HBV), HCV, Human T-Lymphotropic Virus (HTLV), and syphilis as usual and customary business practice. Consequently, 5 percent of the 1,681 establishments (84) collecting 1 percent (4,500) of the deferred donors (450,000) would notify donors under § 630.6(a).

As part of usual and customary business practice, collecting establishments notify an autologous donor's referring physician of reactive test results obtained during the donation process required under § 630.6(d)(1). However, we estimate that approximately 5 percent of the 1,265 blood collection establishments (63) may not notify the referring physicians of the estimated 2 percent of 112,500 autologous donors with the initial reactive test results (2,250) as their usual and customary business practice.

The recordkeeping chart reflects the estimate that approximately 95 percent of the recordkeepers, which collect 99 percent of the blood supply, have developed SOPs as part of their customary and usual business practice.

Establishments may minimize burdens associated with CGMP and related regulations by using model standards developed by industries' accreditation organizations. These accreditation organizations represent almost all registered blood establishments.

Under § 606.160(b)(1)(ix), we estimate the total annual records based on the approximately 1.3 million donors determined not to be eligible to donate and each of the estimated 1.75 million (1.3 million + 450,000) donors deferred based on reactive test results for evidence of infection because of communicable disease agents. Under § 606.160(b)(1)(xi), only the 1,945 registered blood establishments collect autologous donations and, therefore, are required to notify referring physicians. We estimate that 4.5 percent of the 112,500 autologous donors (5,063) will be deferred under § 610.41, which in turn will lead to the notification of their referring physicians.

FDA has concluded that the use of untested or incompletely tested but appropriately documented human blood or blood components in rare medical emergencies should not be prohibited. We estimate the recordkeeping under § 610.40(g)(1) to be minimal with one or fewer occurrences per year. The reporting of test results to the consignee in § 610.40(g) is part of the usual and customary business practice or procedure to finish the testing and provide the results to the manufacturer responsible for labeling the blood products.

The average burden per response (hours) and average burden per recordkeeping (hours) are based on estimates received from industry or FDA experience with similar reporting or recordkeeping requirements.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
606.170(b) [2]	72	1	72	20	1,440
610.40(g)(2)	1	1	1	1	1
610.40(h)(2)(ii)(A)	1	1	1	1	1
Total					1,442

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] The reporting requirement in § 640.73, which addresses the reporting of fatal donor reactions, is included in the estimate for § 606.170(b).

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
606.100(b) [2]	[5] 366	1	366	24	8,784
606.100(c)	[5] 366	10	3,660	1	3,660
606.110(a) [3]	[6] 50	1	50	0.5 (30 minutes)	25
606.151(e)	[5] 366	12	4,392	0.08 (5 minutes)	351
606.160 [4]	[5] 366	1,046.45	383,000	0.75 (45 minutes)	287,250
606.160(b)(1)(viii)	1,945	10.80	21,000	0.17 (10 minutes)	3,570
HIV consignee notification	4,961	4.23	21,000	0.17 (10 minutes)	3,570
606.160(b)(1)(viii)	1,945	24.06	46,800	0.17 (10 minutes)	7,956
HCV consignee notification	4,961	9.43	46,800	0.17 (10 minutes)	7,956
HIV recipient notification	4,961	0.35	1,755	0.17 (10 minutes)	298
HCV recipient notification	4,961	0.41	2,050	0.17 (10 minutes)	349
606.160(b)(1)(ix)	2,361	741.21	1,750,000	0.05 (3 minutes)	87,500
606.160(b)(1)(xi)	1,945	2.60	5,063	0.05 (3 minutes)	253
606.165	[5] 366	1,046.45	383,000	0.08 (5 minutes)	30,640
606.170(a)	[5] 366	12	4,392	1	4,392
610.40(g)(1)	2,361	1	2,361	0.5 (30 minutes)	1,180
Total					447,734

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] The recordkeeping requirements in §§ 640.3(a)(1), 640.4(a)(1), and 640.66, which address the maintenance of SOPs, are included in the estimate for § 606.100(b).
[3] The recordkeeping requirements in § 640.27(b), which address the maintenance of donor health records for the plateletpheresis, are included in the estimate for § 606.110(a).
[4] The recordkeeping requirements in §§ 640.3(a)(2) and (f); 640.4(a)(2); 640.25(b)(4) and (c)(1); 640.31(b); 640.33(b); 640.51(b); 640.53(b) and (c); 640.56(b) and (d); 640.61; 640.63(b)(3), (e)(1), and (e)(3); 640.65(b)(2); 640.71(b)(1); 640.72; and 640.76(a) and (b), which address the maintenance of various records, are included in the estimate for § 606.160.
[5] Five percent of establishments that fall under CLIA that transfuse blood and components and FDA-registered blood establishments ($0.05 \times 4{,}961 + 2{,}361 = 366$).
[6] Five percent of plateletpheresis and leukopheresis establishments ($0.05 \times 990 = 50$).

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

21 CFR section	No. of respondents	No. of responses per respondent	Total annual responses	Average burden per response	Total hours
606.170(a)	[2] 366	12	4,392	0.5 (30 minutes)	2,196

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]—Continued

21 CFR section	No. of respondents	No. of responses per respondent	Total annual responses	Average burden per response	Total hours
610.40(c)(1)(ii)	2,361	1.52	3,600	0.08 (5 minutes)	288
610.40(h)(2)(ii)(C) and (h)(2)(ii)(D)	40	12	480	0.20 (12 minutes)	96
610.40(h)(2)(vi)	2,361	7.62	18,000	0.08 (5 minutes)	1,440
610.42(a)	1	1	1	1	1
610.46(a)(1)(ii)(B)	1,945	5.40	10,500	0.17 (10 minutes)	1,785
610.46(a)(3)	1,945	5.40	10,500	0.17 (10 minutes)	1,785
610.46(b)(3)	4,961	0.35	1,755	1	1,755
610.47(a)(1)(ii)(B)	1,945	12.03	23,400	0.17 (10 minutes)	3,978
610.47(a)(3)	1,945	12.03	23,400	0.17 (10 minutes)	3,978
610.47(b)(3)	4,961	0.41	2,050	1	2,050
630.6(a) [3]	648	668.72	433,333	0.08 (5 minutes)	34,667
630.6(a) [4]	84	53.57	4,500	1.5 (90 minutes)	6,750
630.6(d)(1)	63	35.71	2,250	1	2,250
Total					63,019

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Five percent of establishments that fall under CLIA that transfuse blood and components and FDA-registered blood establishments (0.05 × 4,961 + 2,361 = 366).
[3] Notification of donors determined not to be eligible for donation based on failure to satisfy eligibility criteria.
[4] Notification of donors deferred based on reactive test results for evidence of infection due to communicable disease agents.

Dated: October 14, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–24797 Filed 10–17–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0960]

Kelvin Soto: Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing an order under the Federal Food, Drug, and Cosmetic Act (the FD&C Act) debarring Kelvin Soto from providing services in any capacity to a person that has an approved or pending drug product application for a period of 6 years. We base this order on a finding that Mr. Soto was convicted of four felony counts under Federal law for conduct involving health care fraud and conspiracy to commit health care fraud and that this pattern of conduct is sufficient to find that there is reason to believe he may violate requirements under the FD&C Act relating to drug products. Mr. Soto was given notice of the proposed debarment and an opportunity to request a hearing within the timeframe prescribed by regulation. Mr. Soto failed to request a hearing. Mr. Soto's failure to request a hearing constitutes a waiver of his right to a hearing concerning this action.

DATES: This order is effective October 20, 2014.

ADDRESSES: Submit applications for termination of debarment to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Kenny Shade, Office of Regulatory Affairs, Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rm. 4144, Rockville, MD 20857, 301–796–4640.

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(b)(2)(B)(ii)(I) of the FD&C Act (21 U.S.C. 335a(b)(2)(B)(ii)(I)) permits debarment of an individual if FDA finds that the individual has been convicted of a felony under Federal law for conduct that involves bribery; payment of illegal gratuities; fraud; perjury; false statement; racketeering; blackmail; extortion; falsification or destruction of records; interference with, obstruction of an investigation into, or prosecution of any criminal offense; and FDA finds, on the basis of the conviction and other information, that such individual has demonstrated a pattern of conduct sufficient to find that there is reason to believe the individual may violate requirements under the FD&C Act relating to drug products.

On November 6, 2012, the U.S. District Court for the Southern District of Florida entered judgment against Mr. Soto after a jury found him guilty of four counts of health care fraud in violation of 18 U.S.C. 1347 and one count of conspiracy to commit health care fraud in violation of 18 U.S.C. 1349.

FDA's finding that debarment is appropriate is based on the felony convictions referenced herein. The factual basis for these convictions is as follows: Mr. Soto was a registered nurse working for Ideal Home Health Inc. (Ideal), which was a business in Miami-Dade County, FL. Ideal purportedly provided skilled nursing services to Medicare beneficiaries who required home health services. As a registered nurse in the home health field, it was Mr. Soto's duty to provide skilled nursing services to patients and maintain proper documentation of all treatments provided to patients.

Mr. Soto conspired with others to defraud Medicare. Mr. Soto and his coconspirators, among other things, submitted and caused the submission of false and fraudulent claims to Medicare and concealed the submission of these false and fraudulent claims.

Mr. Soto and his co-conspirators falsified and caused Medicare beneficiaries to falsify weekly visit/time record sheets, falsified skilled nursing progress notes representing that Mr. Soto had administered insulin injections and provided various other medical services to Medicare beneficiaries, and caused Ideal to submit false and fraudulent claims to Medicare for home health benefits by falsely representing that they had provided these home health services. As a result of these fraudulent claims, Mr. Soto caused Medicare to make payments

to Ideal, which amounted to approximately $58,400.

As a result of his conviction on April 9, 2014, FDA sent Mr. Soto a notice by certified mail proposing to debar him for 6 years from providing services in any capacity to a person that has an approved or pending drug product application. The proposal was based on a finding under section 306(b)(2)(B)(ii)(I) of the FD&C Act that Mr. Soto was convicted of felonies under Federal law for conduct which involved health care fraud, and the Agency found, on the basis of the conviction and other information, that Mr. Soto had demonstrated a pattern of conduct sufficient to find that there is reason to believe he may violate requirements under the FD&C Act relating to drug products. This conclusion was based on the fact that Mr. Soto had legal and professional obligations to ensure that he submitted accurate medical claims for services he provided, as well as ensure that he provided the appropriate drug products to his patients. Instead, Mr. Soto submitted and caused the submission of false weekly visit/time record sheets and false daily blood sugar/insulin log sheets. He engaged in this conduct repeatedly over a period of more than 2 years. His convictions indicate that he knowingly and willfully disregarded his legal and professional obligations to keep accurate medical records and to submit accurate claims for the services he provided. Having considered the conduct that forms the basis of his conviction and the fact that this conduct occurred in the course of his profession and showed a disregard for the obligations of his profession and the law, FDA found that Mr. Soto has demonstrated a pattern of conduct sufficient to find that there is reason to believe that, if he were to provide services to a person that has an approved or pending drug application, he may violate requirements under the FD&C Act relating to drug products. Therefore, FDA had reason to believe that, if Mr. Soto were to provide services to a person that has an approved or pending drug application, he may violate requirements under the FD&C Act relating to drug products.

The proposal offered Mr. Soto an opportunity to request a hearing, providing him with 30 days from the date of receipt of the letter in which to file the request, and advised him that failure to request a hearing constituted a waiver of the opportunity for a hearing and of any contentions concerning this action. The proposal was received on April 14, 2014. Mr. Soto failed to respond within the timeframe prescribed by regulation and has, therefore, waived his opportunity for a hearing and has waived any contentions concerning his debarment (21 CFR part 12).

II. Findings and Order

Therefore, the Director, Office of Enforcement and Import Operations, Office of Regulatory Affairs, under section 306(b)(2)(B)(ii)(I) of the FD&C Act, under authority delegated to the Director (Staff Manual Guide 1410.35), finds that Kelvin Soto has been convicted of four counts of a felony and one count of conspiracy to commit a felony under Federal law for conduct involving health care fraud, and on the basis of the conviction and other information, finds that Mr. Soto has demonstrated a pattern of conduct sufficient to find that there is reason to believe he may violate requirements under the FD&C Act relating to drug products.

Based on the factors under section 306(c)(2)(A)(iii) of the FD&C Act (21 U.S.C. 335a(c)(2)(A)(iii)), FDA finds that each offense be accorded a debarment period of 3 years. In the case of a person debarred for multiple offenses, FDA shall determine whether the periods of debarment shall run concurrently or consecutively (21 U.S.C. 335a(c)(2)(A)). FDA has concluded that the 3-year period of debarment for each of the five offenses of conviction need not be served consecutively. Rather, FDA has concluded that the 3-year periods of debarment for the four counts of health care fraud shall run concurrently. The 3-year period of debarment for the conspiracy conviction shall run consecutively to the periods of debarment for the health care fraud convictions, resulting in a total debarment period of 6 years.

As a result of the foregoing finding, Kelvin Soto is debarred for a period of 6 years from providing services in any capacity to a person with an approved or pending drug product application under sections 505, 512, or 802 of the FD&C Act (21 U.S.C. 355, 360b, or 382), or under section 351 of the Public Health Service Act (42 U.S.C. 262), effective (see DATES) (see sections 201(dd), 306(c)(1)(B), and 306(c)(2)(A)(ii) of the FD&C Act (21 U.S.C. 321(dd), 335a(c)(1)(B), and 335a(c)(2)(A)(ii)). Any person with an approved or pending drug product application who knowingly employs or retains Mr. Soto as a consultant or contractor, or otherwise uses the services of Kelvin Soto in any capacity during his debarment, will be subject to civil money penalties (section 307(a)(6) of the FD&C Act (21 U.S.C. 335b(a)(6))). In addition, FDA will not accept or review any abbreviated new drug applications submitted by or with the assistance of Kelvin Soto during his period of debarment (section 306(c)(l)(A) of the FD&C Act).

Any application by Mr. Soto for termination of debarment under section 306(d)(4) of the FD&C Act should be identified with Docket No. FDA–2013–N–0960 and sent to the Division of Dockets Management (see **ADDRESSES**). All such submissions are to be filed in four copies. The public availability of information in these submissions is governed by 21 CFR 10.20(j).

Publicly available submissions may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 14, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–24814 Filed 10–17–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–1492]

Two-Phased Chemistry, Manufacturing, and Controls Technical Sections; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry (GFI #227) entitled ''Two-Phased Chemistry, Manufacturing, and Controls (CMC) Technical Sections.'' The purpose of this document is to provide recommendations to sponsors submitting CMC data submissions. For review efficiency, the Center for Veterinary Medicine (CVM) prefers that CMC information be submitted in a single technical section. However, there may be instances when a two-phased technical submission process is more beneficial to improve the overall time to drug approval. Sponsors may submit the phased CMC technical section as a single technical section or a two-phased technical section. This guidance describes the use of the two-phased technical section submission process.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft

guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by December 19, 2014.

ADDRESSES: Submit written requests for single copies of the guidance to the Communications Staff (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Heather Longstaff, Center for Veterinary Medicine (HFV–145), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–0651, email: *heather.longstaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry (GFI #227) entitled ''Two-Phased Chemistry, Manufacturing, and Controls (CMC) Technical Sections.'' It is intended to provide recommendations to industry regarding CMC data submitted to CVM to support approval of a new animal drug or abbreviated new animal drug. As specified in the Animal Drug User Fee Amendments of 2013 (ADUFA III) and Animal Generic Drug User Fee Amendments of 2013 (AGDUFA II) respective goals letters, the Agency agreed to develop guidance for a two-phased CMC technical section submission and review process by the end of fiscal year 2014.

The two-phased process allows for two separate CMC submissions, each with its own review clock, and each including complete appropriate CMC information that is available for review at the time of submission. The draft guidance specifies the technical details of how the process works, the review clocks, the information that is appropriate for each technical section submission, and the possible review outcomes. The guidance also includes CVM's recommendations for meetings between the Division of Manufacturing Technologies and the sponsor during this process to ensure concurrence with the approach used for the CMC technical section.

II. Significance of Guidance

This level 1 draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

III. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in this guidance have been approved under 0910–0032 and 0910–0669.

IV. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

V. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *http://www.fda.gov/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/default.htm* or *http://www.regulations.gov.*

Dated: October 15, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–24796 Filed 10–17–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received no later than December 19, 2014.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: The Secretary's Discretionary Advisory Committee on Heritable Disorders in Newborns and Children's Public Health System Assessment Surveys OMB No. 0915-xxxx–New

Abstract: The purpose of the public health system assessment surveys is to inform the Secretary's Discretionary Advisory Committee on Heritable Disorders in Newborns and Children (Committee) on the ability to add newborn screening for particular conditions within a state, including the feasibility, readiness, and overall capacity to screen for a new condition.

The Committee was established under the Public Health Service Act, 42 U.S.C. 217a: Advisory Councils or Committees. This Committee fulfills the functions previously undertaken by the former Secretary's Advisory Committee on Heritable Disorders in Newborns and Children, established under Section 1111 of the Public Health Service Act (PHS), 42 U.S.C. 300b–10, as amended in the Newborn Screening Saves Lives Act of 2008. The Committee is governed by the provisions of the Federal Advisory Committee Act (FACA), as

amended (5 U.S.C. App.), which sets forth standards for the formation and use of advisory committees. The purpose of the Committee is to provide the Secretary with recommendations, advice, and technical information regarding the most appropriate application of technologies, policies, guidelines, and standards for: (a) Effectively reducing morbidity and mortality in newborns and children having, or at risk for, heritable disorders; and (b) enhancing the ability of state and local health agencies to provide for newborn and child screening, counseling, and health care services for newborns and children having, or at risk for, heritable disorders. Specifically, the Committee makes systematic evidence-based recommendations on newborn screening for conditions that have the potential to change the health outcomes for newborns.

The Committee tasks an external workgroup to conduct systematic evidence based reviews. The reviews are of rare, genetic conditions and their corresponding newborn screening test(s), confirmatory test(s), and treatment(s). Reviews also include an analysis of the benefits and harms of newborn screening for a selected condition at a population level and an assessment of state public health newborn screening programs' ability to implement the screening of a new condition.

Need and Proposed Use of the Information: HRSA proposes that the data collection surveys be administered by the Committee's external Condition Review Workgroup to all state newborn screening programs in the United States. The surveys were developed to capture the following: (1) The readiness of state public health newborn screening programs to expand newborn screening to include the target condition; (2) specific requirements of screening for the condition would hinder or facilitate its implementation in each state; and (3) estimated timeframes needed for each state to complete major milestones toward full newborn screening of the condition.

The data gathered will inform the Committee on the following: (1) Feasibility of implementing population-based screening for the target condition; (2) readiness of state newborn screening programs to adopt screening for the condition; (3) identify gaps in feasibility or readiness to screen for the condition; and (4) identify areas of technical assistance and resources needed to facilitate screening for conditions with low feasibility or readiness.

Likely Respondents: The respondents to the survey will be state newborn screening programs.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. 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. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

Total Estimated Annualized burden hours:

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
INITIAL Survey	59	1	59	10.0	590
FOLLOW-UP Survey	[1] 30	1	30	2.0	60
Total	59		89		650

[1] Up to 30 states and/or territories will be asked to complete a follow-up survey.

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Dated: October 10, 2014.

Jackie Painter,

Acting Director, Division of Policy and Information Coordination.

[FR Doc. 2014–24870 Filed 10–17–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than November 19, 2014.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the

information request collection title for reference.

Information Collection Request Title: Be The Match® Patient Services Survey OMB No. 0915–xxxx—NEW

Abstract: National Marrow Donor Program®/Be The Match® is dedicated to helping patients and families get the support and information they need to learn about their disease and treatment options, prepare for transplant, and thrive after transplant. The information and resources provided are intended to help navigate the bone marrow or cord blood transplant (transplant) process. Participant feedback is essential to understand the needs for transplant support services and educational information across a diverse population. This information will be used to determine helpfulness of existing services and resources. Feedback is also used to identify areas for improvement and to develop future programs.

Need and Proposed Use of the Information: Barriers restricting access to bone marrow or cord blood transplant (transplant) related care and educational information are multi-factorial. Feedback from participants is essential to better understand the changing needs for services and information as well as to demonstrate the effectiveness of existing services. The primary use for information gathered through the survey is to determine helpfulness of participants' initial contact with Be The Match® Patient Services Coordinators (PSC) and to identify areas for improvement in the delivery of services.

The survey will include these items to measure: (1) Reason for contacting Be The Match®; (2) if the PSC was able to answer questions and easy to understand; (3) if the contact helped the participant to feel better prepared to discuss transplant with their care team; (4) increase in awareness of available resources; (5) timeliness of response; and (6) overall satisfaction. Stakeholders utilize this evaluation data to make program and resource allocation decisions.

Likely Respondents: Respondents will include patients, caregivers, and family members contacting Be The Match® Patient Services Coordinators. Respondents will include all patients, caregivers, and family members who have contact with Be The Match® Patient Services Coordinators via phone or email for transplant navigation services and support (advocacy). The decision to survey all participants was made based on historic evidence of patients' unavailability due to frequent transitions in health status as well as between home and the hospital for initial treatment and care for complications.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. 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. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Be The Match® Patient Services Survey	420	1	420	0.25	105
Total	420	1	420	0.25	105

The total respondent burden for the satisfaction survey is estimated to be 105 hours. We expect a total of 420 respondents (33% response rate) to complete the Be The Match® Patient Services Survey.

Dated: October 10, 2014.

Jackie Painter,

Acting Director, Division of Policy and Information Coordination.

[FR Doc. 2014–24872 Filed 10–17–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Privacy Act of 1974; Deletion of an Existing System of Records

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice to delete an obsolete system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, HRSA is deleting an obsolete system of records titled the Information Center (IC) Integrated Clearinghouse System (ICS), HRSA 09–15–0067, established in 2007 at 72 FR 34018 and 72 FR 44846.

DATES: *Effective Date:* The deletion will be effective upon publication of this Notice.

ADDRESSES: The public should address any comments to: David Bowman, Office of Communications, HRSA, RM 16–70, 5600 Fishers Lane, Rockville, Maryland, and 301–443–3376. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9 a.m.–3 p.m., Eastern Time Zone.

SUPPLEMENTARY INFORMATION: HRSA's Office of Communications operated the IC/ICS system as part of the larger HRSA Information Center, which provided information on HRSA's many programs in response to public inquiries. The purpose of the IC/ICS system of records was to provide for the safekeeping of customers' personally identifiable information captured and retained by the system for the period of 1 year for quality assurance purposes associated with voluntary requests for publications and other information. On September 2, 2014, the HRSA IC closed and ceased operations and all personally-identifiable records were deleted from the system; therefore this system of records is no longer maintained.

Accordingly, the Information Center (IC) Integrated Clearinghouse System (ICS), HRSA 09–15–0067, is hereby deleted as obsolete.

Dated: October 14, 2014.

Mary K. Wakefield,

Administrator.

[FR Doc. 2014–24868 Filed 10–17–14; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Omnibus R03/R21 SEP–7.

Date: November 12, 2014.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room TE406, Rockville, MD 20850.

Contact Person: Timothy C. Meeker, MD, Ph.D., Scientific Review Officer, Resource and Training Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W606, Rockville, MD 20850, 240–276–6464, *meekert@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel, Innovative Molecular Analysis Technologies.

Date: February 24–25, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Donald L. Coppock, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division Of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W260, Bethesda, MD 20892, 240–276–6382, *donald.coppock@nih.gov.*

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/sep/sep.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: October 14, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–24788 Filed 10–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel; NEI Cooperative Agreement and Clinical Applications.

Date: November 5, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Brian Hoshaw, Ph.D., Scientific Review Officer, National Eye Institute, National Institutes of Health, Division of Extramural Research, 5635 Fishers Lane, Suite 1300, Rockville, MD 20892, 301–451–2020, *hoshawb@mail.nih.gov.*

Name of Committee: National Eye Institute Special Emphasis Panel; NEI K Training and R13 Conference Grant Applications.

Date: November 6–7, 2014.

Time: 8:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Suite 1300, 5635 Fishers Lane, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jeanette M. Hosseini, Ph.D., Scientific Review Officer, 5635 Fishers Lane, Suite 1300, Bethesda, MD 20892, 301–451–2020, *jeanetteh@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: October 14, 2014.

Melanie J. Gray-Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–24787 Filed 10–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; CNS Effects of HIV.

Date: November 20, 2014.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: JoAnn McConnell, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Boulevard, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–5324, *mcconnej@ninds.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: October 14, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–24784 Filed 10–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed 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: Heart, Lung, and Blood Initial Review Group, NHLBI Mentored Transition to Independence Review Committee.

Date: November 13–14, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: Giuseppe Pintucci, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892, 301–435–0287, *Pintuccig@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Clinical Research in HIV/HLB Diseases.

Date: November 24, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Dupont Circle Hotel, 1500 New Hampshire Avenue NW., Washington, DC.

Contact Person: Stephanie L Constant, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7189, Bethesda, MD 20892, 301–443–8784, *constantsl@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, NHLBI Program Project for Lipoprotein Metabolism.

Date: November 24, 2014.

Time: 2:00 p.m. to 4:30 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: David A. Wilson, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7204, Bethesda, MD 20892–7924, 301–435–0299, *wilsonda2@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS).

Dated: October 10, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–24792 Filed 10–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Toxicology Program Board of Scientific Counselors; Announcement of Meeting; Request for Comments

SUMMARY: This notice announces the next meeting of the National Toxicology Program (NTP) Board of Scientific Counselors (BSC). The BSC, a federally chartered, external advisory group composed of scientists from the public and private sectors, will review and provide advice on programmatic activities. The meeting is open to the public as indicated below, and registration is requested for both attendance and oral comment and required to access the webcast. Parts of the meeting will be closed as indicated on the agenda. Information about the meeting and registration are available at *http://ntp.niehs.nih.gov/go/165*.

DATES: *Meeting:* The meeting is on December 9–10, 2014; it begins at 8:00 a.m. Eastern Standard Time (EST) on December 9 and at 9:00 a.m. on December 10 and continues each day until adjournment.

Written Public Comment Submissions: Deadline is November 25, 2014.

Registration for Oral Comments: Deadline is December 2, 2014.

Registration for Accommodation: Deadline is December 2, 2014, for individuals with disabilities who need accommodation to participate.

ADDRESSES: *Meeting Location:* Rodbell Auditorium, Rall Building, National Institute of Environmental Health Sciences (NIEHS), 111 T.W. Alexander Drive, Research Triangle Park, NC 27709.

Meeting Web page: The preliminary agenda, registration, and other meeting materials are at *http://ntp.niehs.nih.gov/go/165*.

Webcast: The meeting will be webcast on December 10; the URL will be provided to those who register for viewing.

FOR FURTHER INFORMATION CONTACT: Dr. Lori White, Designated Federal Officer for the BSC, Office of Liaison, Policy and Review, Division of NTP, NIEHS, P.O. Box 12233, K2–03, Research Triangle Park, NC 27709. Phone: 919–541–9834, Fax: 301–480–3272, Email: *whiteld@niehs.nih.gov*. Hand Deliver/Courier address: 530 Davis Drive, Room K2124, Morrisville, NC 27560.

SUPPLEMENTARY INFORMATION:

Meeting and Registration: Parts of the meeting are open to the public as indicated on the agenda with time scheduled for oral public comments; in-person attendance at NIEHS is limited only by the space available. Parts of the meeting are closed to the public as indicated on the agenda in accordance with the provisions set forth in section 552(c)(6), Title 5 U.S.C., as amended, for the review, discussion, and evaluation of individual intramural programs and projects conducted by the NIEHS, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The BSC will provide input to the NTP on programmatic activities and issues. A preliminary agenda, roster of BSC members, background materials, public comments, and any additional information, when available, will be posted on the BSC meeting Web site (*http://ntp.niehs.nih.gov/go/165*) or may be requested in hardcopy from the Designated Federal Officer for the BSC. Following the meeting, summary minutes will be prepared and made available on the BSC meeting Web site.

The public may attend the meeting in person on both days or view the webcast on December 10. Registration is required to view the webcast; the URL for the webcast will be provided in the email confirming registration. Individuals who plan to provide oral comments (see below) are encouraged to register online at the BSC meeting Web site (*http://ntp.niehs.nih.gov/go/165*) by December 2, 2014, to facilitate planning for the meeting. Individuals interested in this meeting are encouraged to access the Web site to stay abreast of the most current information regarding the meeting. Visitor and security information for those attending in-person is available at *niehs.nih.gov/about/visiting/index.cfm*. Individuals with disabilities who need accommodation to participate in this event should contact Dr. White at phone: (919) 541–9834 or email:

whiteld@niehs.nih.gov. TTY users should contact the Federal TTY Relay Service at 800–877–8339. Requests should be made at least five business days in advance of the event.

Request for Comments: Written comments submitted in response to this notice should be received by November 25, 2014. Comments will be posted on the BSC meeting Web site and persons submitting them will be identified by their name and affiliation and/or sponsoring organization, if applicable. Persons submitting written comments should include their name, affiliation (if applicable), phone, email, and sponsoring organization (if any) with the document.

Time is allotted during the meeting for the public to present oral comments to the BSC on the agenda topics. Public comments can be presented in-person at the meeting or by teleconference line. There are 50 lines for this call; availability is on a first-come, first-served basis. The lines will be open on December 10 from 9:00 a.m. until adjournment, although the BSC will receive public comments only during the formal public comment periods, which are indicated on the preliminary agenda. Each organization (sponsoring organization or affiliation) is allowed one time slot per agenda topic. Each speaker is allotted at least 7 minutes, which if time permits, may be extended to 10 minutes at the discretion of the BSC chair. Persons wishing to present oral comments should register on the BSC meeting Web site by December 2, 2014, indicate whether they will present comments in-person or via the teleconference line, and indicate the topic(s) on which they plan to comment. The access number for the teleconference line will be provided to registrants by email prior to the meeting. On-site registration for oral comments will also be available on the meeting day, although time allowed for comments by these registrants may be limited and will be determined by the number of persons who register at the meeting.

Persons registering to make oral comments are asked to send a copy of their statement and/or PowerPoint slides to the Designated Federal Officer by December 2, 2014. Written statements can supplement and may expand upon the oral presentation. If registering on-site and reading from written text, please bring 20 copies of the statement for distribution to the BSC and NTP staff and to supplement the record.

Background Information on the BSC: The BSC is a technical advisory body comprised of scientists from the public and private sectors that provides primary scientific oversight to the NTP. Specifically, the BSC advises the NTP on matters of scientific program content, both present and future, and conducts periodic review of the program for the purpose of determining and advising on the scientific merit of its activities and their overall scientific quality. Its members are selected from recognized authorities knowledgeable in fields such as toxicology, pharmacology, pathology, biochemistry, epidemiology, risk assessment, carcinogenesis, mutagenesis, molecular biology, behavioral toxicology, neurotoxicology, immunotoxicology, reproductive toxicology or teratology, and biostatistics. Members serve overlapping terms of up to four years. The BSC usually meets biannually. The authority for the BSC is provided by 42 U.S.C. 217a, section 222 of the Public Health Service Act (PHS), as amended. The BSC is governed by the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. app.), which sets forth standards for the formation and use of advisory committees.

Dated: October 14, 2014.

John R. Bucher,

Associate Director, National Toxicology Program.

[FR Doc. 2014–24783 Filed 10–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Cerebrovascular Disease and Aging.

Date: November 10, 2014.

Time: 1:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ramesh Vemuri, Ph.D., Chief, Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C–212, Bethesda, MD 20892, 301–402–7700, *rv23r@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: October 14, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–24789 Filed 10–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Pathophysiology of Neurological Disorders.

Date: November 10, 2014.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Boris P Sokolov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217A, MSC 7846, Bethesda, MD 20892, 301–408–9115, *bsokolov@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowship: Physiology and Pathobiology of Musculoskeletal, Oral, and Skin Systems.

Date: November 12, 2014.

Time: 8:00 a.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Anshumali Chaudhari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4124, MSC 7802, Bethesda, MD 20892, (301) 435–1210, *chaudhaa@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Drug Discovery for the Nervous System.

Date: November 12, 2014.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Geoffrey G Schofield, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040–A, MSC 7850, Bethesda, MD 20892, 301–435–1235, *geoffreys@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group; Behavioral and Social Science Approaches to Preventing HIV/AIDS Study Section.

Date: November 13–14, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Fairmont Washington, DC Georgetown, 2401 M Street NW., Washington, DC 20037.

Contact Person: Jose H Guerrier, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, 301–435–1137, *guerriej@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Oncology.

Date: November 13–14, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street NW., Washington, DC 20036.

Contact Person: Arnold Revzin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146 MSC 7824, Bethesda, MD 20892, 301–435–1153.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Resource for X-Ray Tomography of Whole Cells.

Date: November 16–18, 2014.

Time: 7:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Durant, 2600 Durant Avenue, Berkeley, CA 94704.

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; PAR Panel: Basic Research on HIV Persistence.

Date: November 17, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The St. Regis Washington, DC, 923 16th Street NW., Washington, DC 20006.

Contact Person: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301–435–1050, *freundr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Risk, Prevention and Health Behavior.

Date: November 17–18, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Martha M Faraday, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110, MSC 7808, Bethesda, MD 20892, (301) 435–3575, *faradaym@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Basic Research on HIV Persistence.

Date: November 17, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The St. Regis Washington, DC, 923 16th Street NW., Washington, DC 20006.

Contact Person: Kenneth A Roebuck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, MSC 7852, Bethesda, MD 20892, (301) 435–1166, *roebuckk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Oral, Dental, and Craniofacial Sciences SBIR/STTR.

Date: November 18–19, 2014.

Time: 8:00 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 (Virtual Meeting).

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: Center for Scientific Review Special Emphasis Panel; Fellowship: Cell Biology, Developmental Biology and Bioengineering.

Date: November 18–19, 2014.

Time: 9:00 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: Alexander Gubin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4196, MSC 7812, Bethesda, MD 20892, 301–435–2902, *gubina@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Academic Research Enhancement: Healthcare Delivery and Methodologies.

Date: November 18, 2014.

Time: 9:00 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: Ping Wu, Ph.D., Scientific Review Officer, HDM IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, Bethesda, MD 20892, 301–615–7401, *wup4@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 14, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–24785 Filed 10–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Omnibus SEP–11.

Date: November 18, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W610, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Caterina Bianco, MD, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W610, Bethesda, MD 20892–9750, 240–276–6459, *biancoc@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/sep/sep.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: October 14, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–24786 Filed 10–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Interagency Autism Coordinating Committee Call for Nominations

SUMMARY: The Office of the Secretary of the Department of Health and Human Services (HHS) is seeking nominations of individuals to serve as non-federal public members on the Interagency Autism Coordinating Committee. The Office of the Secretary has directed the Office of Autism Research Coordination (OARC) of the National Institute of Mental Health, National Institutes of Health to assist the Department in conducting an open and transparent nomination process.

DATES: Nominations are due by Friday, November 14, 2014.

ADDRESSES: Nominations must be sent to Dr. Susan Daniels, Director, Office of Autism Research Coordination/NIMH/NIH, 6001 Executive Boulevard, Room 6184, Bethesda, MD 20892 by standard or express mail, or via email to *IACCPublicInquiries@mail.nih.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Lina Perez, Office of Autism Research Coordination, National Institute of Mental Health via email to *IACCPublicInquiries@mail.nih.gov.*

SUPPLEMENTARY INFORMATION:

Call for Nominations

The Secretary of the Department of Health and Human Services (Secretary) is seeking nominations of individuals to serve as non-federal public members on the Interagency Autism Coordinating Committee (IACC), established in accordance with the Combating Autism Act of 2006 (Pub. L. 109–416) and reauthorized by the Autism Collaboration, Accountability, Research, Education and Support Act of 2014 (Pub. L. 113–157). The Secretary, who will make the final selections and appointments of non-federal public members of the IACC, has directed the Office of Autism Research Coordination (OARC) of the National Institute of Mental Health to assist the Department in conducting an open and transparent nomination process.

Eligibility

Nominations of new non-federal public members are encouraged, and current non-federal public members may also be re-nominated to continue to serve. Self-nominations and nominations of other individuals are both permitted. Only one nomination per individual is required. Multiple nominations for the same individual will not increase likelihood of selection. The Secretary may select non-federal public members from the pool of submitted nominations and other sources as needed to meet statutory requirements and to form a balanced committee that represents the diversity within the autism spectrum disorder (ASD) community (details below). Those eligible for nomination include leaders or representatives of major ASD research, advocacy and service organizations, parents or guardians of individuals with ASD, individuals on the autism spectrum, healthcare and service providers, educators, researchers and other individuals with professional or personal experience with ASD. In accordance with White House Office of Management and Budget guidelines (FR Doc. 2014–19140), federally-registered lobbyists are not eligible.

Committee Responsibilities

As specified in the Committee's authorizing statute (section 399CC of the Public Health Service Act, 42 U.S.C. 280i–2, as amended), the Committee will carry out the following responsibilities: (1) Monitor autism spectrum disorder research, and to the extent practicable, services and support activities, across all relevant Federal departments and agencies, including coordination of Federal activities with respect to autism spectrum disorder; (2) develop a summary of advances in autism spectrum disorder research related to causes, prevention, treatment, early screening, diagnosis or ruling out a diagnosis; interventions, including school and community-based interventions, and access to services and supports for individuals with autism spectrum disorder; (3) make recommendations to the Secretary regarding any appropriate changes to such activities, including with respect to the strategic plan; (4) make recommendations to the Secretary regarding public participation in decisions relating to autism spectrum disorder, and the process by which public feedback can be better integrated into such decisions; (5) develop a strategic plan for the conduct of, and support for, autism spectrum disorder research, including, as practicable, for services and supports, for individuals with an autism spectrum disorder and the families of such individuals, which shall include (A) proposed budgetary requirements; and (B) recommendations to ensure that autism spectrum disorder research, and services and support activities to the extent practicable, of the Department of Health and Human Services and of other Federal departments and agencies are not unnecessarily duplicative; and (6) submit to Congress and the President: (A) an annual update on the summary of advances; and (B) an annual update to the strategic plan, including any progress made in achieving the goals outlined in such strategic plan.

Committee Composition

In accordance with the Committee's authorizing statute, ''Not more than ½, but not fewer than ⅓, of the total membership of the Committee shall be composed of non-Federal public members appointed by the Secretary.''

All non-Federal public members are appointed as Special Government Employees for their service on the IACC, of which:

- At least two such members shall be individuals with a diagnosis of autism spectrum disorder;
- At least two such members shall be parents or legal guardians of an individual with an autism spectrum disorder; and
- At least two such members shall be representatives of leading research, advocacy, and service organizations for individuals with autism spectrum disorder.

The Department strives to ensure that the membership of HHS Federal advisory committees is fairly balanced in terms of points of view represented and the committee's function. Every effort is made to ensure that the views of women, all ethnic and racial groups, and people with disabilities are represented on HHS Federal advisory committees and, therefore, the Department encourages nominations of qualified candidates from these groups. The Department also encourages geographic diversity in the composition of the Committee. Appointment to this

Committee shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, disability, and cultural, religious, or socioeconomic status. Requests for reasonable accommodation to enable participation on the Committee should be indicated in the nomination submission.

Member Terms

Non-Federal public members of the Committee ''shall serve for a term of 4 years, and may be reappointed for one or more additional 4-year terms . . . Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has been appointed.''

Meetings and Travel

''The Committee shall meet at the call of the chairperson or upon the request of the Secretary. The Committee shall meet not fewer than 2 times each year.''

In the years 2008–2014, the IACC held an average of 16 meetings, workshops and phone conferences per year, including full committee, subcommittee, working and planning group meetings, and workshops. Travel expenses are provided for non-federal public Committee members to facilitate attendance at in-person meetings. Members are expected to make every effort to attend all full committee and relevant subcommittee, working and planning group meetings, and workshops, either in person or via remote access options provided.

Submission Instructions and Deadline

Nominations are due by Friday, November 14, 2014 and may be sent to Dr. Susan Daniels, Director, Office of Autism Research Coordination/NIMH/NIH, 6001 Executive Boulevard, Room 6184, Bethesda, MD 20892 by standard or express mail, or via email to *IACCPublicInquiries@mail.nih.gov.* Nominations should include a cover letter of no longer than 3 pages describing the candidate's interest in seeking appointment to the IACC, including relevant personal and professional experience with ASD, as well as contact information and a current curriculum vitae or resume. Up to 2 letters of support are permitted in addition to the nomination, with a page limit of 3 pages per letter. Please do not include additional materials unless requested.

More information about the IACC is available at *www.iacc.hhs.gov.*

Dated: October 1, 2014.

Susan A. Daniels,

Director, Office of Autism Research Coordination, National Institute of Mental Health.

[FR Doc. 2014–24838 Filed 10–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2010–0164]

National Boating Safety Advisory Council

AGENCY: Coast Guard, DHS.

ACTION: Notice of Federal advisory committee meeting.

SUMMARY: The National Boating Safety Advisory Council and its Subcommittees will meet on November 6 through 8, 2014, in Arlington, VA, to discuss issues relating to recreational boating safety. These meetings will be open to the public.

DATES: The National Boating Safety Advisory Council will meet Thursday, November 6, 2014, from 8:30 a.m. to 12:00 p.m. and Saturday, November 8, 2014 from 8:30 a.m.to 1 p.m. The Boats and Associated Equipment Subcommittee will meet on November 6, 2014, from 1:30 p.m. to 5 p.m. The Recreational Boating Safety Strategic Planning Subcommittee will meet on November 7, 2014, from 8:30 a.m. to 11:30 a.m., and the Prevention Through People Subcommittee will meet on November 7, 2014, from 1 p.m. to 5 p.m. Please note that these meetings may conclude early if the National Boating Safety Advisory Council has completed all business.

ADDRESSES: The meeting will be held in the Ballroom of the Holiday Inn Arlington (*http://www.hiarlington.com*), 4610 N Fairfax Drive, Arlington, VA 22203.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Mr. Jeff Ludwig, Alternate Designated Federal Officer, telephone 202–372–1061, or at *jeffrey.a.ludwig@uscg.mil.*

To facilitate public participation, we are inviting public comment on the issues to be considered by the Council as listed in the ''Agenda'' section below. Written comments for distribution to Council members must be submitted no later than October 31, 2014, if you want the Council members to be able to review your comments before the meeting, and must be identified by USCG–2010–0164. Written comments may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments (preferred method to avoid delays in processing).
- *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.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action, USCG–2010–0164. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review a Privacy Act notice regarding public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Docket: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov,* enter the docket number in the ''Search'' box, press enter, then click on the item you wish to view.

Public oral comment periods will be held during the meetings after each presentation and at the end of each day. Speakers are requested to limit their comments to 3 minutes. Please note that the public comment periods may end before the time indicated, following the last call for comments. Contact Mr. Jeff Ludwig as indicated below to register as a speaker.

FOR FURTHER INFORMATION CONTACT: Mr. Jeff Ludwig, Alternate Designated Federal Office, for the National Boating Safety Advisory Council, telephone (202) 372–1061, or at *jeffrey.a.ludwig@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 or 1–800–647–5527.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the *Federal Advisory Committee Act,* Title 5 United States Code Appendix. Congress established the National Boating Safety Advisory Council in the *Federal Boat Safety Act of 1971* (Public Law 92–75). The National Boating Safety Advisory

Council currently operates under the authority of 46 U.S.C. 13110, which requires the Secretary of Homeland Security and the Commandant of the Coast Guard by delegation to consult with the National Boating Safety Advisory Council in prescribing regulations for recreational vessels and associated equipment and on other major safety matters. See 46 U.S.C. 4302(c) and 13110(c).

Meeting Agenda

The agenda for the National Boating Safety Advisory Council meeting is as follows:

Thursday, November 6, 2014

(1) Opening Remarks, Swearing-In of New Members and Presentation of Awards to Outgoing Members.
(2) Receipt and discussion of the following reports:
  (a) Chief, Office of Auxiliary and Boating Safety, Update on the Coast Guard's implementation of National Boating Safety Advisory Council Resolutions and Recreational Boating Safety Program report.
  (b) Alternate Designated Federal Officer's report concerning Council administrative and logistical matters.
  (c) Office of Navigation Systems report on the United States Coast Guard's testing of Electronic Aids to Navigation (eATON)
  (d) National Boating Safety Advisory Council Workgroup report on Terms of Service for Members and the Chairman.
(3) Presentation and discussion on ethics requirements for federal advisory committee members.
(4) Presentation and discussion on National Non-Profit Boating Organization Grant Program FY15 Areas of Interest Notice.
(5) Subcommittee Session: Boats and Associated Equipment Subcommittee
  Issues to be discussed include Uniform Certificate of Title Act—Vessel; alternatives to pyrotechnic visual distress signals; grant projects related to boats & associated equipment; and updates to 33 CFR parts 181 & 183
(6) Public comment period.
(7) Adjournment of Meeting.

Friday, November 7, 2014

The meeting will primarily be dedicated to Subcommittee sessions:

(1) Recreational Boating Strategic Planning Subcommittee.
  Issues to be discussed include progress on implementation of the 2012–2016 Strategic Plan, and development of the 2017–2021 Strategic Plan.
(2) Prevention Through People Subcommittee.
  Issues to be discussed include life jacket carriage requirements for certain recreational vessels and licensing requirements for on-water boating safety instruction providers

Saturday, November 8, 2014

The full Council will resume meeting on this day.

(1) Receipt and Discussion of the Boats and Associated Equipment, Prevention through People and Strategic Planning Subcommittee reports.
(2) Public comment period.
(3) Discussion of any recommendations to be made to the Coast Guard.
(4) Adjournment of meeting.

There will be a comment period for the National Boating Safety Advisory Council members and a comment period for the public after each presentation and report, but before each recommendation is formulated. The Council members will review the information presented on each issue, deliberate on any recommendations presented in the Subcommittee reports, and formulate recommendations for the Department's consideration.

The meeting agenda and all meeting documentation can be found at: *http://homeport.uscg.mil/NBSAC.* Alternatively, you may contact Mr. Jeff Ludwig as noted in the **FOR FURTHER INFORMATION CONTACT** section above.

Dated: October 15, 2014.

Anthony Regalbuto,

Acting Director of Inspections and Compliance.

[FR Doc. 2014–24915 Filed 10–17–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0003]

Notice of Adjustment of Minimum Project Worksheet Amount

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: FEMA gives notice that the minimum Project Worksheet Amount under the Public Assistance program for disasters and emergencies declared on or after October 1, 2014, will be increased.

DATES: *Effective Date:* October 1, 2014, and applies to major disasters and emergencies declared on or after October 1, 2014.

FOR FURTHER INFORMATION CONTACT: William Roche, Recovery Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3834.

SUPPLEMENTARY INFORMATION: The Robert T. Stafford Disaster Relief and Emergency Assistance Act 42 U.S.C. 5121–5207 and 44 CFR 206.202(d)(2) provide that FEMA will annually adjust the minimum Project Worksheet amount under the Public Assistance program to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

FEMA gives notice of an increase to $3,040 for the minimum amount that will be approved for any Project Worksheet under the Public Assistance program for all major disasters and emergencies declared on or after October 1, 2014.

FEMA bases the adjustment on an increase in the Consumer Price Index for All Urban Consumers of 1.3 percent for the 6-month period from February 2014 to August 2014. This is based on information released by the Bureau of Labor Statistics at the U.S. Department of Labor on September 17, 2014.

Catalog of Federal Domestic Assistance No. 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters).

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–24809 Filed 10–17–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0003]

Notice of Adjustment of Statewide Per Capita Impact Indicator

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: FEMA gives notice that the statewide per capita impact indicator under the Public Assistance program for disasters declared on or after October 1, 2014, will be increased.

DATES: *Effective Date:* October 1, 2014, and applies to major disasters declared on or after October 1, 2014.

FOR FURTHER INFORMATION CONTACT: William Roche, Recovery Directorate,

Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3834.

SUPPLEMENTARY INFORMATION: 44 CFR 206.48 provides that FEMA will adjust the statewide per capita impact indicator under the Public Assistance program to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

FEMA gives notice that the statewide per capita impact indicator will be increased to $1.41 for all disasters declared on or after October 1, 2014.

FEMA bases the adjustment on an increase in the Consumer Price Index for All Urban Consumers of 1.7 percent for the 12-month period that ended in August 2014. The Bureau of Labor Statistics of the U.S. Department of Labor released the information on September 17, 2014.

Catalog of Federal Domestic Assistance No. 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters).

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–24811 Filed 10–17–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4193–DR; Docket ID FEMA–2014–0003]

California; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of California (FEMA–4193–DR), dated September 11, 2014, and related determinations.

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

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 11, 2014, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of California resulting from an earthquake during the period of August 24 to September 7, 2014, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of California.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Stephen M. De Blasio Sr., of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of California have been designated as adversely affected by this major disaster:

Napa and Solano Counties for Public Assistance.

All areas within the State of California are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–24805 Filed 10–17–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4194–DR; Docket ID FEMA–2014–0003]

Hawaii; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Hawaii (FEMA–4194–DR), dated September 12, 2014, and related determinations.

DATES: *Effective Date:* September 12, 2014.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 12, 2014, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Hawaii resulting from Tropical Storm Iselle during the period of August 7–9, 2014, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Hawaii.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the

exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Kenneth K. Suiso, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Hawaii have been designated as adversely affected by this major disaster:

Hawaii and Maui Counties for Public Assistance.

All areas within the State of Hawaii are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–24807 Filed 10–17–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4195–DR; Docket ID FEMA–2014–0003]

Michigan; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Michigan (FEMA–4195–DR), dated September 25, 2014, and related determinations.

DATES: *Effective Date:* September 25, 2014.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 25, 2014, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Michigan resulting from severe storms and flooding during the period of August 11–13, 2014, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Michigan.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Dolph A. Diemont, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Michigan have been designated as adversely affected by this major disaster:

Macomb, Oakland, and Wayne Counties for Individual Assistance.

Macomb, Oakland, and Wayne Counties for Public Assistance.

All areas within the State of Michigan are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–24801 Filed 10–17–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0003]

Notice of Maximum Amount of Assistance Under the Individuals and Households Program

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: FEMA gives notice of the maximum amount for assistance under the Individuals and Households Program for emergencies and major disasters declared on or after October 1, 2014.

DATES: *Effective Date:* October 1, 2014, and applies to emergencies and major disasters declared on or after October 1, 2014.

FOR FURTHER INFORMATION CONTACT: Mark Millican, Recovery Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 212–1000.

SUPPLEMENTARY INFORMATION: Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), 42 U.S.C. 5174, prescribes that FEMA must annually adjust the maximum amount for assistance provided under the

Individuals and Households Program (IHP). FEMA gives notice that the maximum amount of IHP financial assistance provided to an individual or household under section 408 of the Stafford Act with respect to any single emergency or major disaster is $32,900. The increase in award amount as stated above is for any single emergency or major disaster declared on or after October 1, 2014. In addition, in accordance with 44 CFR 61.17(c), this adjustment includes the maximum amount of available coverage under any Group Flood Insurance Policy (GFIP) issued.

FEMA bases the adjustment on an increase in the Consumer Price Index for All Urban Consumers of 1.7 percent for the 12-month period, which ended in August 2014. The Bureau of Labor Statistics of the U.S. Department of Labor released the information on September 17, 2014.

Catalog of Federal Domestic Assistance No. 97.048, Federal Disaster Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–24806 Filed 10–17–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

[Docket ID FEMA–2014–0003]

Notice of Adjustment of Disaster Grant Amounts

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: FEMA gives notice of an increase of the maximum amount for Small Project Grants made to state, tribal, and local governments and private nonprofit facilities for disasters declared on or after October 1, 2014.

DATES: *Effective Date:* October 1, 2014, and applies to major disasters and emergencies declared on or after October 1, 2014.

FOR FURTHER INFORMATION CONTACT: William Roche, Recovery Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3834.

SUPPLEMENTARY INFORMATION: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207, as amended by the Sandy Recovery Improvement Act, Public Law 113–2, provides that FEMA will annually adjust the maximum grant amount made under section 422, Simplified Procedures, relating to the Public Assistance program, to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

FEMA gives notice of an increase to $121,600 in the maximum amount of any Small Project Grant made to state, tribal, and local governments or to the owner or operator of an eligible private nonprofit facility under section 422 of the Stafford Act for all major disasters or emergencies declared on or after October 1, 2014.

FEMA bases the adjustment on an increase in the Consumer Price Index for All Urban Consumers of 1.3 percent for the 6-month period from February 2014 to August 2014. This is based on information released by the Bureau of Labor Statistics at the U.S. Department of Labor on September 17, 2014.

Catalog of Federal Domestic Assistance No. 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters).

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–24818 Filed 10–17–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0102]

Agency Information Collection Activities: Freedom of Information/Privacy Act Request, Form G–639; Extension, Without Change, of a Currently Approved Collection

ACTION: 60-Day Notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (i.e. the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until December 19, 2014.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0102 in the subject box, the agency name and Docket ID USCIS–2008–0028. To avoid duplicate submissions, please use only one of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *www.regulations.gov* under e-Docket ID number USCIS–2008–0028;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov;*

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

SUPPLEMENTARY INFORMATION:

Comments

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at: *https://egov.uscis.gov/cris/Dashboard.do,* or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the

proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Freedom of Information/Privacy Act Request.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* G–639; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form G–639 is provided as a convenient means for persons to provide data necessary for identification of a particular record desired under Freedom of Information/Privacy Act (FOIA/PA).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection G–639 is 142,000 and the estimated hour burden per response is .25 hours (15 minutes).

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 35,500 hours.

If you need a copy of the information collection instrument with instructions, or additional information, please visit the Federal eRulemaking Portal site at: *http://www.regulations.gov.* We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number 202–272–8377.

Dated: October 14, 2014.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2014–24836 Filed 10–17–14; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0122]

Agency Information Collection Activities: USCIS Identity and Credentialing Access Management (ICAM) and USCIS Electronic Immigration System (USCIS ELIS), No Form Number; Extension, Without Change, of a Currently Approved Collection

ACTION: 60-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (i.e. the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until December 19, 2014.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0122 in the subject box, the agency name and Docket ID USCIS–2011–0015. To avoid duplicate submissions, please use only one of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *www.regulations.gov* under e-Docket ID number USCIS–2011–0015;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov;*

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

SUPPLEMENTARY INFORMATION:

Comments

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at: *https://egov.uscis.gov/cris/Dashboard.do,* or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* USCIS Identity and Credentialing Access Management (ICAM) and USCIS Electronic Immigration System (USCIS ELIS).

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* No Form Number; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. USCIS ICAM will allow the

public to create an account with USCIS and then return as a registered user to complete forms or to interact in other ways that become available to the user. The USCIS ELIS is a system that the user can enter either through the USCIS ICAM account, or for a select limited number of forms, create an account directly in USCIS ELIS and then complete an electronic version of certain USCIS forms.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection is 1,220,504 and the estimated hour burden per response is .167 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 203,824 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $0. The costs to the respondents are captured in the individual information collections.

If you need a copy of the information collection instrument with instructions, or additional information, please visit the Federal eRulemaking Portal site at: *http://www.regulations.gov.* We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number 202–272–8377.

Dated: October 9, 2014.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2014–24833 Filed 10–17–14; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of SGS North America, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of SGS North America, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that SGS North America, Inc., has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes for the next three years as of June 10, 2014.

DATES: *Effective Dates:* The accreditation and approval of SGS North America, Inc., as a commercial gauger and laboratory became effective on June 10, 2014. The next triennial inspection date will be scheduled for June 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that SGS North America, Inc., 3735 W. Airline Hwy., Reserve, LA 70084, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. SGS North America, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature Determination.
8	Sampling.
11	Physical Property.
12	Calculations.

SGS North America, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	ASTM D–287	Standard test method for API Gravity of crude petroleum products and petroleum products (Hydrometer Method).
27–03	ASTM D–4006	Standard test method for water in crude oil by distillation.
27–06	ASTM D–473	Standard test method for sediment in crude oils and fuel oils by the extraction method.
27–13	ASTM D–4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/sites/default/files/documents/gaulist_3.pdf*

Dated: October 8, 2014.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2014–24824 Filed 10–17–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USAInc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc. has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of August 30, 2013.

DATES: *Effective Dates:* The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on August 30, 2013. The next triennial inspection date will be scheduled for August 2016.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1331 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., 801 W. Orchard Dr., Suite #5, Bellingham, WA 98225, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Intertek USA, Inc. is approved for the following gauging procedures for petroleum and certain petroleum products per the American Petroleum Institute (API) Measurement Standards:

API chapters	Title
2	Tank calibration.
3	Tank gauging.
7	Temperature determination.
8	Sampling.
11	Physical property.
12	Calculations.
17	Maritime measurement.

Intertek USA, Inc. is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–05	ASTM D 4928	Standard test method for water in crude oils by Coulometric Karl Fischer Titration.
27–06	ASTM D 473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–07	ASTM D 4807	Standard Test Method for Sediment in Crude Oil by Membrane Filtration.
27–13	ASTM D 4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27–46	ASTM D 5002	Standard test method for density and relative density of crude oils by digital density analyzer.
N/A	ASTM D 4007	Standard test method for water and sediment in crude oil by the centrifuge method (Laboratory procedure).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/sites/default/files/documents/gaulist_3.pdf.*

Dated: October 9, 2014.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2014–24823 Filed 10–17–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc., has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of June 19, 2014.

DATES: *Effective Dates:* The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on June 19, 2014. The next triennial inspection date will be scheduled for June 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., 2717 Maplewood Dr., Sulphur, LA 70663, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Intertek USA, Inc. is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement.

Intertek USA, Inc. is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–08	ASTM D–86	Standard test method for distillation of petroleum products at atmospheric pressure.
27–58	ASTM D–5191	Standard test method for Vapor pressure of Petroleum products (Mini Method).
27–01	ASTM D–287	Standard test method for API Gravity of crude petroleum products and petroleum products (Hydrometer Method).
27–03	ASTM D–4006	Standard test method for water in crude oil by distillation.
27–13	ASTM D–4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27–04	ASTM D–95	Standard test method for water in petroleum products and bituminous materials by distillation.
27–05	ASTM D–4928	Standard Test Method for Water in crude oils by Coulometric Karl Fischer Titration.
27–11	ASTM D–445	Standard test method for kinematic viscosity of transparent and opaque liquids (and calculations of dynamic viscosity).
27–54	ASTM D–1796	Standard test method for water and sediment in fuel oils by the centrifuge method (Laboratory procedure).
27–06	ASTM D–473	Standard test method for sediment in crude oils and fuel oils by the extraction method.
27–50	ASTM D–93	Standard test methods for flash point by Penske-Martens Closed Cup Tester.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.

Dated: October 8, 2014.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2014–24829 Filed 10–17–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc., has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of August 8, 2013.

DATES: *Effective Dates:* The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on August 8, 2013. The next triennial inspection date will be scheduled for August 2016.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., 16025 Jacintoport Blvd., Suite B, Houston, TX 77015, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Intertek USA, Inc. is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement.

Intertek USA, Inc. is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–03	ASTM D–4006	Standard test method for water in crude oil by distillation.
27–48	ASTM D–4052	Standard test method for density and relative density of liquids by digital density meter.
27–13	ASTM D–4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27–04	ASTM D–95	Standard test method for water in petroleum products and bituminous materials by distillation.
27–46	ASTM D–5002	Standard test method for density and relative density.
27–08	ASTM D–86	Standard test method for distillation of petroleum products at atmospheric pressure.

CBPL No.	ASTM	Title
27–11	ASTM D–445	Standard test method for kinematic viscosity of transparent and opaque liquids (and calculations of dynamic viscosity).
27–54	ASTM D–1796	Standard test method for water and sediment in fuel oils by the centrifuge method (Laboratory procedure).
27–06	ASTM D–473	Standard test method for sediment in crude oils and fuel oils by the extraction method.
27–50	ASTM D–93	Standard test methods for flash point by Penske-Martens Closed Cup Tester.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: October 8, 2014.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2014–24830 Filed 10–17–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Approval of Intertek USA, Inc., as a Commercial Gauger

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc., has been approved to gauge petroleum and petroleum products for customs purposes for the next three years as of July 15, 2014.

DATES: *Effective Dates:* The accreditation and approval of Intertek USA, Inc., as a commercial gauger became effective on July 15, 2014. The next triennial inspection date will be scheduled for July 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.13, that Intertek USA, Inc., 1020 South Holland Sylvania Rd., Holland, OH 43528, has been approved to gauge petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. Intertek USA, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API Chapters	Title
2	Tank Calibration.
3	Tank gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
14	Natural Gas Fluids Measurement.
17	Maritime Measurements.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://www.cbp.gov/sites/default/files/documents/gaulist_3.pdf

Dated: October 8, 2014.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2014–24826 Filed 10–17–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5756–N–39]

60-Day Notice of Proposed Information Collection: Management Reviews of Multifamily Housing Programs HUD—9834

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

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* December 19, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Harry Messner, Office of Asset Management, Policy and Participation Standards Division, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email: *Claire.t.brolin@hud.gov* or telephone, (202) 402–2626. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Management Review for Multifamily Housing Projects.

OMB Approval Number: 2502–0178.

Type of Request: Extension of currently approved collection.

Form Number: HUD–9834.

Description of the need for the information and proposed use: This information collection is used by HUD, by Mortgagees, and by Contract Administrators (CAs) to evaluate the quality of project management; determine the causes of project problems; devise corrective actions to stabilize projects and prevent defaults; and to ensure that fraud, waste and mismanagement are not problems for the community. The information collected also supports enforcement actions when owners fail to implement corrective actions.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 24,112.

Estimated Number of Responses: 24,112.

Frequency of Response: Annually.

Average Hours per Response: 8.

Total Estimated Burdens: 194,896.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: October 14, 2014.

Laura M. Marin,

Associate General Deputy Assistant Secretary for Housing—Associate Deputy Federal Housing Commissioner.

[FR Doc. 2014–24863 Filed 10–17–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5753–N–11]

60-Day Notice of Proposed Information Collection: National Disaster Resilience Competition (NDRC) Phase 1 and Phase 2 Application and Community Development Block Grant National Disaster Resilience (CDBG–NDR) Pre- and Post-Award Planning and Reporting Requirements in the Disaster Recovery Grant Reporting (DRGR) System

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* December 19, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Stanley Gimont, Director, Office of Block Grant Assistance at *Stanley.Gimont@hud.gov* or telephone (202) 708–3587 Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: National Disaster Resilience Competition (NDRC) and Community Development Block Grant National Disaster Recovery (CDBG–NDR) Pre- and Post-Award planning and reporting requirements in the Disaster Recovery Grant Reporting (DRGR) system.

OMB Approval Number: 2506–0203.

Type of Request: Revision of currently approved collection.

Form Numbers:

- Application for Federal Assistance (SF–424). Applicants must include the nine digit zip code (zip code plus four digits) associated to the applicant address in box 8d of the SF424. The DUNS number used must have an active registration in SAM.
- Disclosure of Lobbying Activities (SF–LLL). If this form does not apply, applicants will indicate that (e.g., writing ''N/A'') on the form and submit it with their applications.
- Applicant/Recipient Disclosure/ Update Report (form HUD–2880) (''HUD Applicant Recipient Disclosure Report'');
- Facsimile Transmittal Form on Grants.gov (HUD–96011). Third Party Documentation Facsimile Transmittal, if applicable.

Description of the need for the information and proposed use:

This information describes the application requirements of National Disaster Resilience Competition (NDRC) Notice of Funding Availability (NOFA). The data required includes narratives, attachments and standard forms needed to respond to thresholds, rating factors, and other criteria in the Phase 1 and 2 NOFA applications, including, but not limited to a single written request describing ''most impacted and distressed'' and ''unmet needs'' threshold responses for one or more potential target areas program level being considered by each NDRC Applicant, which may be submitted 45 days after NDRC NOFA publication for HUD to review in advance of full Phase 1 Application submissions. Successful Phase 1 applicants will be invited to submit more detailed Phase 2 applications, which will determine Community Development Block Grant National Disaster Resilience (CDBG–NDR) funding awards. CDBG–NDR awardees will be required to submit Action Plans, Quarterly Performance Reports (QPRs) and vouchers for

payment in HUD's Disaster Recovery Grants Reporting (DRGR) system.

Respondents (i.e. affected public): Respondents are eligible local and State governments that experienced a presidentially-declared major disaster during 2011–2013 as identified in the CDBG–NDR NOFA.

Total Estimated Burdens:

Description of information collection	Number of respondents	Number of responses	Total number of responses	Hours per response	Total hours	Cost per response*	Total cost
NDRC 1 45-Day Request for HUD To Review "Most Impacted and Distressed" and "Unmet Needs" Threshold Responses							
45-day Request for HUD Review	67	1	67	15	1,005	$522	$34,974
TOTAL 45-DAY REQUEST PAPERWORK BURDEN	N/A	1	67	15	1,005	522	34,974
Full NDRC Phase 1 Application							
Phase 1 Threshold Determination	67	1	67	35	2,345	1,218	81,606
Factor Narratives and Attachments	67	1	67	120	8,040	4,176	279,792
SF–424	67	1	67	0.75	50	26	1,742
SF–LLL	67	1	67	1	67	35	2,345
HUD–2880	67	1	67	4	268	96	25,835
HUD–96011	67	1	67	0.03	2	1	67
TOTAL PHASE 1 PAPERWORK BURDEN	67	6	402	161	10,772	5,552	391,387
Full NDRC Phase 2 Application							
Phase 2 Threshold Determination	67	1	67	35	2,345	1,218	81,606
Factor Narratives and Attachments	67	1	67	150	10,050	5,220	349,740
SF–424	67	1	67	0.75	50	26	1,742
SF–LLL	67	1	67	1	67	35	2,345
HUD–2880	67	1	67	4	268	96	25,835
HUD–96011	67	1	67	0.03	2	1	67
TOTAL PHASE 2 PAPERWORK BURDEN	67	6	402	191	12,782	$6,596	$461,335

*Based number of hours per response at GS–13 salary of $34.80/hr.
** Maximum if all eligible Phase 1 Applicants apply and are invited to submit Phase 2 applications.

CDBG–NDR Information Collection in DRGR

Description of information collection	Number of respondents*	Number of responses	Total number of responses	Hours per response	Total hours	Cost per response**	Total cost
PRE-AWARD SUBMISSION REQUIREMENTS							
Non-recurring:							
Published Action Plan	67	1	67	40	2680	$1,392	$93,264
SF 424	67	1	67	1	67	35	2,345
Procurement, Financial Controls and DOB documentation	67	1	67	6	402	209	14,003
Performance and Financial Projections	67	1	67	8	536	278	18,626
POST-AWARD							
Grant Agreement (HUD 40092)	67	1	67	1	67	35	2,345
Grantee's Written Agreements	67	1	67	5	335	174	11,658
DRGR Activation, Activity Set-Up and Completion	67	1	67	10	670	348	23,316
TOTAL PRE- AND POST-AWARD PAPERWORK BURDEN	67	7	469	71	4,757	2,471	165,557
REPORTING (Annual)							
Recurring:							
Average Sized Grants Online Quarterly Reporting via DRGR	67	4	268	9	2,412	313	83,884
Average-sized grants online voucher submissions	67	19	1,273	0.22	280	8	10,184
TOTAL ANNUAL REPORTING PAPERWORK BURDEN	67	23	1,541	9.22	14,208	349	537,809
TOTAL PAPERWORK BURDEN	67	30	2,010	N/A	18,965	N/A	703,366

* Maximum if all eligible Phase 1 Applicants apply and are invited to submit Phase 2 applications
**Based number of hours per response at GS–13 salary of $34.80/hr.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: October 10, 2014.

Clifford Taffet,

General Deputy Assistant Secretary for Community, Planning and Development.

[FR Doc. 2014–24859 Filed 10–17–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5763–N–10]

Implementation of The Privacy Act of 1974, as Amended; Amendment to Existing Systems of Records, Computerized Homes Underwriting Management System—Development of New System of Records, Loan Application Management System

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Amendment/New Systems of Records.

SUMMARY: HUD is amending the Computerized Homes Underwriting Management System (CHUMS) to reflect changes to the following sections, which involve lenders and program administrators of Federal Housing Administrations (FHA) Mortgage Insurance Programs: first time homebuyers, Home Equity Conversion Mortgages for home owners, 203(k) for the rehabilitation of existing properties, Veteran Affairs certified FHA loans, and other FHA mortgage insurance programs. The changes to the amended system of records are to the ''Purposes'' and ''Routine Uses of Records Maintained in the System'' captions. Additionally, HUD proposes to provide notice of a new system, the Loan Application Management System (LAMS), which is expected to replace CHUMS. Both proposals reflect the present status of the information contained in the systems and new data sharing practices, as well as enhancements to improve program services. The existing scope, objectives, and business processes in place for this program remain unchanged. A more detailed description of the present system is contained in notice ''Purpose'' caption. This notice supersedes the previous notice published in the **Federal Register** for CHUMS on December 28, 2010 at 73 FR 81635.

DATES: *Effective Date:* The proposed modification will be effective immediately, with the exception of the Department's proposal to create a new system and revise its routine uses, which will become effective 30 days after publication of this notice, on November 19, 2014, unless comments are received that would result in a contrary determination.

Comments Due Date: November 19, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this notice to the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Room 10276, Washington, DC 20410–0500. Communication should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying between 8:00 a.m. and 5:00 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Donna Robinson-Staton, Chief Privacy Officer, 451 Seventh Street SW., Washington, DC 20410 (Attention: Capitol View Building, 4th Floor), telephone number: (202) 402–8073. [The above telephone number is not a toll free number.] A telecommunications device for hearing- and speech-impaired persons (TTY) is available by calling the Federal Information Relay Service's toll-free telephone number (800) 877–8339.

SUPPLEMENTARY INFORMATION: This system of records is maintained by HUD's Office of Single Family Housing and includes HUD employees', program participants', and business partners' personally identifiable information that is retrieved by a name or unique identifier. Hence, this system of records encompasses programs and services of the Department's data collection and management practices. Publication of this notice allows HUD to satisfy its reporting requirement and keep an up-to-date accounting of its system of records publications. The amended and new systems will incorporate Federal privacy requirements and HUD policy requirements. The Privacy Act provides certain safeguards for an individual against an invasion of personal privacy by requiring Federal agencies to protect records contained in an agency system of records from unauthorized disclosure, by ensuring that information is current and collected only for its intended use, and by providing adequate safeguards to prevent misuse of such information. Additionally, this demonstrates the Department's focus on industry best practices in protecting the personal privacy of the individuals covered by this system notification. This notice states the name and location of the record system, the authority for and manner of its operations, the categories of individuals that it covers, the type of records that it contains, the sources of the information for the records, the routine uses made of the records and the type of exemptions in place for the records. In addition, this notice includes the business address of the HUD officials who will inform interested persons of the procedures whereby they may gain access to and/or request amendments to records pertaining to them.

This publication does meet the threshold requirements for a new and amended system and a report was submitted to the Office of Management and Budget (OMB), the Senate Committee on Homeland Security and Governmental Affairs, and the House Committee on Government Reform as instructed by Paragraph 4c of Appendix l to OMB Circular No. A–130, ''Federal Agencies Responsibilities for Maintaining Records About Individuals,'' July 25, 1994 (59 FR 37914).

Authority: 5 U.S.C. 552a; 88 Stat. 1896; 42 U.S.C. 3535(d).

Dated: October 3, 2014.

Rafael C. Diaz,

Chief Information Officer.

SYSTEM OF RECORDS NO.: HSNG.SF/HUP.02.

SYSTEM NAME:

Computerized Homes Underwriting Management System (CHUMS)–F–17/ Loan Application Management System (LAMS)—P292.

SYSTEM LOCATION:

The HUD Data Center which houses CHUMS and LAMS is located at the

Hewlett Packard (HP) Facility at 2020 Union Carbide Drive, South Charleston, West Virginia 25303–2734. HP is the designated records management facility for LAMS and the Atlanta Federal Records Center at 4712 Southpark Boulevard, Ellenwood, GA 30294 is the records management facility for CHUMS until LAMS is fully implemented. Additionally, HUD Headquarter staff and staff throughout the United States will or have access to CHUMS/LAMS through HUD's standard telecommunications network from desktop workstations, and access by HUD's business partners is granted via secure HTTPS through the HUD FHA Connection Portal. Internal and external HUD hosted locations are as follows: HUD headquarters building, 451 Seventh Street SW., Washington, DC 20410; the HUD owned and operated Field Offices and Home Ownership Centers [1], located in Atlanta, Denver, Philadelphia and Santa Ana.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have obtained a mortgage insured under HUD/FHA's single family mortgage insurance programs and individuals who unsuccessfully applied for mortgage insured by FHA. Also, individuals involved in the HUD/FHA single-family underwriting process (builders, appraisers, inspectors, mortgagee staff underwriters) and HUD employees involved in the single family underwriting process (e.g., appraisers, mortgage credit examiners, architectural employees, receiving clerks, assignment clerks, commitment clerks, records clerks, and closing clerks).

CATEGORIES OF RECORDS IN THE SYSTEM:

Automated files contain the following categories of records:

Mortgagors (Borrowers): name, address, social security number or other identification number, racial/ethnic background (if disclosed), and details about the mortgage loan, including loan application documentation. This information is supplied by lenders during the mortgage application and underwriting process.

Builders, Appraisers and Inspectors: name, address, social security number or other identification number, territory, workload, and minority data including racial/ethnic background, Minority Business Enterprise (MBE) Code, and sex, for statistical tracking purposes.

Mortgagee (Lender) Staff Appraisers and Underwriters: social security number or other identification number, territory and workload of the individuals.

HUD Employees: name and social security number or other identifying number of employees involved in the single family underwriting process. This includes, but is not limited to: Homeownership Center managers, staff appraisers, architectural employees, receiving clerks, assignment clerks, commitment clerks, records clerks, and closing clerks.

Note: Certain records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships may also reflect personal information, however, only the records reflecting personal information are subject to the Privacy Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 203, National Housing Act, Public Law 73–479. The information collection enables HUD/FHA to process applications for HUD mortgage insurance and respond to inquiries regarding applications and insured mortgages; 42 U.S.C. 3543—Sec. 3543. Social Security Numbers are collected to prevent fraud and abuse in Department of Housing and Urban Development programs (enacted as part of the Housing and Community Development Act of 1987).

PURPOSE(S):

The Fair Housing Administration (FHA) Office of Single Family Housing intends to modify the Computerized Homes Underwriting Management System (CHUMS) and create a new routine use exception to permit the sharing of information to third party servicers to improve HUD's review and evaluation process for its mortgage insurance appraisal documentation. Additionally, a new Loan Application Management System (LAMS) is being developed to better assist FHA with its automated processing, analysis, and screening of the appraisal documentation. CHUMS supports FHA staff in the processing of appraisal documentation for single family mortgage insurance applications (From initial receipt through final endorsement). CHUMS processes loan applications for first time homebuyers, Home Equity Conversion Mortgages (HECM) for home owners, Section 203(k) for the rehabilitation of existing properties, Veteran Affairs (VA) Certified FHA loans and other FHA approved mortgage insurance programs. CHUMS also provides automated assistance in mortgage credit evaluation, and FHA's TOTAL Scorecard which is a standardized credit assessment tool. It supports the conditional commitment process from the Mortgagee's request for property appraisal through issuance of a conditional commitment, firm commitment, endorsement, and the automated production of the Mortgage Insurance Certificate.

The new LAMS tool is being created to become the eventual replacement system for CHUMS. The existing functionality in CHUMS will be moved into LAMS in stages over the next five years. In its initial release, LAMS will enable HUD to start collecting case binder data into an industry-wide electronic format that is acceptable to the mortgage industry (Mortgage Industry Standard Maintenance Organization) data standards. The improved enhancements will allow HUD to screen out errors in the appraisal and endorsement process more proficiently. In the past, HUD has identified far too late in the appraisal and endorsement process when a loan was at risk or in danger of fraud. Implementing the new LAMS tool and new evaluation process will allow HUD to better evaluate errors in the appraisal and endorsement process, and avoid endorsing unqualified loans. FHA believes that having the mortgage insurance documentation evaluated earlier on in the process will over time have a tremendous impact on the performance of HUD's mortgage insurance programs. The existing HUD data collected on applications for single family mortgage insurance endorsements, includes electronic copies of mortgage documentation, along with the results of automated risk scoring and fraud validations, electronic copies of the lender submitted mortgage insurance appraisal records, the underlying data and metadata of documentation obtained in the application, underwriting, insuring and closing stages of the mortgage loan transaction will be used for risk management evaluation studies of the abovementioned mortgage insurance portfolios.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act other routine uses include:

1. To other agencies; such as the Departments of Agriculture, Education and Veterans Affairs, and the Small Business Administration, for use of HUD's Credit Alert Interactive Voice Response System (CAIVRS) to prescreen applicants for loans or loans guaranteed

[1] *http://portal.hud.gov/hudportal/documents/huddoc?id=append2.pdf*

by the Federal Government to ascertain if the applicant is delinquent in paying a debt owed to or insured by the Government.

2. To the Federal Bureau of investigations (FBI) for investigation of possible fraud revealed in the underwriting, insuring or monitoring process.

3. To the Department of Justice for prosecutions of fraud revealed in underwriting, insuring or monitoring process.

4. To the General Accounting Office (GAO) for audit purposes.

5. To Financial institutions, computer software companies and other federal agencies (including the Federal Reserve) for automated underwriting, credit scoring and other risk management evaluation studies.

6. To other federal agencies (including the Federal Reserve) for purposes of statistical research not involving personally identifiable information, to evaluate program effectiveness in meeting the Department of Housing and Urban Development (HUD) FHA's mission, and to inform policy makers on changes to effect program improvements.

7. To the HUD Office of Policy Development and Research (PD&R) and its researchers for mortgage credit evaluations and statistical analysis.

8. To contractors, grantees, experts, consultants, and the agents of thereof, and others performing or working on a contract, service, grant, cooperative agreement with HUD, when necessary to accomplish an agency function related to these system of records, limited to only those data elements considered relevant to accomplishing an agency function. Individuals provided information under this routine use is subject to the same Privacy Act requirements and limitations on disclosure as are applicable to HUD officers and employees.

9. To contractors, experts, consultants with whom HUD has a contract, service agreement or other assignment of the Department, when necessary to utilize relevant data for purposes of testing new technology and systems designed to enhance program operations and performance.

See also on HUD's privacy Web site, Appendix 1 [2] for discretionary routine uses that may in certain cases be applicable to CHUMS and LAMS.

[2] *http://portal.hud.gov/hudportal/documents/huddoc?id=append1.pdf*

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic disc/drum. There are no paper records maintained by this system.

RETRIEVABILITY:

Records are retrieved by case number, name, Social Security Number or other identification number.

SAFEGUARDS:

Electronic records are maintained in secured areas, and access is limited to authorized personnel. No paper records are maintained that require safeguarding.

RETENTION AND DISPOSAL:

Data is retained online for 13 months after the date of endorsement, or 13–18 months for non-endorsed cases, and then archived. The archived data can be retrieved upon request. In archive data, CHUMS and LAMS retain case data indefinitely. The Records Retention Schedule for CHUMS/F17 and LAMS/292 are listed in the HUD Records Disposition Schedules Handbook (2225.6) Appendix A—Single Family Home Mortgage Insurance Program Records.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Single Family Program Development, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410.

NOTIFICATION AND RECORD ACCESS PROCEDURES:

For information, assistance, or inquiries about the existence of records, contact the Chief Privacy Officer, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4156, Washington, DC 20410 (Attention: Capitol View Building, 4th Floor), telephone number: (202) 402–8073. Verification of your identity must include original signature and be notarized. Written request must include the full name, Social Security Number, date of birth, current address, and telephone number of the individual making the request.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting contents of records and appealing initial denials appear in 24 CFR part 16. Additional assistance may be obtained by contacting: U.S. Department of Housing and Urban Development, Chief Privacy Officer, 451 Seventh Street SW., Washington, DC 20410 (Attention: Capitol View Building, 4th Floor), telephone number: (202) 402–8073 or the HUD Departmental Privacy Appeals Officers, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington DC 20410.

RECORD SOURCE CATEGORIES:

Mortgagors, appraisers, inspectors, builders, mortgagee staff appraisers, mortgagee staff underwriters, and HUD employees are the sources of data stored in the systems.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 2014–24861 Filed 10–17–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5763–N–12]

Implementation of the Privacy Act of 1974, as Amended; Modification to, Deletion of, and Creation of New System of Records—HUD Enforcement Management System (HEMS)

AGENCY: Office of the Chief Information Officer, Housing and Urban Development.

ACTION: Notice publication.

SUMMARY: Pursuant to the Privacy Act of 1974 (U.S.C. 552a (e)(4)), as amended, and Office of Management and Budget (OMB), Circular No. A–130, notice is hereby given that the Department of Housing and Urban Development (HUD), Office of General Counsel's Departmental Enforcement Center (OGC/DEC) and the Office of Fair Housing and Equal Opportunity (FHEO) propose to delete the following systems of records and create a new system of records: the HUD Enforcement Management System (HEMS). HEMS is part of the Department's efforts to streamline, consolidate, and automate the Department's enforcement business processes. HEMS will replace three legacy HUD enforcement systems: (1) Title Eight Paperless Online Tracking System (FR–5386–N–04) which tracks and manages housing discrimination complaints for Fair Housing and Equal Opportunity, (2) Compliance Case Tracking System (HUD/EC–01) with tracks and manages HUD's suspensions and debarements for HUD's Enforcement Center, and (3) Departmental Tracking System (HUD/EC–02) which tracks and manages timely processing and closure of physical, financial, and non-filer cases for HUD's Enforcement Center. The

HEMS system will deliver operational efficiencies currently unavailable by existing enforcement technology. Implementation of the new system enables collaboration across multiple HUD enforcement offices through a shared database. The existing scope, objectives, and business processes in place for the above mentioned programs remain unchanged. A more detailed description of the present system is contained in the notice purpose section. Furthermore, this notice supersedes system of records notices published in the **Federal Register** for the above notices being replaced by HEMS.

DATES: *Effective Date:* The proposed modification will be effective immediately with the exception to the newly created system and routine uses, which will become effective without further notice on November 19, 2014 unless comments are received that would result in a contrary determination.

Comments Due Date: November 19, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this notice to the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Room 10276, Washington, DC 20410–0500. Communication should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying between 8:00 a.m. and 5:00 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Donna Robinson-Staton, Chief Privacy Officer, 451 Seventh Street SW., Washington, DC 20410 (Attention: Capitol View Building, 4th Floor), telephone number: (202) 402–8073. [The above telephone number is not a toll free number.] A telecommunications device for hearing- and speech-impaired persons (TTY) is available by calling the Federal Information Relay Service's toll-free telephone number (800) 877–8339.

SUPPLEMENTARY INFORMATION: This system of records is maintained by HUD's Office of General Counsel and the Office of Fair Housing and Equal Opportunity. The system includes personally identifiable information provided to HUD that is retrieved from the system of records by a name or unique identifier. The system encompasses programs and services of the Department's data collection and management practices. Publication of this notice allows HUD to satisfy its reporting requirement and keep an up-to-date accounting of its system of records publications. The new system proposal will incorporate Federal privacy requirements, and HUD policy requirements. The Privacy Act provides certain safeguards for individuals against invasions of personal privacy by requiring Federal agencies to protect records contained in an agency system of records from unauthorized disclosure, by ensuring that information is current and collected only for its intended use, and by providing adequate safeguards to prevent misuse of such information. Additionally, this notice demonstrates the Department's focus on industry best practices in protecting the personal privacy of the individuals covered by this system notification.

This notice states the name and location of the record system, the authority for and manner of its operations, the categories of individuals that it covers, the type of records that it contains, the sources of the information for those records, the routine uses made of the records and the types of exemptions in place for the records. In addition, the notice includes the business addresses of the HUD officials who will inform interested persons of the procedures whereby they may gain access to and/or request amendments to records pertaining to them.

This publication does meet the threshold requirements for filing a report to the Office of Management and Budget (OMB), the Senate Committee on Homeland Security and Governmental Affairs, and the House Committee on Government Reform as instructed by Paragraph 4c of Appendix 1 to OMB Circular No. A–130, ''Federal Agencies Responsibilities for Maintaining Records About Individuals,'' July 25, 1994 (59 FR 37914).

Authority: 5 U.S.C. 552a; 88 Stat. 1896; 42 U.S.C. 3535(d).

Dated: October 3, 2014.

Rafael C. Diaz,

Chief Information Officer.

SYSTEM OF RECORDS NO.: OGC/EGID.01

SYSTEM NAME:

HUD Enforcement Management System (HEMS), V05.

SYSTEM LOCATION:

Electronic Records reside on HUD Network servers at 2020 Union Carbide Drive South Charleston West Virginia 25303–2734. The Paper Records are located at the office where the investigation originated and may also be transferred to associated area and/or Regional Offices, or the Headquarters Office. Housing and Discrimination Complaint Case Management Record locations: In addition to HUD's headquarters building located at 451 Seventh Street SW., Washington, DC 20410, HUD also operates Regional and Field Office locations where Privacy Act records may in some cases be maintained or accessed, including: Baltimore, MD; Boston, MA; Pittsburgh, PA; Hartford, CT; Richmond, VA; New York, NY; Newark, NJ; Atlanta, GA; Buffalo, NY; San Juan, Puerto Rico; Philadelphia, PA; Louisville, KY; Miami, FL; Birmingham, AL; Knoxville, TN; Greensboro, SC; Chicago, IL; Columbus, OH; Detroit, MI; Minneapolis, MN; Milwaukee, WI; Indianapolis, IN; Cleveland, OH; Jackson, MS; Jacksonville, FL; Albuquerque, NM; Little Rock, AR; Houston, TX; Kansas City, KS; St. Louis, MO; Omaha, NE; Denver, CO; Fort Worth, TX; New Orleans, LA; Oklahoma City, OK; Honolulu, HI; Seattle, WA; San Francisco, CA; Los Angeles, CA; Portland, OR; Anchorage, AK. Debarred, Suspended, or Excluded Enforcement Case Management Record Locations: In addition to HUD's headquarters buildings located at 451 7th Street SW., Washington, DC 20410 and 1250 Maryland Avenue SW., Washington, DC 20024, HUD also operates Regional and Field Offices locations where Privacy Act records may in some cases be maintained or accessed, including: Atlanta, GA; Chicago, IL; Ft. Worth, TX; Los Angeles, CA; and New York, NY.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of Individuals covered by this system of records include:

Housing and Discrimination Complaint Case Management Records: Categories of Individuals include: all persons filing a housing discrimination complaint (known as Complainants) and their representatives; all persons and/or organizations identified by Complainants as having committed housing discrimination (known as Respondents) and their representatives; all those investigating and reviewing the housing discrimination complaint.

Debarred, Suspended, or Excluded Enforcement Case Management Records: Categories of Individuals include any individual, corporation, partnership, association, unit of government or legal entity, however organized when proposed for debarment; or the person is debarred, suspended, or voluntarily excluded, or excluded by a Limited Denial of Participation (LDP) action; Any program participant who is a direct or indirect recipient of HUD funds and who is subject to enforcement action due to fraud, waste, abuse and mismanagement of HUD funds.

Individuals would include: Mortgagors, mortgagees, partners, partnerships, associations, trustees, boards, board members, managers, developers, sponsors, builders, administrators, executives, tenants, employees, health care providers, vendors, consultants, bidders, brokers, appraisers, borrowers, sellers, contractors, corporations (include non-profits), attorneys, underwriters, inspectors, grant recipients, accountants, real estate and closing agents, companies, and units of government (however organized). Examples of individuals or entities (proposed for debarment, debarred, suspended, or voluntarily excluded): participants who are direct or indirect recipients of HUD funds; and those who represent entities such as contractors or corporations who are participants in HUD FHA assisted or sponsored programs including mortgage insurance programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records covered by this system of records include:

Housing and Discrimination Complaint Case Management Records: Categories of records in the system include: Personal information that will be maintained in HEMS, including: Name of Complainant, Respondent, Respondent Organization, Witnesses, and Complainant's or Respondent's Representative (if applicable); Home and work address of Complainant, Respondent Organization, and Representative; Contact number for Complainant, Respondent/Respondent Organization, Witnesses, and Representative; Personal information of the Complainant, other aggrieved parties information, the Respondent, and/or witnesses based on the issues and basis of what is alleged in the complaint cases. Also included is race, national origin, disability (mental/physical); family status (pregnancy, families with children under 18); religion types of personal information, documents that may be maintained and found in HEMS; Letters from physicians/medical records (in disability-based/reasonable accommodation claims); Rental lease agreements; Financial and loan information (in fair lending cases); Name, age/date of birth of minor children, and number of dependents (in family status cases, which includes families with children under the age of 18);

Debarred, Suspended, or Excluded Enforcement Case Management Records: Categories of Records in the system include: Name, address, title, job classification; identifying numbers such as social security number, tax identification number, project, and program identification numbers, and violations; sanctions including debarments, suspensions, Limited Denial of Participation (LDP), indictments, judgments, convictions, civil money penalties, reprimands, fines, settlement agreements, foreclosures, removal of program participants, takeovers, receiverships, 2530 denials, revocation of designation, grant and subsidy sanctions; and all enforcement actions taken by or on behalf of the Department.

Also included system are cross-references documentation when more than one name is involved in a single action; the type of action; the cause of the action; the scope of the action; any termination date for each listed action; and the agency name and telephone number of the agency point of contact for the action. The system also contains records of referrals for administrative sanction action where action is pending or where no action was taken.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Act of 1988 (42 U.S.C. 3601 et seq.); Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d2000d–7); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.); Section 109 of Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301–5321); Title II of the American Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); Age Discrimination Act of 1975 (42 U.S.C. 6101–107); Title IX of the Education Amendments Act of 1972 (20 U.S.C. 1681–1688), and the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.); Title 2, Code of Federal Regulations (CFR), Parts 180 and 2424; Title 31 U.S.C. 6101; Title 41 U.S.C.; Title 42 U.S.C. 3533 and 3535; and Executive Orders 12549 and 12689.

PURPOSE(S):

HEMS is the system that maintains case file data when further investigation is warranted, under a filed housing discrimination complaint. This is where the housing discrimination complaint inquiries and case files are documented and stored during the investigation process. Information on the complainants is collected on a case-by-case basis only if relevant to the particular case. The origination of a compliant begins with the origination of the HUD Form 903 (a housing discrimination complaint form). The HUD Form 903 is used for filing discrimination complaints over unfair housing practices. This form is available in paper and on-line. The public may submit a HUD Form 903 via the internet or by mail. HUD Form 903 collects initial potential case information for assessment and turns the information over to the appropriate regional office jurisdiction. Information gathered through the HUD Form 903 system opens an inquiry with FHEO that is explored through further discussion between FHEO staff and the complainant. These discussions gather additional data that establish jurisdiction and determine whether or not to launch an investigation. HUD's FHEO also uses these records within HEMS to monitor the quality of the investigations performed by authorized non-Federal agencies, and to determine the amount these agencies should be paid for performing the investigation. A paper case file that includes the information tracked in HEMS, as well as additional information, is maintained outside of HEMS.

To the extent permitted by law, executive departments and agencies shall participate in and interface with a government-wide system (currently System for Award Management Web site at *http://sam.gov/*) for the following purposes: (1) To exclude from Federal financial and non-financial assistance and benefits under Federal programs and activities those who have been debarred or suspended; and (2) to include in the List of Parties Excluded from Federal procurement and non-procurement Programs all persons proposed for debarment, debarred, suspended, or excluded by a Limited Denial of Participation (LDP). This does not include foreign governments or foreign governmental entities, public international organizations, foreign government owned (in whole or in part) or controlled entities, and entities consisting wholly or partially to foreign governments or foreign governmental entities proposed for debarment, suspended, debarred, or voluntarily excluded government-wide, unless otherwise noted, from Federal procurement and sales programs, non-procurement programs, and financial benefits. An exclusion may be based on the Federal Acquisition Regulation (FAR) 9.4; Federal Property Management Regulation (FPMR) 101–45.6; Government Printing Office (GPO) Instruction 110.11 A; U.S. Postal Service (PS) Publication 41; the Non-procurement Common rule; or the authority of a statute, Executive Orders 12549 and 12689; or regulation applicable to procurement or non-procurement programs.

HEMS also serves the following purposes: (1) To establish an agency-wide database that will allow personnel

to access and track information to generate reports on all of the Department's efforts to eliminate fraud, waste, abuse and mismanagement in all HUD programs, and (2) to provide a mechanism to cross reference and match data on individuals against which an enforcement action has been taken or is in the process of being taken. This information may be used to determine whether those individuals are eligible to receive or to continue to receive Federal financial and non-financial assistance and benefits under Federal programs and activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For Housing and Discrimination Complaint Case Management Records: In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, HUD may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

(a) To individuals under contract to HUD or under contract to another agency with funds provided by HUD, for the purpose of conducting oversight and monitoring of program operations to determine compliance with applicable laws and regulations, and FHEO reporting requirements (information under this routine use is subject to Privacy Act requirements and limitations on disclosures are applicable to HUD officials and employees);

(b) To State and local agencies certified by HUD to investigate and adjudicate Title VIII housing discrimination complaints, State and local agencies also use TEAPOTS to record investigation information;

(c) To authorized requestors requesting release of records under the Freedom of Information Act (FOIA) and the Privacy Act.

For Debarred, Suspended, or Excluded Enforcement Case Management Records: In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records, or information contained therein, may specifically be disclosed outside of the agency as routine use pursuant to 5 U.SC. 552a(b)(3) as follows, provided that no routine use listed shall be construed to limit or waive any other routine use specified herein:

(a) To individuals under contract to HUD or under contract to another agency with funds provided by HUD for the purpose of conducting oversight and monitoring of program operations to determine compliance with applicable laws and regulations, and FHEO reporting requirements (individuals provided information under this routine use is subject to Privacy Act requirements and limitation on disclosures are applicable to HUD officials and employees);

(b) To the Internal Revenue Service (IRS), for the purpose of affecting an administrative offset against the debtor for a delinquent debt owed to the U.S. Government by the debtor;

(c) To the Department of Justice (DOJ), for prosecution of fraud and for the institution of suit or other proceedings to effect collection of claims;

(d) To the General Accounting Office (GAO), for further collection action on any delinquent account when circumstances warrant;

(e) To outside collection agencies and credit bureaus, for the purpose of either adding to a credit history file or obtaining a credit history file on an individual for use in the administration of debt collection for further collection action;

(f) To the General Services Administration (GSA), for compilation and maintenance of a list of parties excluded from Federal procurement and non-procurement Programs in accordance with a recommendation from the Interagency Committee on Debarment and Suspension, and identification and monthly distribution of a list of those parties excluded throughout the U.S. Government (unless otherwise noted) from receiving Federal contracts or certain subcontracts, and certain types of Federal financial and non- financial assistance and benefits.

Routine Uses applicable to the above mentioned categories also include:

(a) To appropriate agencies, entities, and persons when: (a) HUD suspects or has confirmed that the security or confidentiality of information in a system of records has been compromised; (b) HUD has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of systems or programs (whether maintained by HUD or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with HUD's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm for purposes of facilitating responses and remediation efforts in the event of a data breach.

(b) To appropriate agencies, entities, and persons to the extent such disclosures are compatible with the purpose for which the records in this system of records were collected, as set forth by Appendix I [1]—HUD's Library of Routine Uses published in the **Federal Register** on July 17, 2012 (77 FR 41996).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

SAFEGUARDS:

A User ID and password are required for authentication; Users must sign a Rules of Behavior form prior to being granted system access. These rules emphasize privacy protections of the personally identifiable information in HEMS. Permission restrictions prevent unsolicited and illegal access to another region's data. Manual records are stored in lockable file cabinets; computer facilities are secured and accessible only by authorized personnel, and all files are stored in a secured area. Technical restraints are employed with regard to accessing the computer and data files.

RETENTION AND DISPOSAL:

The retention period for the information in HEMS is maintained for the life of the case to support the activity and other enforcement activities that may become related to the case. When the life of the case is closed (the case is no longer needed for administrative or reference use, or to satisfy preservation requirements), and a final determination has been made of the case records, records in the system are maintained in accordance with the approved records schedule, HUD's Records and Disposition Schedule Handbook 2225.6, Appendix 50. Historic or significant investigation files are PERMANENT, pending appraisal by NARA. Files Transfers are made to the National Archives and Records Administration every 5 years, when applicable (Including a listing of restricted data fields, which remain in place 30 years after which a final appraisal is conducted.

SYSTEM MANAGER(S):

Patrina Munson, Director, Office of Information Services and Communications, Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street SW., Room 5118, Washington, DC 20410; and Nina Aten, Management Information Specialist, Office of General Counsel's, Departmental Enforcement Center,

[1] *http://portal.hud.gov/hudportal/documents/huddoc?id=append1.pdf.*

Department of Housing and Urban Development, 451 Seventh Street SW., Room 5118, Washington, DC 20410.

NOTIFICATION AND RECORD ACCESS PROCEDURES:

For information, assistance, or inquiries about the existence of records, contact the Chief Privacy Officer, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4156, Washington, DC 20410 (Attention: Capitol View Building, 4th Floor). Verification of your identity must include original signature and be notarized. Written request must include the full name, Social Security Number, date of birth, current address, and telephone number of the individual making the request.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting contents of records and appealing initial denials appear in 24 CFR Part 16. Additional assistance may be obtained by contacting: U.S. Department of Housing and Urban Development, Chief Privacy Officer, 451 Seventh Street SW., Washington, DC 20410 (Attention: Capitol View Building, 4th Floor) or the HUD Departmental Privacy Appeals Officers, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington DC 20410. The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting:

(i) CONTESTING CONTENTS OF RECORDS: Department of Housing and Urban Development, Chief Privacy Officer, 451 Seventh Street SW., Washington, DC 20410 (Attention: Capitol View Building, 4th Floor);

(ii) APPEALS OF INITIAL HUD DETERMINATIONS: In relation to contesting contents of records, the HUD Departmental Privacy Appeals Officers, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410.

RECORD SOURCE CATEGORIES:

Information is obtained from the record subject and from the HUD Multifamily Integrated Real Estate Management System (iREMS). Additionally, the information in this system of records is obtained from anyone who has information to provide concerning the existence of a cause for administrative sanction. Examples of record sources include, but are not limited to HUD employees, Federal government agencies, non-federal government agencies, Federal and state courts, financial institutions, state and local law enforcement offices, and regulatory or licensing agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The housing discrimination related records in HEMS are maintained for use in civil rather than criminal actions and are prohibited from disclosure pursuant to exemption 5 U.S.C. 552a(d)(5) of the Privacy Act.

[FR Doc. 2014–24820 Filed 10–17–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2014–N218; FXIA16710900000–156–FF09A30000]

Endangered Species; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species, marine mammals, or both. With some exceptions, the Endangered Species Act (ESA) prohibit activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before November 19, 2014.

ADDRESSES: Brenda Tapia, U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041; fax (703) 358–2281; or email *DMAFR@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2281 (fax); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I request copies of applications or comment on submitted applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and

transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken.

III. Permit Applications

A. Endangered Species

Applicant: Clyde Peeling's Reptiland, Allenwood, PA; PRT–42675B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for Crocodylidae, spotted pond turtle (*Geoclemys hamiltonii*), radiated tortoise (*Astrochelys radiata*), Galapagos tortoise (*Chelonoidis nigra*), aquatic box turtle (*Terrapene coahuila*), yellow-spotted river turtle (*Podocnemis unifilis*), Indian python (*Python molurus molurus* includes *P. m. pimbina*), Aruba Island rattlesnake (*Crotalus durissus unicolor*), Cuban ground iguana (*Cyclura nubila nubila*), Grand Cayman blue iguana (*Cyclura lewisi*), San Esteban Island chuckwalla (*Sauromalus varius*), and Komodo monitor (*Varanus komodoensis*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Kristine Holmberg, Seattle, WA; PRT–44219B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for red siskin (*Carduelis cucullata*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Steve Martin's Natural Encounter's Inc., Winter Haven, FL; PRT–42547B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for blue-throated macaw (*Ara glaucogularis*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Duke Lemur Center, Durham, NC; PRT–48515B

The applicant requests a permit to conduct interstate and foreign commerce of animals listed under the ESA or the Convection on International Trade in Endangered Species of Wild Fauna and Flora (CITES) for captive-bred and wild source animals of the families of Cheirogaleidae, Daubentoniidae, Lemuridae, Galagidae, Lorisidae, Indriidae, and Tarsiidae for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Lions, Tigers & Bears, Alpine, CA; PRT–42307B

The applicant requests a permit to import one male Bengal tiger (*Panthera tigris tigris*) held in captivity for the purpose of enhancement of the species from The Municipal Zoo/Tikala Zoo, Trikala, Greece.

Applicant: Mark Wight, Darien, IL; PRT–41716B

The applicant requests a permit to import a sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2014–24795 Filed 10–17–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2014–N219; FXIA16710900000–156–FF09A30000]

Endangered Species; Marine Mammals; Issuance of Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of permits.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have issued the following permits to conduct certain activities with endangered species, marine mammals, or both. We issue these permits under the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA).

ADDRESSES: Brenda Tapia, U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041; fax (703) 358–2281; or email *DMAFR@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2281 (fax); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION: On the dates below, as authorized by the provisions of the ESA (16 U.S.C. 1531 *et seq.*), as amended, and/or the MMPA, as amended (16 U.S.C. 1361 *et seq.*), we issued requested permits subject to certain conditions set forth therein. For each permit for an endangered species, we found that (1) The application was filed in good faith, (2) The granted permit would not operate to the disadvantage of the endangered species, and (3) The granted permit would be consistent with the purposes and policy set forth in section 2 of the ESA.

ENDANGERED SPECIES

Permit No.	Applicant	Receipt of application **Federal Register** notice	Permit issuance date
23129B	Jan Youngblood	79 FR 835; January 7, 2014	October 6, 2014.
23121B	Graham Criglow	79 FR 835; January 7, 2014	October 6, 2014
24163B	Turtles and Tortoises Inc	79 FR 2196; January 13, 2014	October 6, 2014.
099586	James Badman	79 FR 4171; January 24, 2014	October 6, 2014.
25262B	John Grigus	79 FR 4171; January 24, 2014	October 6, 2014.
25050B	Nicolas Saarni	79 FR 10547; February 25, 2014	October 6, 2014.
25443B	Xiang Chen	79 FR 10547; February 25, 2014	October 6, 2014.
26382B	Carlos Gazzolo	79 FR 10547; February 25, 2014	October 6, 2014.
26452B	Jeffrey Fobb	79 FR 10547; February 25, 2014	October 6, 2014.
10941B	Northwest Fisheries Science Center Forensics Laboratory.	79 FR 15768; March 21, 2014	October 1, 2014.
33280B	Adam Rosenblatt	79 FR 48244; August 15, 2014	September 29, 2014.
797847	Colin Klimek	79 FR 52038; September 2, 2014	October 6, 2014.

MARINE MAMMALS

Permit No.	Applicant	Receipt of application **Federal Register** notice	Permit issuance date
10941B	Northwest Fisheries Science Center Forensics Laboratory.	79 FR 15768; March 21, 2014	October 1, 2014.

Availability of Documents

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to: U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041; fax (703) 358–2281.

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2014–24794 Filed 10–17–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[145A2100DD/A0T501010.999900/AAK3000000]

Renewal of Agency Information Collection for Certificate of Degree of Indian or Alaska Native Blood (CDIB)

AGENCIES: Bureau of Indian Affairs, Interior.

ACTION: Notice of submission to OMB.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs (BIA) is submitting to the Office of Management and Budget (OMB) a request for renewal for the collection of information, ''Request for Certificate of Degree of Indian or Alaska Native Blood (CDIB).'' The information collection is currently authorized by OMB Control Number 1076–0153, which expires October 31, 2014.

DATES: Interested persons are invited to submit comments on or before November 19, 2014.

ADDRESSES: You may submit comments on the information collection to the Desk Officer for the Department of the Interior at the Office of Management and Budget, by facsimile to (202) 395–5806 or you may send an email to: *OIRA_Submission@omb.eop.gov.* Please send a copy of your comments to: Ms. Laurel Iron Cloud, Chief, Division of Tribal Government Services, Office of Indian Services, Bureau of Indian Affairs, 1849 C Street NW., Mail Stop 4513 MIB, Washington, DC 20240; facsimile: (202) 208–5113; email: *laurel.ironcloud@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Laurel Iron Cloud, telephone (202) 513–7641. You may review the information collection request online at *http://www.reginfo.gov.* Follow the instructions to review Department of the Interior collections under review by OMB.

SUPPLEMENTARY INFORMATION:

I. Abstract

BIA is seeking renewal of the approval for the information collection conducted under the numerous laws authorizing BIA to administer program services to Indians, provided that the individual possess a minimum degree of Indian or Alaska Native blood. When applying for program services authorized by these laws, an applicant must provide acceptable documentation to prove that he or she meets the minimum required degree of Indian or Alaska Native blood. Currently, the BIA certifies an individual's degree of Indian or Alaska Native blood if the individual can provide sufficient information to prove his or her identity and prove his or her descent from an Indian ancestor(s) listed on historic documents approved by the Secretary of the Interior that include blood degree information. To obtain the CDIB, the applicant must fill out an application form and provide supporting documents. No changes are being made to the form or the approved burden hours for this information collection.

II. Request for Comments

On July 18, 2014, BIA published a notice announcing the renewal of this information collection and provided a 60-day comment period in the **Federal Register** (79 FR 42032). There were no comments received in response to this notice.

The BIA requests your comments on this collection concerning: (a) The necessity of the information collection for the proper performance of the functions of the agencies, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) ways we could enhance the quality, utility and clarity of the information to be collected; and (d) ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not sponsor or conduct, and an individual need not respond to, a collection of information unless it displays a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section during the hours of 9:00 a.m. to 5:00 p.m., Eastern Time, Monday through Friday except for legal holidays. Before including your address, phone number, email address or other personally identifiable information in your comment, you should be aware that your entire comment—including your personally identifiable information—may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifying information from public review, we cannot guarantee that we will be able to do so.

III. Data

OMB Control Number: 1076–0153.

Title: Request for Certificate of Degree of Indian or Alaska Native Blood.

Brief description of collection: Submission of this information allows BIA to verify the applicant's Indian ancestry and to determine the applicant's degree of Indian blood. The applicant will provide information, such as birth certificates, death certificates, and probates to document the applicant's descent from an Indian ancestor(s). BIA uses historic roll(s) or other documents that list the ancestors' name, gender, date of birth, date of death, blood degree and other identifying information to verify the applicant's descent. After the information and supporting documentation has been verified, BIA will issue a CDIB to the applicant. The applicant may use the CDIB to help document their eligibility for BIA programs and services. Other agencies may also rely on a CDIB as proof of

eligibility for certain programs and services. CDIBs do not establish membership in an Indian tribe. A CDIB is not an enrollment document. The collection of this information is voluntary. Response is required to obtain or retain a benefit.

Type of Review: Extension without change of a currently approved collection.

Respondents: Individuals.

Number of Respondents: 154,980 per year, on average.

Number of Responses: 154,980 per year, on average.

Frequency of Response: Once.

Estimated Time per Response: 1.5 hours.

Estimated Total Annual Hour Burden: 232,470 hours.

Estimated Total Annual Non-Hour Dollar Cost: $6,199,200.

Dated: October 10, 2014.

Phillip L. Brinkley,

Senior Advisor for Information Resources—Indian Affairs (Interim).

[FR Doc. 2014–24825 Filed 10–17–14; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNV920000 L13300000 EP0000; MO 4500067809]

Call for Expressions of Competitive Interest; Possible Sale of Federal Minerals, Esmeralda County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) Nevada State Office is seeking expressions of interest for a possible competitive mineral materials sale of three stockpiles containing potassium and sodium salts, constructed by the layering of salt mechanically scraped from the evaporative ponds belonging to Rockwood Lithium (Rockwood), formerly doing business as Chemetall Foote Corporation/Cyprus Foote Mineral Company. The stockpiles are a byproduct of lithium carbonate processing of Rockwood's lithium brine operations and are stockpiled on approximately 340 acres of private land owned by Rockwood Lithium in Clayton Valley, Esmeralda County, Nevada at Silver Peak.

DATES: Parties interested in participating in a competitive sale for the materials described in this notice should notify BLM at the address below by December 19, 2014.

ADDRESSES: Submissions expressing interest in participating in a competitive sale for the Federal Mineral Salt Stockpiles should be sent to the Bureau of Land Management, Nevada State Office, Attention: Gary Johnson, Deputy State Director, Minerals Management, 1340 Financial Blvd., Reno, NV 89502.

FOR FURTHER INFORMATION CONTACT: T. Scott Murrellwright, by telephone at 775–881–6581; or by email at *tmurrell@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–775–861–6511 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 3 stockpiles are located approximately 50 miles southwest of Tonopah, Nevada. The nearest major roads accessing the Rockwood operations area are U.S. 95 S. and Silver Peak Road. The stockpiles are located on the north and south side of Silver Peak Road approximately 2 miles west of Silver Peak. The subject stockpiles are located on Rockwood private lands and a portion of BLM lands described approximately as:

Mount Diablo Meridian

45 Pond Pile Located on Rockwood Private Lands & BLM Land

T. 2 S., R. 39 E.,
Sec. 13, NE¼SE¼, SE¼SE¼.
Sec. 13, NE¼SW¼ (BLM land)

10 Pond Pile Located on Rockwood Private Lands

T. 2 S., R 40 E.,
Sec. 18, lots 10, 11 and 12, SE¼SW¼;
Sec. 19, lots 5 and 8, NE¼NW¼, SE¼NW¼.

R3 Pond Pile Located on Rockwood Private Lands

T. 2 S., R. 39 E.,
Sec. 24, NE¼NE¼.
T. 2 S., R. 40 E.,
Sec. 18, lot 12;
Sec, 19, lots 5 and 6.

The combined volume of the 3 stockpiles is approximately 5,500,000 metric tons.

Map Location Link: *https://maps.google.com/maps?q=silver+peak+nevada&ie=UTF-8&hq=&hnear=0x80be998255daf4bb:0xff5564b360df52de,Silver+Peak,+NV+89047&gl=us&ei=DOqNU6q_HMyIogTC7YDgCA&sqi=2&ved=0CI8BEPIBMA4*.

Map Stockpiles Link: *http://www.blm.gov/nv/st/en/prog/minerals/saleable_minerals.html.*

The material in these stockpiles is composed of semi-crystalline heterogeneous salt, composed of approximately 70 percent Sodium Chloride (NaCl) and 19 percent Potassium Chloride (KCl). The NaCl and KCl may be marketable, but in its present form, the salt(s) cannot be used. The salts must first be processed to a higher percentage of sodium and/or potassium in order to be marketable.

The stockpiles also contain lithium (Li) at approximately ½ percent of the total volume. The lithium in the stockpiles is the property of Rockwood (see 1991 Settlement Agreement below).

Rockwood or its predecessor-in-interest has been operating a lithium brine solution mining operation on lands in Clayton Valley, Esmeralda County, Nevada near the town of Silver Peak since the 1970's, first on Federal public domain lands, and then on private lands after the Federal lands were patented to Rockwood's predecessor, Chemetall Foote Corporation, subject to a reservation of Mineral Leasing Act minerals within the patented lands. The lithium solution mine pumps lithium-containing brine from ancient aquifers into large solar evaporative ponds for the purpose of precipitating and concentrating salts before they are processed into lithium carbonate for use in lithium ion batteries and other industrial applications. As part of this process, Rockwood has created stockpiles over the years when harvesting lithium that contain lithium, potassium and sodium salts. These salts are being stockpiled on Rockwood's patented land within the operational boundary of the solution mine.

A 1991 Settlement Agreement to resolve litigation between the United States and Rockwood's predecessor allows for shared rights to the minerals in these stockpiles. The settlement agreement provides that Rockwood maintains first rights to any remaining lithium in the salt stockpiles. It further provides that the United States maintains the rights to the potassium and sodium in the stockpiles, but may not dispose of those minerals until the stockpiles no longer contain lithium in economic quantities. A copy of the June 1991 Settlement Agreement between the Cyprus Foote Mineral Company and the United States of America/Department of Justice can be accessed at, *http://www.blm.gov/nv/st/en/prog/minerals/saleable_minerals.html.*

The settlement agreement provides that special terms would need to be negotiated with Rockwood before any third party could gain access to the stockpiles. Any negotiated access agreement would need to ensure that the activities of such third party would

have no adverse effect on Rockwood's current or reasonably anticipated operations and would need to resolve the issue of Rockwood's ownership of any economic quantities of lithium remaining in the stockpiles. We encourage potentially interested parties to carefully review the terms of the settlement agreement before initiating a notice of interest to the BLM.

If the BLM determines there is competitive interest in the stockpiles, and that a competitive sale is warranted, Rockwood would first need to waive a provision in the settlement agreement that currently prevents BLM from disposing of the potassium and sodium salts in the stockpiles so long as the stockpiles contain marketable lithium. Subsequently, the BLM and Rockwood would need to agree on stipulations to ensure that Rockwood's operations would not be adversely impacted by a third party sale. The BLM would include notice of these stipulations in any sale notice for these materials. In addition, these stipulations would be attached to any contract with a third party.

Parties expressing interest in participating in a competitive sale of the stockpiles must be authorized to transact business in Nevada. Interested parties should submit a letter of interest to the addressee in the **ADDRESSES** section.

The BLM will review submissions from interested parties in response to this notice seeking expressions of competitive interest and determine whether competitive interest exists in the Federal Mineral Salt Stockpiles described above. If the BLM determines sufficient competitive interest exists, and issues related to the settlement agreement are resolved, the BLM may use a competitive-bidding process, consistent with the regulations, to conduct the competitive sale.

This notice is a request for expressions of interest only. Even if competitive interest is expressed, it is possible that no competitive sale will take place due to the need for a waiver and for negotiated stipulations, discussed above.

If a competitive sale takes place, it will be conducted in accordance with the Materials Act of 1947 (30 U.S.C. 601 et seq.) and the regulations at 43 CFR part 3600, in accordance with the nature of the stockpiled materials, which were removed from the ground and stockpiled on the surface for future use.

Authority: 43 CFR 3602.40.

Marci L. Todd,

Associate State Director.

[FR Doc. 2014–24922 Filed 10–17–14; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLES 930 000 L13200000.EL0000; WVES 50556, WVES 50560]

Notice of Competitive Coal Lease Sale, WVES 50556 and WVES 50560, Wayne County, WV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that certain coal resources in Wayne County, West Virginia, known as East Lynn Lake (ELL) Argus (WVES 50556) and ELL Rockspring (WVES 50560) described below will be offered for competitive lease by sealed bid in accordance with the provisions of the Mineral Leasing Act of 1920, as amended.

DATES: The lease sale will be held at 1 p.m. on December 4, 2014. Sealed bids must be received on or before 10 a.m. on December 4, 2014.

ADDRESSES: The lease sale will be held at the Bureau of Land Management office, 20 M Street SE., Washington, DC 20003, 2nd floor Conference Room. Sealed bids must be mailed or delivered to: BLM Eastern States Office, 20 M Street SE., Washington, DC 20003 Attn: Davida Carnahan, WS 9204. Each bid should be clearly marked on the outside of the envelope that it is a sealed bid and clearly identify the LBA serial number (WVES 50560 or WVES 50556) for which it is intended.

FOR FURTHER INFORMATION CONTACT: Michael W Glasson, Solid Minerals Program Lead, at 202–912–7723; email *mglasson@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 Mr. Glasson during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question for Mr. Glasson. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: This coal lease sale is being held in response to two leases by application (LBAs) received by the BLM Eastern States Office.

The coal resources in the ELL Argus tract, Serial Number WVES 50556, are being offered in response to the LBA filed by Argus Energy WV, LLC, and consist of all reserves recoverable by underground room and pillar mining methods, with first extraction only, in lands located in southeastern Wayne County, West Virginia. These lands lie approximately 1 mile south of East Lynn, West Virginia, on United States Army Corp of Engineers (USACE)-administered surface with BLM-administered minerals. The sub-tracts listed below (A, B and C) are so named by the USACE, in dividing the lands following their acquisition:

Sub-tract A: 177M–1, 177M–14, 177M–11, 1717M, 1813M, 2321M, containing 838.80 acres

Sub-tract B: 177M–1, 745M, 746M, 808, 840M, 843M, 846M, 1140M, 1140, 1301, 1313M, 1330M, 1718M, 1810M, 1811M, 1813M, 2020M, 2737, containing 5,372.20 acres

Sub-tract C: 177M–12, 177M–1, 2321M, 2430M, 2431M, containing 1,430.63 acres

The areas described aggregate 7,641.63 acres.

The land in sub-tracts A, B, and C constitutes less than the entire tract acquired by the United States (of nearly 25,000 acres) and is described in accordance with 43 CFR 3471.1–1.

Further detailed definition of the tract can be found at: *http://www.blm.gov/es/st/en/prog/east_lynn_lake_coal/documents.html.* It should be noted that prior to entering onto the lease tract for any reason, the successful bidder and/or eventual lessee will be responsible for a survey of the boundaries of this tract, to be used as the final legal boundary certificate for this tract. The ELL Argus tract (WVES 50556) has one minable coal bed known as Coalburg/Winifrede (C/W). The minable portions of the C/W coal bed in this area are from 3.0 feet up to 8.7 feet in thickness. First mining only will leave coal pillars, structural barriers and gas well barriers behind. The ELL Argus tract reserve contains 15 million tons of recoverable high-volatile A and B bituminous coal. The estimated average coal quality range in the bed on an ''as received basis'' is as follows:

12,500–13,200 Btu/lb.
7.00 Percent moisture *
4.5–8.5 Percent ash
28.0–32.0 Percent volatile matter
50.0–53.0 Percent fixed carbon
0.4–0.9 Percent sulfur

* Estimated as received moisture; also used for calculating as received from dry basis.

The resources in the ELL Rockspring tract, Serial Number WVES 50560, are being offered in response to the LBA filed by Rockspring Development, Inc.,

and consist of all coal recoverable by underground room and pillar, first mining only, mining methods in lands located in Wayne County, West Virginia. These lands lie approximately 20 miles south of Huntington, West Virginia, on USACE-administered surface with BLM-administered minerals. The sub-tracts listed below (A–E) are so named by the USACE, in dividing the lands following their purchase:

Sub-tract A: 174M, 184M, 177M–1, 375M, 377M, 376ME–1, 376ME–2, 382M, 545M, 554M, 390ME–1, 395M, 378M, 380M, 381M, 384M, 386M, 177M–2, 430M, 556M, containing 1,517.00 acres

Sub-tract B: 177M–1, containing 320.00 acres

Sub-tract C: 430M, 177M–1, 177M–2, 382M, 545M, 553M, 554M, 550M, 547M, 548M, 745M, 1450M, 1451M, 1452M, 1453M, 517A, 517B, containing 1,912.00 acres

Sub-tract D: 177M–1, containing 72.00 acres

Sub-tract E: 177M–1, 1718M, 1717M–1, containing 1,274.00 acres

Sub-tract F: 177M–1, containing 358.00 acres

The areas described aggregate 5,453.00 acres.

The land in sub-tracts A, B, C, D, E and F constitutes less than the entire tract acquired by the United States (of nearly 25,000 acres) and is described in accordance with 43 CFR 3471.1–1.

Further detailed definition of the tract can be found at: *http://www.blm.gov/es/st/en/prog/east_lynn_lake_coal/documents.html.*

It should be noted that prior to entering onto the lease tract for any reason, the successful bidder and/or eventual lessee will be responsible for a survey of the boundaries of this tract, to be used as the final legal boundary certificate for this tract. The ELL Rockspring tract (WVES 50560) has one minable coal bed, the C/W seam. The minable portions of the coal bed in this area are approximately 6 to 10 feet in thickness. First mining only will leave coal pillars, structural barriers, and gas well barriers behind. The ELL Rockspring tract contains approximately 11 million tons of recoverable high-volatile A and B bituminous coal. The coal quality in the coal bed on an ''as received basis'' is as follows:

12,500–13,200 Btu/lb.
7.00 Percent moisture *
4.5–8.5 Percent ash
28.0–32.0 Percent volatile matter
50.0–53.0 Percent fixed carbon
0.4–0.9 Percent sulfur

Totals do not equal 100 percent due to rounding.

* Estimated as received moisture; also used for calculating as received from dry basis

The Argus and Rockspring tracts will be leased to the qualified bidders with the highest cash amount, provided that the high bid meets or exceeds the BLM's estimate of the value for each tract. The minimum bid for each tract is $100 per acre or fraction thereof. No bid that is less than $100 per acre, or fraction thereof, will be considered. The bids should be sent by certified mail, return receipt requested, or be hand-delivered.

The BLM Eastern States Office Cashier will mail a receipt for each hand-delivered bid; each hand delivered bid will be ''date-stamped'' by the BLM. Bids received after 10 a.m. local time on December 4, 2014, will not be considered. The minimum bid is not intended to represent fair market value (FMV). The FMV of the tract will be determined by the Authorized Officer after the sale. The leases that may be issued as a result of this offering will provide for payment of an annual rental of $3 per acre, or fraction thereof, and a royalty payment to the United States of 8 percent of the value of the coal produced by underground room and pillar mining methods (the only mining method considered on these tracts). The value of the coal will be determined in accordance with 30 CFR 1206.250.

Bidding instructions for the LBA tracts offered and the terms and conditions of the proposed lease sale are available from the BLM Eastern States Office. Any company or individual intending to bid on either tract must understand that the successful bidder is subject to the requirements of the Memorandum of Understanding between the BLM and the USACE signed March 15, 2012 (see detailed leasing statement). Case file documents, WVES 50556 and WVES 50560, and written comments submitted by the public on FMV or royalty rates, except those portions identified as proprietary by the commentator and meeting exemptions stated in the Freedom of Information Act, are available for inspection at the BLM Eastern States Office.

John F. Ruhs,

State Director, Eastern States.

[FR Doc. 2014–24920 Filed 10–17–14; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORB00000.L17110000.PH0000. LXSS020H0000.15XL1109AF; HAG 15–0020]

Notice of Public Meeting for the Southeast Oregon Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, and the U.S. Department of the Interior, Bureau of Land Management (BLM), the Southeast Oregon Resource Advisory Council (RAC) will meet as indicated below.

DATES: The Southeast Oregon RAC will hold a public meeting Monday, November 3, 2014, from 1:00 p.m.–4:30 p.m., and Tuesday, November 4, 2014, from 8:30 a.m.–12:00 p.m. The meeting will be held at the BLM Burns District Office, 28910 Hwy 20 W, Hines, Oregon 97738. A public comment period will be available each day of the session.

FOR FURTHER INFORMATION CONTACT: Tara Martinak, Public Affairs Specialist, BLM Burns District Office, 28910 Hwy 20 W, Hines, Oregon 97738, 541–573–4519, or email *tmartina@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1(800) 877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Southeast Oregon RAC consists of 15 members chartered and appointed by the Secretary of the Interior. Their diverse perspectives are represented in commodity, conservation, and general interests. They provide advice to BLM and Forest Service resource managers regarding management plans and proposed resource actions on public land in southeast Oregon. Tentative agenda items include: Lands with wilderness characteristics; Vale District RMP update; Malhur fuels contract; discussion of Sage Grouse EIS, and planning future meeting agendas, dates, and locations. Any other matters that may reasonably come before the Southeast Oregon RAC may also be addressed. This meeting is open to the public. Information to be distributed to the Southeast Oregon RAC is requested

prior to the start of each meeting. Unless otherwise approved by the Southeast Oregon RAC Chair, the public comment period will last no longer than 30 minutes, and each speaker may address the Southeast Oregon RAC for a maximum of 5 minutes. Meeting times and the duration scheduled for public comment periods may be extended or altered when the authorized representative considers it necessary to accommodate necessary business and all who seek to be heard regarding matters before the Southeast Oregon RAC.

Michael P. Campbell,

Associate Deputy State Director of Communications.

[FR Doc. 2014–24835 Filed 10–17–14; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR957000–L63100000–HD0000–15XL1116AF: HAG15–0019]

Filing of Plats of Survey: Oregon/Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management, Oregon State Office, Portland, Oregon, 30 days from the date of this publication.

Willamette Meridian

Oregon

T. 21 S., R. 9 W., accepted August 6, 2014
T. 2 S., R. 43 E., accepted August 18, 2014
T. 19 S., R. 9 W., accepted September 11, 2014
T. 13 S., R. 12 E., accepted September 11, 2014
T. 37 S., R. 2 E., accepted September 11, 2014
T. 15 S., R. 12 E., accepted September 11, 2014
T. 17 S., R. 17 E., accepted September 11, 2014
T. 6 S., R. 2 E., accepted September 15, 2014

Washington

T. 28 N., R. 15 W., accepted September 11, 2014
T. 12 N., R. 17 E., accepted September 11, 2014

ADDRESSES: A copy of the plats may be obtained from the Public Room at the Bureau of Land Management, Oregon State Office, 1220 SW. 3rd Avenue, Portland, Oregon 97204, upon required payment.

FOR FURTHER INFORMATION CONTACT: Kyle Hensley, (503) 808–6132, Branch of Geographic Sciences, Bureau of Land Management, 1220 SW. 3rd Avenue, Portland, Oregon 97204. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: A person or party who wishes to protest against this survey must file a written notice with the Oregon State Director, Bureau of Land Management, stating that they wish to protest. A statement of reasons for a protest may be filed with the notice of protest and must be filed with the Oregon State Director within thirty days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Mary J.M. Hartel,

Chief Cadastral Surveyor of Oregon/Washington.

[FR Doc. 2014–24834 Filed 10–17–14; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NERO–GATE–16827; PPNEGATEB0, PPMVSCS1Z.Y00000]

Cancellation of October 17, 2014, Meeting of the Gateway National Recreation Area Fort Hancock 21st Century Advisory Committee

AGENCY: National Park Service, Interior.

ACTION: Cancellation of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (5 U.S.C. Appendix 1–16), notice is hereby given that the October 17, 2014, meeting of the Gateway National Recreation Area Fort Hancock 21st Century Advisory Committee previously announced in the **Federal Register**, Vol. 79, September 10, 2014, pp. 53773–53774, is cancelled.

FOR FURTHER INFORMATION CONTACT: John Warren, External Affairs Officer, Gateway National Recreation Area, Sandy Hook Unit, 26 Hudson Road, Highlands, New Jersey 07732, telephone (732) 872–5908, email *John_Warren@nps.gov.*

SUPPLEMENTARY INFORMATION: Under section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1–16), the purpose of the Committee is to provide advice to the Secretary of the Interior, through the Director of the National Park Service, on the development of a reuse plan and on matters relating to future uses of certain buildings at the Fort Hancock and Sandy Hook Proving Ground National Historic Landmark which lie within Gateway National Recreation Area.

Dated: October 14, 2014.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2014–24810 Filed 10–17–14; 8:45 am]

BILLING CODE 4310–EE–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[OMB Number 1010–0057; MMAA104000]

Information Collection: Pollution Prevention and Control; Submitted for OMB Review; Comment Request

ACTION: 30-day notice.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Ocean Energy Management (BOEM) is notifying the public that we have submitted an information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval. The ICR pertains to the paperwork requirements in the regulations under 30 CFR Part 550, Subpart C, Pollution Prevention and Control. This notice provides the public a second opportunity to comment on the paperwork burden of this collection.

DATES: Submit written comments by November 19, 2014.

ADDRESSES: Submit comments on this ICR to the Desk Officer for the Department of the Interior at OMB–OIRA at (202) 395–5806 (fax) or *OIRA_submission@omb.eop.gov* (email). Please provide a copy of your comments to the BOEM Information Collection Clearance Officer, Arlene Bajusz, Bureau of Ocean Energy Management, 381 Elden Street,

HM–3127, Herndon, Virginia 20170 (mail) or *arlene.bajusz@boem.gov* (email). Please reference ICR 1010–0057 in your comment and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Arlene Bajusz, Office of Policy, Regulations, and Analysis at *arlene.bajusz@boem.gov* (email) or (703) 787–1025 (phone). You may review the ICR online at *http://www.reginfo.gov.* Follow the instructions to review Department of the Interior collections under review by OMB.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 1010–0057.

Title: 30 CFR Part 550, Subpart C, Pollution Prevention and Control.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.,* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to manage the mineral resources of the OCS. Such rules and regulations apply to all operations conducted under a lease, right-of-use and easement, and pipeline right-of-way. Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition.

Section 1332(6) states that ''operations in the [O]uter Continental Shelf should be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize . . . occurrences which may cause damage to the environment or to property, or endanger life or health.'' Section 1334(a)(8) requires that regulations prescribed by the Secretary include provisions ''for compliance with the national ambient air quality standards [NAAQS] pursuant to the Clean Air Act (42 U.S.C. 7401 *et seq.*), to the extent that activities authorized under this Act significantly affect the air quality of any State.'' This information collection renewal concerns the regulations at 30 CFR Part 550, Subpart C, Pollution Prevention and Control. It also covers the related Notices to Lessees and Operators (NTLs) that BOEM issues to clarify and provide additional guidance on some aspects of the regulations. BOEM uses the information to ensure operations are conducted according to all applicable regulations and permit conditions and in a manner that minimizes air pollution.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2) and under regulations at 30 CFR 550.197, ''Data and information to be made available to the public or for limited release.'' No items of a sensitive nature are collected. Responses are mandatory.

Frequency: On occasion, monthly, or annually.

Description of Respondents: Potential respondents comprise Federal OCS oil and gas or sulphur lessees and States.

Estimated Reporting and Recordkeeping Hour Burden: We estimate the burden for this collection to be about 112,111 hours. The following table details the individual components and respective hour burden estimates of this ICR. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden. This submission also removes the requirements and burdens that were transferred to the responsibility of the Bureau of Safety and Environmental Enforcement under Secretarial Order No. 3299, May 19, 2010.

BURDEN BREAKDOWN

Citation 30 CFR 550 subpart C and related NTL(s)	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
Facilities described in new or revised EP or DPP				
303; 304(a), (f)	Submit, modify, or revise Exploration Plans and Development and Production Plans; submit information required under 30 CFR Part 550, Subpart B.	Burden covered under 1010–0151 (30 CFR Part 550, Subpart B).		0
303(k); 304(a), (g).	Collect and report (in manner specified) air quality emissions related data (such as facility, equipment, fuel usage, and other activity information) during each specified calendar year for input into State and regional planning organizations modeling through specified software.	[1] 44	[2] 2,546	112,024
303(l); 304(b); 304(h).	Collect and submit (in manner specified) meteorological data (not routinely collected—minimal burden); emission data for existing facilities to a State. (None submitted during renewal cycle.)	1	[2] 1	1
Subtotal ...	.....	.....	2,547	112,025
Existing Facilities				
304; related NTL.	Submit copy of State-required Emergency Action Plan (EAP) containing test abatement plans (Pacific OCS Region).	1	[3] 1	1
304(a), (f)	Affected State may submit request with required information to BOEM for basic emission data from existing facilities to update State's emission inventory.	4	[4] 5	20
304(e)(2)	Submit compliance schedule for application of best available control technology (BACT). (None submitted during renewal cycle.)	40	[5] 1	40

BURDEN BREAKDOWN—Continued

Citation 30 CFR 550 subpart C and related NTL(s)	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
304(e)(2)	Apply for suspension of operations	Burden covered under BSEE 1014–0022 (30 CFR 250.174).		0
304(f)	Submit information to demonstrate that exempt facility is not significantly affecting air quality of onshore area of a State. Submit additional information, as required. (None submitted during renewal cycle.)	15	[2] 1	15
Subtotal ...	.....	.....	8	76
General				
303–304	General departure and alternative compliance requests not specifically covered elsewhere in subpart C regulations.	2	[4] 5	10
Subtotal ...	.....	.....	[4] 5	10
Total Burden.	.....	.....	2,560	112,111

[1] Hours per emission source.
[2] Submissions.
[3] Copy.
[4] Requests.
[5] Schedule.

Estimated Reporting and Recordkeeping Non-Hour Cost Burden: We have not identified any non-hour cost burdens for this collection.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: We invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our burden estimates;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden on respondents.

To comply with the public consultation process, on May 29, 2014, BOEM published a **Federal Register** notice (79 FR 30874) announcing that we would submit this ICR to OMB for approval. This notice provided the required 60-day comment period. We received no comments in response.

Public Availability of Comments: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: August 14, 2014.

Deanna Meyer-Pietruszka,

Chief, Office of Policy, Regulations, and Analysis.

[FR Doc. 2014–24865 Filed 10–17–14; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Footwear Products, DN 3035;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at EDIS,[1] and 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 United States International Trade Commission (USITC) at USITC.[2] The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at EDIS.[3] 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 has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Converse Inc. on October 14, 2014. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the

[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov.*

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

United States, the sale for importation, and the sale within the United States after importation of certain footwear products. The complaint name as respondents Skechers U.S.A., Inc of Manhattan Beach, CA; Wal-Mart Stores, Inc. of Bentonville, AR; A-List, Inc., d/b/a Kitson of Los Angeles, CA; Aldo Group of Canada; Brian Lichtenberg, LLC of Los Angeles, CA; Cmerit USA, Inc., d/b/a Gotta Flurt of Chino, CA; Dioniso SRL of Italy; Edamame Kids, Inc. of Canada; Esquire Footwear, LLC of New York, NY; FILA U.S.A., Inc. of Sparks, MD; Fortune Dynamic, Inc. of City of Industry, CA; Gina Group, LLC of New York, NY; H & M Hennes & Mauritz LP of New York, NY; Highline United LLC d/b/a Ash Footwear USA of New York, NY; Hitch Enterprises Pty Ltd d/b/a Skeanie of Australia; Iconix Brand Group, Inc., d/b/a Ed Hardy of New York, NY; Kmart Corporation of Hoffman Estates, IL; Mamiye Imports LLC d/b/a Lilly of New York of Brooklyn, NY; Nowhere Co., Ltd. d/b/a Bape of Japan; OPPO Original Corp of City of Industry, CA; Orange Clubwear, Inc., d,/b/a Demonia Deviant of Westminster, CA; Ositos Shoes, Inc., d/b/a Collection'O of South El Monte, CA; PW Shoes Inc. of Maspeth, NY; Ralph Lauren Corporation of New York, NY; Shenzhen Foreversun Industrial Co., Ltd a/k/a Shenzhen Foreversun Shoes Co., Ltd of China; Shoe Shox c/o Zulily, Inc. of Seattle, WA; Tory Burch LLC of New York, NY; Zulily, Inc. of Seattle, WA; Fujian Xinya I&E Trading Co. Ltd. of China; Zhejiang Ouhai International Trade Co. Ltd. of China and Wenzhou Cereals Oils & Foodstuffs Foreign Trade Co. Ltd. of China. The complainant requests that the Commission issue a general exclusion order, or in the alternative a limited exclusion order, and cease and desist orders.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3035'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [4]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[5]

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.*

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: October 15, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–24890 Filed 10–17–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0007]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-day Notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) 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 December 19, 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 Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.*

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:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Office on Violence Against Women, including whether the information will have practical utility;

(2) 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;

(3) Evaluate whether and if so how the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees of the Legal Assistance for Victims Grant Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0007. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 200 grantees of the Legal Assistance for Victims Grant Program (LAV Program) whose eligibility is determined by statute. In 1998, Congress appropriated funding to provide civil legal assistance to domestic violence victims through a set-aside under the Grants to Combat Violence Against Women, Public Law 105–277. In the Violence Against Women Act of 2000 and again in 2005, Congress statutorily authorized the LAV Program. 42 U.S.C. 3796gg–6. The LAV Program is intended to increase the availability of legal assistance necessary to provide effective aid to victims of domestic violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence. The LAV Program awards grants to law school legal clinics, legal aid or legal services programs, domestic violence victims' shelters, bar associations, sexual assault programs, private nonprofit entities, and Indian tribal governments. These grants are for providing direct legal services to victims of domestic violence, sexual assault, and stalking in matters arising from the abuse or violence and for providing enhanced training for lawyers representing these victims. The goal of the Program is to develop innovative, collaborative projects that provide quality representation to victims of domestic violence, sexual assault, and stalking.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 200 respondents (LAV Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities that grantees may engage in and the different types of grantees that receive funds. An LAV Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 400 hours, that is 200 grantees completing a form twice a year with an estimated completion time for the form being one hour.

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: October 15, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–24841 Filed 10–17–14; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122—NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-day Notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) 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 December 19, 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 Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.*

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:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Office on Violence Against Women, including whether the information will have practical utility;

(2) 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;

(3) Evaluate whether and if so how the quality, utility, and clarity of the information to be collected; and

(3) 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:* New collection.

(2) *Title of the Form/Collection:* Survey of Victim Services Organizations Receiving Funds under Grant Programs Authorized under the Violence Against Women Act.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–XXXX. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: The affected public includes approximately 800 victim services organizations currently or previously funded through grant programs authorized under the Violence Against Women Act (VAWA) and administered by the Office on Violence Against Women. Organization that provide victim services are increasingly using trauma informed services and interventions. OVW seeks to understand which grantees are engaged in the provision of trauma informed services and interventions, how trauma informed services and interventions are being

implemented, and identify best practices. In order to better support current and future grantees who provide comprehensive, holistic services to victims of domestic violence, dating violence, sexual assault and stalking, OVW will gather information through an electronic online survey tool about trauma informed services. This information will assist OVW in the implementation of grant programs that are authorized to support victim services and will also benefit other communities that want to consider using funds to support similar services.

In addition, OVW will be able to provide more effective training and technical to grantees on implementing trauma informed services.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply: It is estimated that it will take the approximately 800 respondents (victim service organizations currently or previously funded through grant programs authorized by VAWA and administered by OVW) approximately 30 minutes to complete the survey. The survey will include 10 questions about the respondents' understanding of trauma informed services and interventions, how trauma informed services and interventions are being implemented, successes and challenges of utilizing trauma informed services and interventions, and a survey of best practices. The survey will include a combination of multiple choice questions and questions involving a rating scale as well one or two narrative questions.

(6) An estimate of the total public burden (in hours) associated with the collection: The total annual hour burden to complete the data collection forms is 400 hours, that is approximately 800 respondents with an estimated completion time for the form being 30 minutes.

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: October 15, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–24840 Filed 10–17–14; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0013]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-day Notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) 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 December 19, 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 Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov*.

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:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees from the Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0013. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 165 grantees of the Rural Program. The primary purpose of the Rural Program is to enhance the safety of victims of domestic violence, dating violence, sexual assault, stalking, and child victimization by supporting projects uniquely designed to address and prevent these crimes in rural jurisdictions. Grantees include States, Indian tribes, local governments, and nonprofit, public or private entities, including tribal nonprofit organizations, to carry out programs serving rural areas or rural communities.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 165 respondents (Rural Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Rural Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 330 hours, that is 165 grantees completing a form twice a year with an estimated completion time for the form being one hour.

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: October 15, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–24842 Filed 10–17–14; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0016]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice

ACTION: 60-day Notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) 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 December 19, 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 Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.*

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:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Office on Violence Against Women, including whether the information will have practical utility;

(2) 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;

(3) Evaluate whether and if so how the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees of the Transitional Housing Assistance Grant Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0016. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 120 grantees of the Transitional Housing Assistance Grant Program (Transitional Housing Program) whose eligibility is determined by statute. This discretionary grant program provides transitional housing, short-term housing assistance, and related support services for individuals who are homeless, or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence, dating violence, sexual assault, or stalking, and for whom emergency shelter services or other crisis intervention services are unavailable or insufficient. Eligible applicants are States, units of local government, Indian tribal governments, and other organizations, including domestic violence and sexual assault victim services providers, domestic violence or sexual assault coalitions, other nonprofit, nongovernmental organizations, or community-based and culturally specific organizations, that have a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the 120 respondents (grantees) approximately one hour to complete the Semi-Annual Progress Report. The semi-annual progress report is divided into sections that pertain to the different types of activities that grantees may engage in and the different types of grantees that receive funds. A Transitional Housing Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 240 hours, that is 120 grantees completing a form twice a year with an estimated completion time for the form being one hour.

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: October 15, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–24843 Filed 10–17–14; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0028]

MET 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 MET Laboratories, Inc., as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on October 20, 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. Kevin Robinson, Acting 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: *robinson.kevin@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 MET Laboratories, Inc. (MET), as an NRTL. MET's expansion covers the addition of one test standard 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*.

MET submitted an application, dated March 7, 2014 (OSHA–2006–0028–0014), to expand its recognition to include one additional test standard. 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 MET's expansion application in the **Federal Register** on July 23, 2014 (79 FR 42830). The Agency requested comments by August 7, 2014, but it received no comments in response to this notice. OSHA now is proceeding with this final notice to grant expansion of MET's scope of recognition.

To obtain or review copies of all public documents pertaining to the MET's application, go to *www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210. Docket No. OSHA–2006–0028 contains all materials in the record concerning MET's recognition.

II. Final Decision and Order

OSHA staff examined MET'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 MET 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 MET's scope of recognition. OSHA limits the expansion of MET's recognition to testing and certification of products for demonstration of conformance to the test standard listed in Table 1 below.

APPROPRIATE TEST STANDARD FOR INCLUSION IN MET'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
ANSI/AAMI ES60601–1:2005/(R)2012	Medical electrical equipment, Part 1: General requirements for basic safety and essential performance (with amendments)

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, we 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, MET must abide by the following conditions of the recognition:

1. MET 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. MET must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. MET must continue to meet the requirements for recognition, including all previously published conditions on MET'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 MET, subject to the limitation and conditions specified above.

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 October 14, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–24857 Filed 10–17–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0039]

Intertek Testing Services NA, 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 Intertek Testing Services NA, Inc., as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on October 20, 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. Kevin Robinson, Acting 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: *robinson.kevin@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 Intertek Testing Services NA, Inc. (ITSNA), as an NRTL. ITSNA's expansion covers the addition of two 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.*

ITSNA submitted an application, dated January 29, 2014 (OSHA–2007–0039–0017, Exhibit 1—Intertek Scope Expansion Request for AAMI ES60601 & UL 1004–1), to expand its recognition to include two additional test standards. OSHA staff performed a comparability analysis and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing ITSNA's expansion application in the **Federal Register** on July 14, 2014 (79 FR 40782). The Agency requested comments by July 29, 2014, but it received no comments in response to this notice. OSHA now is proceeding with this final notice to grant expansion of ITSNA's scope of recognition.

To obtain or review copies of all public documents pertaining to the ITSNA's application, go to *www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210. Docket No. OSHA–2007–0039 contains all materials in the record concerning ITSNA's recognition.

II. Final Decision and Order

OSHA staff examined ITSNA'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 ITSNA 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 ITSNA's scope of recognition. OSHA limits the expansion of ITSNA'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 ITSNA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
ANSI/AAMI ES60601–1: 2005/(R)2012.	Medical electrical equipment, Part 1: General requirements for basic safety and essential performance (with amendments).
UL 1004–1	Rotating Electrical Machines—General Requirements.

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, we 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,

ITSNA must abide by the following conditions of the recognition:

1. ITSNA 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. ITSNA must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. ITSNA must continue to meet the requirements for recognition, including all previously published conditions on ITSNA'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 ITSNA, subject to the limitation and conditions specified above.

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 October 14, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–24856 Filed 10–17–14; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act: Notice of Agency Meeting

TIME AND DATE: 10:00 a.m., Thursday, October 23, 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, Loans in Areas Having Special Flood Hazards.

2. NCUA's Rules and Regulations, Corporate Credit Unions.

3. Share Insurance Fund Quarterly Report.

RECESS: 11:00 a.m.

TIME AND DATE: 11:15 a.m., Thursday, October 23, 2014.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Appeal of Denial of Official. Closed pursuant to Exemptions (6) and (8).

2. Administrative Enforcement Action. Closed pursuant to Exemptions (3), (6) and (10).

FOR FURTHER INFORMATION CONTACT: Gerard Poliquin, Secretary of the Board, Telephone: 703–518–6304.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2014–24961 Filed 10–16–14; 4:15 pm]

BILLING CODE 7535–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Sunshine Act Meeting of the National Museum and Library Services Board

AGENCY: Institute of Museum and Library Services (IMLS), NFAH.

ACTION: Notice of meeting.

SUMMARY: The National Museum and Library Services Board, which advises the Director of the Institute of Museum and Library Services on general policies with respect to the duties, powers, and authority of the Institute relating to museum, library and information services, will meet on November 13, 2014.

DATE AND TIME: Thursday, November 13, 2014, from 9:00 a.m. to 3:00 p.m. EST.

PLACE: The meeting will be held at the Institute of Museum and Library Services, 1800 M Street NW., Suite 900, Washington, DC 20036. Telephone: (202) 653–4798.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed pursuant to subsections (c)(4) and (c)(9) of section 552b of Title 5, United States Code because the Board will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; and information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action.

AGENDA: Thirtieth Meeting of the National Museum and Library Service Board Meeting:

I. Welcome
II. Director's Report
III. Financial Update
IV. Legislative Update
V. Office of Museum Services Update and Board Program (Museums United: Building Capacity in the Field)
VI. Break
VII. Office of Library Services Update and Board Program (Rising to the Challenge: Re-Envisioning Public Libraries, A Report from the Aspen Institute)
VIII. Office of Communication and Government Affairs Update
IX. Office of Planning, Research, and Evaluation Update (Open to the Public)
X. Executive Session (Closed to the Public)

FOR FURTHER INFORMATION CONTACT: Katherine Maas, Program Specialist, Institute of Museum and Library Services, 1800 M Street NW., 9th Floor, Washington, DC 20036. Telephone: (202) 653–4676. Please provide advance notice of any special needs or accommodations.

Dated: October 16, 2014.

Nancy E. Weiss,

General Counsel.

[FR Doc. 2014–24981 Filed 10–16–14; 4:15 pm]

BILLING CODE 7036–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 04000341; NRC–2014–0231]

Defense Logistics Agency; DLA Strategic Materials

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received a request for an alternate decommissioning schedule from the Defense Logistics Agency (DLA) for its DLA Strategic Materials site, located in Scotia, New York (Scotia Depot), under NRC's Materials License No. STC–133. Approval of the request would extend the time period for the DLA to initiate the decommissioning process at the Scotia Depot.

DATES: Submit comments by November 19, 2014. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date. A request for a hearing or petition for leave to

intervene must be filed by December 19, 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–2014–0231. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• Mail comments to: Cindy Bladey, Office of Administration, Mail Stop: 3WFN–06–A44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Kathy Dolce Modes, Division of Nuclear Materials Safety, Region I, U.S. Nuclear Regulatory Commission, 2100 Renaissance Boulevard, Suite 100, King of Prussia, Pennsylvania 19406; telephone: 610–337–5251; fax number: 610–337–5269; email: *Kathy.Modes@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2014–0231 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–2014–0231.

• 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–2014–0231 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. Introduction

The NRC has received, by letter dated May 29, 2014 (ADAMS Accession No. ML14167A147), a license amendment application from the DLA for its Scotia Depot location located in Scotia, New York, requesting to extend the time for initiating decommissioning activities until February 29, 2020. The NRC's Materials License No. STC–133 currently authorizes the storage, sampling, repackaging and transfer of licensed materials as necessary for the activities of the National Defense Stockpile. Approval of the request would extend the time period for the DLA to initiate decommissioning activities.

An NRC administrative completeness review found the application acceptable for a technical review (ADAMS Accession No. ML14255A193). Prior to approving the proposed action, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. The NRC's findings will be documented in a safety evaluation report and an environmental assessment. The environmental assessment will be the subject of a subsequent notice in the **Federal Register**.

III. Notice and Solicitation of Comments

In accordance with § 20.1405 of Title 10 of the *Code of Federal Regulations* (10 CFR), the NRC is providing notice and soliciting comments from the public, local and State governments in the vicinity of the site, and any Federally-recognized Indian tribe that could be affected by a delay in the decommissioning schedule for the Scotia Depot. Comments should be provided within 30 days of the date of this notice.

IV. Opportunity To Request a Hearing and Petitions for Leave To Intervene

Within 60 days after the date of publication of this **Federal Register** notice, any person whose interest may be affected by this proceeding and who desires to participate as a party in the proceeding must file a written request for hearing or a petition for leave to intervene specifying the contentions which the person seeks to have litigated in the hearing with respect to the license amendment request. Requests for hearing and petitions for leave to intervene shall be filed in accordance with the NRC's ''Agency Rules of Practice and Procedure'' in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.*

As required by 10 CFR 2.309, a request for hearing or petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The hearing request or petition must specifically explain the reasons why intervention should be permitted, with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The

hearing request or petition must also include the specific contentions that the requestor/petitioner seeks to have litigated at the proceeding.

For each contention, the requestor/petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the requestor/petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings that the NRC must make to support the granting of a license amendment in response to the application. The hearing request or petition must also include a concise statement of the alleged facts or expert opinion that support the contention and on which the requestor/petitioner intends to rely at the hearing, together with references to those specific sources and documents on which the requestor/petitioner intends to rely to support its position on the issue. The hearing request or petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the petitioner disputes and the supporting reasons for each dispute. If the requestor/petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the requestor/petitioner must identify each failure and the supporting reasons for the requestor's/petitioner's belief. Each contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who does not satisfy these requirements for at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with the NRC's regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Hearing requests or petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

A State, local governmental body, Federally-recognized Indian tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by December 19, 2014. The petition must be filed in accordance with the filing instructions in the ''Electronic Submission (E-Filing)'' section of this document, and should meet the requirements for petitions for leave to intervene set forth in this section. A State, local governmental body, Federally-recognized Indian tribe, or agency thereof may also have the opportunity to participate under 10 CFR 2.315(c).

If a hearing is granted, any person who does not wish, or is not qualified, to become a party to the proceeding may, in the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by December 19, 2014.

V. 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.

Dated at King of Prussia, Pennsylvania, this 8th day of October 2014.

For the Nuclear Regulatory Commission.

Marc S. Ferdas,

Chief, Decommissioning and Technical Support Branch, Division of Nuclear Materials Safety, Region I.

[FR Doc. 2014–24926 Filed 10–17–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0001]

Sunshine Act Meeting Notice

DATE: Weeks of October 20, 27, November 3, 10, 17, 24, 2014.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of October 20, 2014

There are no meetings scheduled for the week of October 20, 2014.

Week of October 27, 2014—Tentative

Wednesday, October 29, 2014

9:00 a.m. Briefing on Security Issues (Closed—Ex. 1)

1:30 p.m. Briefing on Security Issues (Closed—Ex. 1)

Thursday, October 30, 2014

9:00 a.m. Briefing on Watts Bar Unit 2 License Application Review (Public Meeting) (Contact: Justin Poole, 301–415–2048)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of November 3, 2014—Tentative

Tuesday, November 5, 2014

1:00 p.m. Briefing on Small Modular Reactors (Public Meeting) (Contact: Rollie D. Berry, III, 301–415–8162)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of November 10, 2014—Tentative

Thursday, November 13, 2014

9:30 a.m. Strategic Programmatic Overview of the Nuclear Material Users and the Fuel Facilities Business Lines (Public Meeting) (Contact: Cinthya Roman, 301–287–9091)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

1:30 p.m. Discussion of Management and Personnel Issues (Closed—Ex. 2 and 6)

Week of November 17, 2014—Tentative

Thursday, November 20, 2014

9:30 a.m. Briefing on Project Aim 2020 (Closed—Ex. 2)

Week of November 24, 2014—Tentative

There are no meetings scheduled for the week of November 24, 2014.

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The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Rochelle Bavol at (301) 415–1651 or via email at *Rochelle.Bavol@nrc.gov.*

* * * * *

ADDITIONAL INFORMATION

The Discussion of Security Matters (Closed—Ex. 9) previously scheduled for October 10, 2014, at 9:45 a.m. was rescheduled and held on October 15, 2014, at 11:00 a.m.

The start time for the Strategic Programmatic Overview of the Nuclear Material Users and the Fuel Facilities Business Lines (Public Meeting) on November 13, 2014, has been corrected from 9:00 a.m. to 9:30 a.m.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with

disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov*. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *Patricia.Jimenez@nrc.gov* or *Brenda.Akstulewicz@nrc.gov*.

Dated: October 16, 2014.

Rochelle C. Bavol,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2014–24956 Filed 10–16–14; 4:15 pm]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Proposed Submission of Information Collection for OMB Review; Comment Request; Annual Reporting (Form 5500 Series)

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intention to request extension of OMB approval, with modifications.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) intends to request that the Office of Management and Budget (OMB) extend approval (with modifications), under the Paperwork Reduction Act of 1995, of its collection of information for Annual Reporting (OMB control number 1212–0057, expires June 30, 2017). This notice informs the public of PBGC's intent and solicits public comment on the collection of information.

DATES: Comments must be submitted by December 19, 2014.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the Web site instructions for submitting comments.
- *Email: paperwork.comments@pbgc.gov.*
- *Fax:* 202–326–4224.
- *Mail or Hand Delivery:* Regulatory Affairs Group, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026.

PBGC will make all comments available on its Web site at *http://www.pbgc.gov.*

Copies of the collection of information and comments may be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC, at the above address or by visiting the Disclosure Division or calling 202–326–4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.)

FOR FURTHER INFORMATION CONTACT: Grace Kraemer, Attorney, or Catherine B. Klion, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026; 202–326–4024. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The Employee Retirement Income Security Act of 1974 (ERISA) contains three separate sets of provisions—in Title I (Labor provisions), Title II (Internal Revenue Code provisions), and Title IV (PBGC provisions)—requiring administrators of employee benefit pension and welfare plans (collectively referred to as employee benefit plans) to file returns or reports annually with the Federal government.

PBGC, the Department of Labor (DOL), and the Internal Revenue Service (IRS) work together to produce the Form 5500 Annual Return/Report for Employee Benefit Plan and Form 5500–SF Short Form Annual Return/Report for Small Employee Benefit Plan (Form 5500 Series), through which the regulated public can satisfy the combined reporting/filing requirements applicable to employee benefit plans.

The collection of information has been approved by OMB under control number 1212–0057 through June 30, 2017. PBGC intends to request that OMB extend its approval for three years, with modifications. 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.

PBGC is proposing several modifications to the 2015 Schedule MB (Multiemployer Defined Benefit Plan Actuarial Information) and instructions and the Schedule SB (Single Employer Defined Benefit Plan Actuarial Information) instructions. These modifications affect multiemployer defined benefit plans covered by Title IV of ERISA.

Based on a recommendation made by practitioners, PBGC is proposing to modify the Schedule MB to require plan administrators of all multiemployer plans to report on line 4 the funded percentage for monitoring the plan's status. Currently, only plan administrators of multiemployer plans in critical or endangered status are required to report this information on line 4. (Plan administrators of all multiemployer plans are currently required to report information that can be used to calculate this funded percentage on line 1 of the Schedule MB.)

PBGC is also proposing to modify the Schedule MB instructions to add RP–2000 and RP–2000 (with Blue Collar Adjustment) to the list of mortality tables for non-disabled lives that plans may report in line 6c. (Plans that use these mortality tables currently report under the category ''Other''.)

The Schedule MB and instructions would also be modified to add a new question in line 8b that would require large multiemployer plans (500 or more total participants as of the valuation date) to provide in an attachment a projection of expected benefit payments to be paid for the entire plan (not including expected expenses) for each of the next ten plan years starting with the plan year to which the filing relates. For this purpose plans would assume no additional accruals, experience (e.g., termination, mortality, and retirement) is consistent with the plan's valuation assumptions, and no new entrants would be covered by the plan.

PBGC is proposing to modify the Schedule SB instructions to simplify the alternative age/service scatters that cash balance plans with 1,000 or more active participants have an option to report on an attachment to line 26.

PBGC estimates that it will receive approximately 25,000 Form 5500 and Form 5500–SF filings per year under this collection of information. PBGC further estimates that the total annual burden of this collection of information will be 1,200 hours and $1,357,000.

PBGC is soliciting public comments to—

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information,

including the validity of the methodologies and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Issued in Washington, DC, this 14th day of October 2014.

Judith Starr,

General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2014–24925 Filed 10–17–14; 8:45 am]

BILLING CODE 7709–02–P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Termination of Single-Employer Plans, Missing Participants

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval, with modifications.

SUMMARY: PBGC is requesting that OMB extend approval (with modifications) under the Paperwork Reduction Act of a collection of information in PBGC's regulations on Termination of Single Employer Plans and Missing Participants, and implementing forms and instructions (OMB control number 1212–0036: Expires February 28, 2017). This notice informs the public of PBGC's request and solicits public comment on the collection of information.

DATES: Comments should be submitted by November 19, 2014.

ADDRESSES: Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, via electronic mail at *OIRA_DOCKET@omb.eop.gov* or by fax to (202) 395–6974.

A copy of the request (including the collection of information) is posted at *http://www.pbgc.gov/res/laws-andregulations/information-collectionsunder-omb-review.html*. It may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC at the above address, visiting the Disclosure Division, faxing a request to 202–326–4042, or calling 202–326–4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.) The Disclosure Division will email, fax, or mail the request to you, as you request.

FOR FURTHER INFORMATION CONTACT: Jo Amato Burns, Attorney (326–4400, ext. 3072) or Catherine B. Klion, Assistant General Counsel (326–4400, ext. 3041), Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005, 202–326–4400 (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4400.)

SUPPLEMENTARY INFORMATION: Under section 4041 of the Employee Retirement Income Security Act of 1974, as amended (ERISA), a single-employer pension plan may terminate voluntarily only if it satisfies the requirements for either a standard or a distress termination. Pursuant to ERISA section 4041(b), for standard terminations, and section 4041(c), for distress terminations, and PBGC's termination regulation (29 CFR part 4041), a plan administrator wishing to terminate a plan is required to submit specified information to PBGC in support of the proposed termination and to provide specified information regarding the proposed termination to third parties (participants, beneficiaries, alternate payees, and employee organizations). In the case of a plan with participants or beneficiaries who cannot be located when their benefits are to be distributed, the plan administrator is subject to the requirements of ERISA section 4050 and PBGC's missing participants regulation (29 CFR part 4050). These regulations may be found on PBGC's Web site at *http://www.pbgc.gov/res/laws-and-regulations/code-of-federal-regulations.html*.

The collection of information under these regulations and the implementing forms and instructions has been approved by OMB under control number 1212–0036 (expires February 28, 2017). PBGC is requesting that OMB extend its approval for three years, with modifications. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current OMB control number.

PBGC is proposing to require that a plan administrator of a plan terminating in a standard termination (or a distress termination that closes out in the private sector) must submit with the post-distribution certification the following information:

• The most recent plan document.

• Proof of benefit distributions for lump sums paid and annuities purchased, including an accurate list of annuity providers, with the group contract numbers and contact information for each annuity provider, and a list of participants entitled to an annuity from each annuity provider.

These new information requirements will help PBGC address inquiries from individuals who claim they are owed benefits from terminated plans and, where appropriate, pay benefits to individuals entitled to them or to direct them to insurers that are holding annuities for them.

PBGC received one comment on its proposal, from the Pension Rights Center.[1] PBGC's response to PRC's comment is included in the OMB submission.

PBGC estimates that 1,430 plan administrators will be subject to the collection of information requirements in PBGC's regulations on termination and missing participants and implementing forms and instructions each year, and that the total annual burden of complying with these requirements is about 1,700 hours and $1,721,000.

Issued in Washington, DC, this 10th day of October 2014.

Judith Starr,

General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2014–24819 Filed 10–17–14; 8:45 am]

BILLING CODE 7708–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2015–2; Order No. 2214]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the addition of Global Expedited Package Services 3 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* October 21, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://*

[1] *http://www.pbgc.gov/documents/PRC-comments-on-PBGC-termination-of-single-employer-plans.pdf*.

www.prc.gov. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Notice of Commission Action
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I. Introduction

On October 10, 2014, the Postal Service filed notice that it has entered into an additional Global Expedited Package Services 3 (GEPS 3) negotiated service agreement (Agreement).[1]

To support its Notice, the Postal Service filed a copy of the Agreement, a copy of the Governors' Decision authorizing the product, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket No. CP2015–2 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than October 21, 2014. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Curtis E. Kidd to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2015–2 for consideration of the matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, Curtis E. Kidd is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).

3. Comments are due no later than October 21, 2014.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–24764 Filed 10–17–14; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, October 10, 2014 (Notice).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73347; File No. SR–ICC–2014–16]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change Related to ICC's Use of House Initial Margin as an Internal Liquidity Resource

October 14, 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 October 1, 2014, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by ICC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed rule change is to amend ICC Clearing Rule 402(j) (''Rule 402(j)'') in order to provide further clarity regarding ICC's intention to return any Clearing Participant's House Initial Margin used as an internal liquidity resource.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ICC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

On August 28, 2014, the Securities Exchange Commission (the ''Commission'') issued an order approving ICC's rule filing consisting of proposed amendments related to ICC's authority to use Guaranty Fund and House Initial Margin as an internal liquidity resource (ICC–2014–08).[3] ICC proposes changes to Rule 402(j) to provide further clarity regarding ICC's intention to return any Clearing Participant House Initial Margin used as an internal liquidity resource.

Under Rule 402(j), ICC may, in connection with a Clearing Participant default, (i) exchange House Initial Margin held in the form of cash for securities of equivalent value and/or (ii) exchange House Initial Margin held in the form of cash in one currency for cash of equivalent value in a different currency. ICC proposes adding language to clarify that ICC will engage in liquidity exchanges pursuant to Rule 402(j) on a temporary basis. Further, ICC proposes amending Rule 402(j) to state that ICC will reverse any such exchange involving a Clearing Participant's Initial Margin in its House Account as soon as practicable following the conclusion of the event requiring the exchange of a Clearing Participant's Initial Margin for liquidity purposes (i.e., as quickly as possible following the conclusion of the liquidity event). It is likely that the duration of the liquidity event will be significantly shorter than the amount of time necessary to complete the default management process for the event which gave rise to the liquidity need. ICC also proposes amending Rule 402(j) to delete general references to ICC's liquidity policies and procedures and instead used the defined term ''ICE Clear Credit Procedures'' found throughout the ICC Rules.

Section 17A(b)(3)(F) of the Act[4] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions, and to the extent applicable, derivative agreements, contracts and transactions and to comply with the provisions of the Act and the rules and regulations thereunder. ICC believes that the

[3] Order Approving Proposed Rule Change Related to ICC's Authority to Use Guaranty Fund and House Initial Margin as an Internal Liquidity Resource, Securities Exchange Act Release No. 34–72944 (Aug. 28, 2014), 79 FR 52789 (Sept. 4, 2014) (SR–ICC–2014–08).

[4] 15 U.S.C. 78q–1(b)(3)(F).

proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to ICC, in particular, to Section 17(A)(b)(3)(F),[5] because ICC believes that the proposed rule change will assure the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions. The proposed changes to the ICC Rules provide additional clarity regarding ICC's intention to return any House Initial Margin used as an internal liquidity resource. ICC believes the proposed revisions provide further clarity and transparency in the ICC Rules. ICC believes clarity and transparency in its Rules is of value to the market in order to provide a comprehensive understanding of ICC's available liquidity resources and default management procedures related to liquidity. As such, the proposed rule change is designed to promote the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions within the meaning of Section 17A(b)(3)(F)[6] of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

ICC does not believe the proposed rule change would have any impact, or impose any burden, on competition. The clarification regarding the unwind of the liquidity exchange with respect to a Clearing Participant's House Initial Margin applies uniformly across all market participants. Therefore, ICC does not believe the proposed rule change imposes any burden on competition that is inappropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days of such date (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*) or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–ICC–2014–16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ICC–2014–16. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings also will be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's Web site at *https://www.theice.com/clear-credit/regulation*.

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ICC–2014–16 and should be submitted on or before November 10, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–24776 Filed 10–17–14; 8:45 am]

BILLING CODE 8011–01–P

[5] *Id.*

[6] *Id.*

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73343; File No. SR–OCC–2014–805]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of an Advance Notice Concerning Enhancements to the Risk Management Framework Applied to the Clearance of Confirmed Trades Executed in Extended and Overnight Trading Sessions

October 14, 2014.

Pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act entitled the Payment, Clearing, and Settlement Supervision Act of 2010[1] (''Payment, Clearing and Settlement Supervision Act'') and Rule 19b–4(n)(1)(i)[2] of the Securities Exchange Act of 1934 notice is hereby given that on September 17, 2014, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the advance notice as described in Items I and II below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the advance notice from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Advance Notice

This advance notice is filed by OCC in connection with a proposed change to OCC's operations that is designed to enhance the risk management framework applied to the clearance of confirmed trades executed in extended and overnight trading sessions (hereinafter, ''overnight trading sessions'') offered by exchanges for which OCC provides clearance and settlement services.

[1] 12 U.S.C. 5465(e)(1).

[2] 17 CFR 240.19b–4(n)(1)(i).

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Advance Notice

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the advance notice and discussed any comments it received on the advance notice. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A) and (B) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement on Comments on the Advance Notice Received From Members, Participants or Others

Written comments on the advance notice were not and are not intended to be solicited with respect to the advance notice and none have been received.

(B) Advance Notices Filed Pursuant to Section 806(e) of the Payment, Clearing and Settlement Supervision Act

Description of Change

This advance notice is being filed in connection with a proposed change to OCC's operations to enhance the risk management framework applied to the clearance of confirmed trades executed in overnight trading sessions offered by exchanges for which OCC provides clearance and settlement services. OCC currently clears overnight trading activity for CBOE Futures Exchange, LLC (''CFE'').[3] The total number of trades submitted to OCC from overnight trading sessions is nominal, typically less than 3,000 contracts per session. However, OCC has recently observed an industry trend whereby exchanges are offering overnight trading sessions beyond traditional hours. Exchanges offering overnight trading sessions have indicated that such sessions benefit market participants by providing additional price transparency and hedging opportunities for products traded in such sessions, which, in turn, promotes market stability.[4]

OCC recently has re-evaluated the risks associated with providing clearing services for overnight trading sessions and, based on such review, is proposing to enhance its risk management framework for clearing overnight trading activity by incorporating a procedure to confirm that the relevant exchanges have implemented certain applicable pre-trade risk controls, complemented by kill-switch capabilities, and minimum exchange operational staffing requirements during overnight trading sessions.[5] OCC also is proposing to implement enhanced monitoring and credit risk controls as well as imposing minimum operational staffing requirements on clearing members that participate in such sessions. These changes (described in greater detail below) are designed to reduce and mitigate the risks associated with clearing trades executed in overnight trading sessions.

OCC's standards for determining whether to provide clearing services for overnight trading sessions offered by an exchange and enhanced risk management framework are designed to work in conjunction with the risk controls of the exchanges that allow overnight trading sessions. OCC will confirm an exchange's risk controls as well as its staffing levels as they relate to overnight trading sessions to determine if OCC may reasonably rely on such risk controls to reduce risk presented to OCC by the exchange's overnight trading sessions. Such exchange risk controls may consist of: (1) Price reasonability checks, (2) controls to prevent orders from being executed beyond a certain percentage (determined by the exchange) from the initial execution price, (3) activity based protections such as a maximum quantity per order and the ability to cancel all quotes when a threshold of contracts are traded in an individual option during a brief window, and (4) kill switch capabilities, which may be initiated by the exchange and can cancel all open quotes or all orders of a particular participant. OCC believes that confirming the existence of applicable pre-trade risk controls as well as overnight staffing at the relevant exchanges is essential to mitigating risks presented to OCC from overnight trading sessions.[6] Providing clearing services to exchanges offering such sessions is consistent with OCC's mission to provide market participants with clearing and risk management solutions that respond to changes in the marketplace. Cleared contract volume also may increase as a result of providing such services.

Enhanced Risk and Operational Controls at OCC

In order to mitigate the risks associated with the clearance of transactions executed during overnight trading sessions, and to promote robust risk management, OCC proposes to implement enhancements to its risk management framework specific to overnight trading sessions. The enhanced risk management framework will include post-trade credit controls that have been designed to identify and mitigate credit risk associated with clearing trades executed during overnight trading sessions as well as requiring clearing members that participate in overnight trading sessions to have operational staff available to OCC during overnight trading sessions.

1. Overnight Monitoring and Credit Controls

OCC plans to implement overnight monitoring and credit controls in order to better monitor clearing members' credit risk during overnight trading sessions. Such monitoring of credit risk is similar to existing OCC practices concerning futures cleared during overnight trading hours and includes automated processes within ENCORE to measure, by clearing member: (i) the aggregate mark-to-market amounts of a clearing member's positions, including positions created during overnight trading, based on current prices using OCC's Portfolio Revaluation system, (ii) the aggregate incremental margin produced by all positions resulting from transactions executed during overnight trading, and (iii) with respect to options cleared during overnight trading hours, the aggregate net trade premium positions resulting from trades executed during overnight trading (each of these measures being a ''Credit Risk Number''). ENCORE will generate hourly credit reports, which will contain the Credit Risk Numbers expressed in terms of both dollars and, except for the mark-to-market position values, as a percentage of net capital for each clearing member trading during overnight trading sessions. The Credit Risk Numbers are the same information

[3] ELX Futures LP (''ELX'') previously submitted overnight trading activity to OCC, but currently does not submit trades from overnight trading sessions to OCC. OCC will re-evaluate ELX's risk controls in the event ELX re-institutes its overnight trading sessions.

[4] *See* CFE–2014–010 at *http://cfe.cboe.com/publish/CFErulefilings/SR-CFE-2014-010.pdf* .

[5] The Chicago Board Options Exchange, Incorporated (''CBOE'') has approached OCC to provide clearance services for a proposed overnight trading session from 2:00 a.m. to 8:15 a.m. (Central Time) Monday through Friday (''Extended Trading Hours''). CBOE initially plans to list VIX and SPX options during Extended Trading Hours.

[6] Comparable controls are applied to futures and future option trades executed in overnight trading sessions currently cleared by OCC, although such controls have been implemented by clearing futures commission merchants (''clearing FCMs'') pursuant to Commodity Futures Trading Commission (''CFTC'') Regulation 1.73, which also requires such clearing FCMs to monitor for adherence to such controls during regular and overnight trading sessions. OCC believes that it may reasonably rely on such regulation to reduce risk presented to OCC during futures markets overnight trading sessions. *See* 17 CFR 1.73. OCC also confirmed CFE maintains kill switch capabilities.

used by OCC staff to evaluate clearing member exposure during regular trading hours and, in addition to OCC's knowledge of its clearing members' businesses, are effective measures of the risk presented to OCC by each clearing member. OCC's Operations staff will review such reports as they are generated and, in the event that any of the Credit Risk Numbers for positions established by a clearing member during an overnight trading session exceeds established thresholds, staff will alert OCC's Financial Risk Management staff[7] of the exceedance in accordance with established procedures, as described below. Financial Risk Management staff will follow a standardized process concerning such exceedances, including escalation to OCC's management, if required by such process. Given the nominal volume of trades executed in overnight trading sessions that are presently submitted for clearance, no changes in current staffing levels that support overnight clearing activities is contemplated at this time. However, such staffing levels will be periodically assessed and adjusted, as appropriate.

With respect to OCC's escalation thresholds, if any Credit Risk Number of a clearing member is $10 million or more, or any Credit Risk Number equals 10% or more of the clearing member's net capital, OCC's Operations staff will be required to provide email notification to Financial Risk Management. If any Credit Risk Number is $50 million or more, or equals 25% or more of the clearing member's net capital, Operations staff will be required to contact, by telephone: (i) Financial Risk Management staff, (ii) the applicable exchange for secondary review, and (iii) the clearing member's designated contacts. If any Credit Risk Number is $75 million or more, or equals 50% or more of the clearing member's net capital, Operations staff will be required to contact, by telephone, a designated Senior Vice President or the Chief Risk Officer. Such officer will review the situation and determine whether to issue an intra-day margin call, increase a clearing member's margin requirement in order to prevent the withdrawal of a specified amount of excess margin collateral, if any, the clearing member has on deposit with OCC, whether further escalation is warranted in order for OCC to take protective measures pursuant to OCC Rule 305, as described below or contact the exchange in order to invoke use of its kill switch. OCC chose the above described escalation thresholds based on its analysis of historical overnight trading activity across the futures industry. OCC believes that these thresholds strike an appropriate balance between effective risk monitoring and operational efficiency.

2. Operational/Staffing Requirements

In order to mitigate operational risks associated with clearing for overnight trading sessions, clearing members that participate in such trading sessions will be required to provide contact information to OCC for operational personnel available to be contacted by OCC during such sessions. Under OCC Rule 201, each clearing member is required to maintain facilities for conducting business with OCC, and a representative of the clearing member authorized in the name of the clearing member to take all action necessary for conducting business with OCC is required to be available at the facility during such hours as may be specified from time-to-time by OCC. Similarly, OCC Rules 214(c) and (d) require clearing members to ensure that they have the appropriate number of qualified personnel and to maintain the ability to process anticipated volumes and values of transactions. OCC will use this existing authority to require clearing members trading during overnight trading sessions to maintain operational staff that may be contacted by OCC during such sessions. Each morning, shortly after the end of the overnight trading sessions, ENCORE will generate a report identifying clearing members that participated during that day's overnight trading sessions that have not provided OCC with overnight operational contacts. Clearing members who participated during overnight trading sessions that did not provide operational contacts to OCC, or whose operational contacts for overnight trading sessions were unavailable had OCC attempted to contact such individuals, will be subject to a minor rule violation fine.[8] OCC believes that, by having clearing member operational contacts available during overnight trading hours, operational issues that may arise during such trading hours can quickly be resolved thereby lowering the operational risk presented to OCC by clearing trades executed in overnight trading sessions.

Existing Risk Controls as They Relate to Overnight Trading Hours

In addition to implementing enhanced risk management practices specific to clearing trades executed in overnight trading sessions, OCC will apply, and in certain instances modify, existing (or planned) risk management controls to mitigate risks presented by clearance activities, including OCC's ability to issue an intra-day margin call, OCC's performance of a post-trade price reasonableness check and exercising OCC's authority to take protective action pursuant to OCC Rule 305. These controls, as they relate to clearing trades executed in such sessions, are discussed below.

1. Intra-day Margin Call Authority

In order to address credit risk associated with trading during overnight trading sessions, OCC staff will monitor and analyze the impact that positions established during such sessions have on a clearing member's overall exposure. Should the need arise, and pursuant to OCC Rule 609, OCC may require the deposit of additional margin (''intra-day margin'') by any clearing member that increases its incremental risk as a result of trading activity during overnight trading sessions. Accordingly, a clearing member's positions established during such sessions will be incorporated into OCC's intra-day margin process. Should a clearing member's exposure significantly increase while settlement banks are not open to process an intra-day margin call, OCC has the authority under OCC Rule 601 to increase a clearing member's margin requirement which would restrict its ability to withdraw excess margin collateral. The implementation of these measures is discussed more fully below.

In the event that a clearing member's exposure during overnight trading sessions causes a clearing member to exceed OCC's intra-day margin call threshold for overnight night trading sessions, OCC will require the clearing member to deposit intra-day margin equal to the increased incremental risk presented by the clearing member. Specifically, if a clearing member has a total risk charge[9] exceeding 25% (a reduction of the usual figure of 50%), as computed overnight by OCC's STANS system, and a loss of greater than $25,000 from an overnight trading session(s), as computed by Portfolio

[7] OCC's Member Services staff will also receive alerts in order to contact clearing members as may be necessary.

[8] *See* OCC Rule 1201(b).

[9] Total risk charge is a number derived from STANS outputs and is the sum of expected shortfall, stress test charges and any add-on charges computed by STANS. STANS is OCC's proprietary margin methodology.

Revaluation, OCC will initiate an intra-day margin call. OCC will know at approximately 8:30 a.m. if it will need to initiate an intra-day margin call on a clearing member based on breaches of these thresholds. This ''start of business'' margin call is in addition to daily margin OCC collects from clearing members pursuant to OCC Rule 605, any intra-day margin call that OCC may initiate as a result of regular trading sessions or special margin call that OCC may initiate.

In addition to, or instead of, requiring additional intra-day margin, OCC Rule 601[10] and OCC's clearing member margin call policy work together to authorize Financial Risk Management staff to increase a clearing member's margin requirement which may be in an amount equal to an intra-day margin call.[11] (Any increased margin requirement will remain in effect until the next business day.) This action will immediately prevent clearing members from withdrawing any excess margin collateral (in the amount of the increased margin requirement) the clearing member has deposited with OCC. With respect to clearing trades executed in overnight trading sessions, and in the event OCC requires additional margin from a clearing member, Financial Risk Management staff may use increased margin requirements as a means of collateralizing the increase in incremental risk a clearing member incurred during such sessions without having to wait for banks to open to process an intra-day margin call.[12] Such action may be taken by OCC instead of or in addition to issuing an intra-day margin call depending on the amount of excess margin a clearing member has on deposit with OCC and the amount of the incremental risk presented by such clearing member. The expansion of OCC's intra-day margin call process as described in the preceding paragraph, including OCC's ability to manually increase clearing members' margin requirements, will mitigate the risk that OCC is under-collateralized as a result of overnight trading hours.

2. Post-Trade Price Reasonableness

In a separate pending rule filing, OCC has proposed to add an interpretation and policy concerning its administration of Article VI, Section 7(c) of its By-Laws and to implement price reasonableness checks in connection with the reporting of confirmed trades in standardized options and futures options to OCC by an exchange under Article VI, Section 7.[13] The new Interpretation and Policy to Article VI, Section 7(c) will allow OCC to review the reasonableness of prices for options transactions reported as confirmed trades and ask reporting exchanges to consider whether new or revised trade information is required to properly clear the transaction.[14] To promote OCC's ability to protect itself and clearing members from the negative effects of clearing trades in options that may contain erroneous premium information, OCC will apply a premium price threshold to accepted trades that will trigger further scrutiny of certain trades that exceed the threshold. This premium price threshold will apply to trades occurring during overnight trading sessions, upon regulatory approval, and thus will increase OCC's ability to monitor and mitigate risk arising from clearing trades executed during such trading sessions.

3. Protective Action Pursuant to OCC Rule 305

Pursuant to OCC Rule 305, the Executive Chairman or the President of OCC, in certain situations, has the authority to impose limitations and restrictions on the transactions, positions and activities of a clearing member. This authority will be used, as needed, in the event a clearing member accumulates significant credit risk during overnight trading sessions, or a clearing member's activities during such trading sessions otherwise warrant OCC taking protective action.

Anticipated Effect on and Management of Risk

Clearing transactions executed in overnight trading sessions may increase risk presented to OCC due to the period of time between trade acceptance and settlement, the staffing levels at clearing members during such trading sessions and the deferment of executing intra-day margin calls until banking settlement services are operational. However, OCC will expand its risk management practices in order to mitigate these risks by implementing, and expanding, the various tools discussed above. For example, OCC will modify its existing risk management practices in order to closely monitor clearing members' credit risk from trades placed during overnight trading sessions as well as implement processes so that OCC takes appropriate action when such credit risk exceeds certain limits. OCC will also use its existing authority to require adequate clearing member staffing during such trading sessions, which will mitigate the operational risk associated with clearing members trading while they are not fully staffed. These risk management functions will work in tandem with risk controls, including the implementation of kill switch capabilities, adopted by the exchanges operating overnight trading sessions or by clearing FCMs, as applicable.

In addition to the above, OCC will adapt existing processes so that such processes can be used to mitigate risk associated with overnight trading sessions. Specifically, OCC will have the ability to issue margin calls, and prevent the withdrawal of excess margin on deposit at OCC, as a result of activity during such trading sessions as a means of reducing risk. OCC also will apply, pending regulatory approval, a post-trade price reasonability check to trades reported during overnight trading sessions, and therefore mitigate the risk of losses from erroneous trades. Finally, OCC will be able to take protective action pursuant to OCC Rule 305 as a result of clearing member activity during such sessions.

Consistency with the Payment, Clearing and Settlement Supervision Act

OCC believes that the proposed change is consistent with Section 805(b) of the Payment, Clearing and Settlement Supervision Act[15] because the proposed change will promote robust risk management.[16] OCC believes that the proposed enhancements to its risk management functions will provide OCC with the tools necessary to mitigate risks that may occur as a result of overnight trading sessions. As described above, OCC will implement new risk monitoring processes designed to identify increases in credit risk

[10] In addition, OCC Rule 601 provides OCC with the authority to fix the margin requirement for any account or any class of cleared contracts at such amount as it deems necessary or appropriate under the circumstances to protect the respective interests of clearing members, OCC and the public.

[11] Clearing members frequently deposit margin at OCC in excess of requirements.

[12] Clearing members would be able to substitute the locked-up collateral during normal time frames (i.e., 6 a.m. to 5 p.m. (Central Time) for equity securities).

[13] Exchange Act Release No. 32718 (July 30, 2014), 79 FR 45527 (August 5, 2014) (SR–OCC–2014–16). This filing, as amended, is pending regulatory approval.

[14] *See* Article VI, Section 7(c); *see also* Exchange Act Release No. 46734 (October 28, 2002), 67 FR 67229 (November 4, 2002) (SR–OCC–2002–18) (approving amendments to OCC's By-Laws and Rules supporting the transition to near real-time reporting of matched trade information, including amendments to Article VI, Section 7 to allow instructions to OCC under certain conditions to disregard a matched trade).

[15] 12 U.S.C. 5464(b).

[16] 12 U.S.C. 5464(b)(1).

presented to OCC as a result of such sessions as well as implement changes designed to mitigate operational risk associated with overnight trading sessions. In addition, OCC will adapt certain existing practices to accommodate these overnight trading sessions including its margin call process and its authority to take protective action pursuant to OCC Rule 305. The new and modified practices are designed to identify and mitigate risks that may be presented to OCC as a result of overnight trading sessions and thereby promote robust risk management.

III. Date of Effectiveness of the Advance Notice and Timing for Commission Action

The proposed change may be implemented if the Commission does not object to the proposed change within 60 days of the later of (i) the date that the Commission receives the notice of proposed change, or (ii) the date the Commission receives any further information it requests for consideration of the notice. The clearing agency shall not implement the proposed change if the Commission has any objection to the proposed change.

The Commission may extend the period for review by an additional 60 days if the proposed change raises novel or complex issues, subject to the Commission providing the clearing agency with prompt written notice of the extension. A proposed change may be implemented in less than 60 days from the date the advance noticed is filed, or the date further information requested by the Commission is received, if the Commission notifies the clearing agency in writing that it does not objected to the proposed change and authorizes the clearing agency to implement the proposed change on an earlier date, subject to any conditions imposed by the Commission.

The clearing agency shall post notice on its Web site of proposed changes that are implemented.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. 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–OCC–2014–805 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–OCC–2014–805. 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 advance notice that are filed with the Commission, and all written communications relating to the advance notice 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 OCC and on OCC's Web site *http://www.theocc.com/components/docs/legal/rules_and_bylaws/sr_occ_14_805.pdf*.

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–OCC–2014–805 and should be submitted on or before November 10, 2014.

By the Commission.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–24779 Filed 10–17–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73348; File No. SR–ICEEU–2014–17]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Rules and Procedures

October 14, 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 October 3, 2014, ICE Clear Europe Limited (''ICE Clear Europe'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes described in Items I, II and III below, which Items have been prepared primarily by ICE Clear Europe. ICE Clear Europe filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[3] and Rules 19b–4(f)(4)(i) thereunder,[4] so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed changes is to accommodate the transition of trading in certain cleared financial and soft commodity contracts from the LIFFE Administration & Management (''LIFFE'') market to ICE Futures Europe.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ICE Clear Europe has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

ICE Clear Europe currently acts as the clearing organization for futures and option contracts traded on the LIFFE market. These contracts consist of futures and options contracts involving financial instruments (including interest rate futures and option contracts and equity futures and option contracts) and so-called ''soft'' commodities (including futures and option contracts on cocoa, wheat, coffee and sugar) (collectively, ''financials and softs contracts''). As has been publicly announced,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(4)(i).

IntercontinentalExchange Group, Inc. (''ICE Group''), the parent of ICE Clear Europe and LIFFE, has determined to transition the trading of such contracts from LIFFE to ICE Futures Europe (which is also a subsidiary of ICE Group). ICE Clear Europe also acts as the clearing organization for the ICE Futures Europe market, and ICE Clear Europe will continue to clear the transitioning financials and softs contracts following the transition. To facilitate an orderly transition in trading activity and to accommodate operational requirements of the clearing house, the exchanges and other market participants, it is expected that the transition will occur in several stages commencing in late September 2014 and concluding in mid-November 2014. Each stage will involve transition of a set of products in a particular category (such as soft commodity, fixed income or equity contracts).

In connection with the transition, ICE Clear Europe proposes to make certain amendments to its Rules and Procedures to reflect the change in trading market and make various related conforming changes. ICE Clear Europe does not propose to change the clearing resources supporting the clearing of these products, including the margin methodology for the products and the guaranty fund supporting clearing of the products, or to materially change its risk management framework for these contracts. In addition, ICE Clear Europe does not propose to change its rules in a manner that conflicts with the terms of the exemptive order granted by the Commission to ICE Clear Europe from clearing agency registration in connection with the clearing of the LIFFE securities products (the ''ICEU Exemptive Order''),[5] and ICE Clear Europe will continue to satisfy the conditions of such order. Furthermore, despite the change in trading venue from LIFFE to ICE Futures Europe and the proposed rule changes, the controls put into place by ICE Clear Europe pursuant to the ICEU Exemptive Order to prevent U.S. persons from clearing transactions in U.S. securities and to comply with the other conditions in the order will remain in place and continue to be satisfied.[6]

ICE Clear Europe submits revisions to Parts 1, 2, 4, 9, 11 and 12 of the Rules and a new Part 21 of the Rules. ICE Clear Europe also submits certain conforming changes to its Procedures, including the Clearing Procedures, Finance Procedures, Delivery Procedures General Contract Terms, Complaint Resolution Procedures and FX Procedures.

Throughout the Rules and Procedures, references to ''LIFFE Contracts'' and related definitions referring to ''LIFFE'' have been changed to ''Financials & Softs Contracts'' and corresponding related terms, as described herein. Accordingly, the current LIFFE segment of the F&O product category will become known as the Financials & Softs segment of the F&O product category. During the phased transition period, the Financials & Softs segment will include both those former LIFFE contracts that have transitioned to trading on ICE Futures Europe and those LIFFE contracts that have not yet been transferred.

In Part 1 of the Rules, Rule 101 is modified to add new defined terms and revise existing definitions in connection with the transition. The definitions of ''Energy'' and ''Energy Transaction'' have been revised to exclude ICE Futures Europe transactions that are Financials & Softs transactions. A new set of Financials & Softs related definitions has been added based on the existing LIFFE contract related definitions, including ''Financials & Softs'', ''Financials & Softs Block Contract'', ''Financials & Softs Block Trade Facility'', ''Financials & Softs Block Transaction'', ''Financials & Softs Clearing Member'', ''Financials & Softs Contract'', ''Financials & Softs Matched Contract'', ''Financials & Softs Matched Transaction'', and ''Financials & Softs Transaction''. These are substantially the same as the corresponding definitions for LIFFE products, but reflect the fact that Financials & Softs contracts will be traded on ICE Futures Europe and, prior to the transition, on LIFFE. Certain other definitions have been added to address particular LIFFE trading functionalities, including ''Basis Trades'' and ''Soft Commodity EFRP,'' which are used in the definition of Financials & Softs Block Transaction and are defined by reference to the relevant ICE Futures Europe rules or LIFFE rules. Various other conforming changes to definitions have been made, principally to refer to ''Financials & Softs'' instead of ''LIFFE'' and/or to refer to ICE Futures Europe instead of (or in addition to) the LIFFE market. In addition, the definition of ''Continuing CDS Rule Provisions'' is modified such that references to ''LIFFE Contracts'' in Rule 209 thereof will be deemed to be ''Financials & Softs Contracts'' as defined in the Rules.

Rule 102(f), which addresses relevant documentation governing transactions, has been revised to reference the relevant LIFFE rules in the case of Financials & Softs Contracts traded on LIFFE and the relevant ICE Futures Europe rules in the case of Financials & Softs Contracts traded on ICE Futures Europe.

In Rules 201(a), 207(g) and 208(e) various conforming changes are made to refer to Financials & Softs Transactions and Contracts instead of LIFFE Transactions and Contracts, as appropriate. In Rule 207(g), a further clarification is made that the restriction therein on U.S. clearing members clearing Financials & Softs Contracts in U.S. securities does not apply to clearing of futures contracts on exempted securities.

Rule 401, which addresses contract formation, has been revised to refer to Financials & Softs Transactions and Contracts instead of LIFFE Transactions and Contracts and Financials & Softs Clearing Members instead of LIFFE Clearing Members, and to refer to the ICE Futures Europe Rules, as appropriate. Similarly, conforming changes to the use of the term Financials & Softs Clearing Member has been made in Rule 404(a).

In Rules 908 and 909, various conforming references to defined terms referencing LIFFE have been changed to Financials & Softs. Similarly, a conforming change in Rule 1101 has been made to refer to Financials & Softs instead of LIFFE.

The amendments also revise Part 12 of the Rules, which addresses UK Settlement Finality Regulations and the Companies Act 1989, to refer to Financials & Softs transactions and to change the defined term ''LIFFE Delivery Order'' to ''Security Derivative Delivery Order.''

The amendments include a new Part 21 of the Rules, which adopts transitional provisions for the LIFFE Contracts moving to ICE Futures

[5] Order Pursuant to Section 17A of the Securities Exchange Act of 1934 Granting Exemption from the Clearing Agency Registration Requirement under Section 17A(b) of the Exchange Act for ICE Clear Europe Limited in Connection With its Proposal to Clear Contracts Traded on the LIFFE Administration and Management Market, Exchange Act Release No. 34–69872 (June 27, 2013).

[6] These include controls implemented as part of the clearing membership and account set-up process. ICE Clear Europe also notes in this regard that consistent with the class no-action relief provided by the Division of Trading and Markets for foreign options markets (LIFFE A&M and Class Relief, SEC No-Action Letter (July 1, 2013)), LIFFE equity options on securities of U.S. issuers are not available for sale to U.S. persons. This restriction will continue to apply following the transition of trading in such options to ICE Futures Europe. See Representation Letter from ICE Futures Europe (March 28, 2014).

Europe. Rule 2102 [7] adopts definitions for the various stages of the transition and the particular contracts being moved to ICE Futures Europe. It is contemplated that the transition will take place in five stages. The first stage (expected to occur at the end of September 2014) will consist of soft commodity futures and option contracts; the second, third and fourth stages (expected to occur during October 2014 and early November 2014) will consist of government bond futures and options contracts; and the fifth phase (expected to occur in mid-November 2014) will consist of equity futures and option contracts. Rule 2103 [8] provides that the transition of trading will occur for each stage of the transition at the specified transition time. Rule 2104 [9] provides for the redesignation of contracts as Financials & Softs Contracts for purposes of the Rules.

In the Clearing Procedures, paragraph 1 has been revised to refer to ''Financials & Softs'' instead of LIFFE and to refer to various successor operational systems that may be used by ICE Clear Europe. Similarly, in the Finance Procedures, references to ''LIFFE Contracts'' have been changed to ''Financials & Softs Contracts.''

ICE Clear Europe also proposes to make conforming changes to the Delivery Procedures. References to ''LIFFE'' have been changed to ''Financials & Softs.'' In addition, parallel references to ICE Futures Europe and the ICE Futures Europe Rules have been added as appropriate to existing references to LIFFE and the LIFFE Rules, including in connection with delivery specifications. Certain references to LIFFE contract terms have been changed to relevant contract terms to reflect the transition to ICE Futures Europe. References to the ''LIFFE Guardian'' electronic grading and delivery system for softs have been changed to ''Guardian'' or any successor system. In addition, certain obsolete references to raw sugar contracts (which are not currently traded on LIFFE or ICE Futures Europe) have been removed in paragraph 8.

In the General Contract Terms, references to LIFFE Contracts are changed to Financials & Softs Contracts and a reference to the ICE Futures Europe Rules is added. Other conforming changes to defined terms (based on prior amendments to the Rules) are also made, including to the use of the terms ''Buying Counterparty,'' ''Selling Counterparty'' and ''Clearing Counterparty''. The ''Waiver'' and ''Entire Agreement'' provisions in new paragraphs 3(o) and (p) were inadvertently deleted in a prior amendment [10] and are reinstated in relevant part.

In the Complaint Resolution Procedures, a reference to Financials & Softs Clearing Members is added in paragraph 1.5. In paragraph 1.31 of the FX Procedures, a conforming change is made to reflect a change in defined terms under the Rules.

2. Statutory Basis

ICE Clear Europe believes that the proposed rule changes are consistent with the requirements of Section 17A of the Act [11] and the regulations thereunder applicable to it, including the standards under Rule 17Ad–22.[12] The amendments will accommodate the transition of trading of certain cleared Financials & Softs contracts from trading on LIFFE to trading on ICE Futures Europe, while maintaining clearing at ICE Clear Europe. The existing clearing arrangements and related financial safeguards, protections, risk management procedures, settlement procedures, clearing membership standards and default management procedures for such contracts at ICE Clear Europe will continue to apply, as discussed herein. ICE Clear Europe does not propose to change any rules in a manner that conflicts with the terms of the ICEU Exemptive Order and will continue to satisfy the conditions of such order. Furthermore, despite the change in trading venue from LIFFE to ICE Futures Europe and the proposed rule changes, the controls put into place by ICE Clear Europe pursuant to the ICEU Exemptive Order to prevent U.S. persons from clearing transactions in U.S. securities and to comply with the other conditions in the order will remain in place and continue to be satisfied. As a result, the transition, and the related amendments to the ICE Clear Europe rules and procedures, are consistent with the prompt and accurate clearance of and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICE Clear Europe, the safeguarding of securities and funds in the custody or control of ICE Clear Europe and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[13]

B. Self-Regulatory Organization's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed rule and procedure changes would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purposes of the Act. As discussed above, the amendments are intended to accommodate the transitioning of trading for the relevant contracts from LIFFE to ICE Futures Europe, and the clearing arrangements for those contracts are not expected to change in any material respect. In particular, the contract terms and clearing membership standards will not change in any material respect, and the availability of clearing and the costs and requirements for clearing of the contracts are not expected to change in any material respect as a result of the transition. The rule changes should therefore not affect access to clearing in these products by clearing members or their customers. Accordingly, ICE Clear Europe does not believe that the proposed rule changes will impose any burden on competition among clearing members or their customers not appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed changes to the rules have not been solicited or received. ICE Clear Europe will notify the Commission of any written comments received by ICE Clear Europe.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A) [14] of the Act and Rule 19b–4(f)(4)(i) [15] thereunder because it effects a change in an existing service of a registered clearing agency that does not adversely affect the safeguarding of securities or funds in the custody or control of the clearing agency or for which it is responsible and does not significantly affect the respective rights or obligations of the clearing agency or

[7] In ICE Clear Europe's filing, it referenced Rule 2101. Following confirmation from ICE Clear Europe, Staff has changed this reference to Rule 2102.

[8] In ICE Clear Europe's filing, it referenced Rule 2102. Following confirmation from ICE Clear Europe, Staff has changed this reference to Rule 2103.

[9] In ICE Clear Europe's filing, it referenced Rule 2103. Following confirmation from ICE Clear Europe, Staff has changed this reference to Rule 2104.

[10] Exchange Act Rel. No. 34–72582 (July 10, 2014), 79 FR 41320 (July 15, 2014) (SR–ICEEU–2014–11).

[11] 15 U.S.C. 78q–1.

[12] 17 CFR 240.17Ad–22.

[13] 15 U.S.C. 78q–1(b)(3)(F).

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(i).

persons using the service, within the meaning of Rule 19b–4(f)(4)(i). As discussed above, ICE Clear Europe is currently the clearing organization for the transitioning LIFFE contracts, and will continue to clear such contracts following the transition of trading to ICE Futures Europe. The contract terms of the transitioning contracts are not changing in any material respect, and ICE Clear Europe will continue to use substantially the same risk management, margin, guaranty fund, settlement and other policies and procedures following the transition as are currently used with respect to such contracts. The amendments to the Rules and Procedures discussed herein generally consist of conforming changes to defined terms and related transitional provisions that will accommodate the transition of trading activity. In ICE Clear Europe's view, these changes will thus not significantly affect the safeguarding of funds or securities in the custody or control of ICE Clear Europe, or otherwise significantly affect the rights or obligations of the Clearing House and its Clearing Members. 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.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*) or send an email to *rule-comments@sec.gov.* Please include File Number SR–ICEEU–2014–17 on the subject line.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ICEEU–2014–17. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's Web site at *https://www.theice.com/notices/Notices.shtml?regulatoryFilings.*

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ICEEU–2014–17 and should be submitted on or before November 10, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–24777 Filed 10–17–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73349; File No. SR–ISE–2014–47]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees

October 14, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 1, 2014, the International Securities Exchange, LLC (the ''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission the proposed rule change, as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE is proposing to amend its Schedule of Fees to introduce a new rebate tier for members that execute a specified volume of Qualified Contingent Cross (''QCC'') and/or other solicited crossing orders in a month. The text of the proposed rule change is available on the Exchange's Web site (*http://www.ise.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 these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Schedule of Fees to introduce a new rebate tier for members that execute a specified volume of QCC and/or other solicited crossing orders in a month. The Exchange's Schedule of Fees has separate tables for fees and rebates applicable to Standard Options and Mini Options. The Exchange notes that while the discussion below relates to rebates for Standard Options, the rebates for Mini Options, which are not discussed below, are and shall continue to be 1/10th of the rebates for Standard Options.

The Exchange offers members tiered rebates in QCC and/or other solicited crossing orders, i.e. orders executed in the solicitation, facilitation, or price improvement mechanisms where the agency order is executed against an order solicited from another party (the

[16] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

''QCC and Solicitation Rebate''). These rebates are provided for each originating side of a crossing order, based on a member's volume in the crossing mechanisms during a given month.[3] Currently, the rebate is $0.07 per contract for members that execute from 200,000 to 499,999 originating contract sides, $0.08 per contract for members that execute from 500,000 to 699,999 originating contract sides, $0.09 per contract for members that execute from 700,000 to 999,999 originating contract sides, and $0.11 per contract for members that execute 1,000,000 originating contract sides or more.[4] The Exchange now proposes to extend this pricing initiative to members that execute from 100,000 to 199,999 originating contract sides in a given month, who will now be eligible to receive a QCC and Solicitation Rebate of $0.05 per contract for their QCC and/or other solicited crossing orders.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[5] in general, and Section 6(b)(4) of the Act,[6] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities. Currently, members must execute a minimum of 200,000 originating contract sides in QCC and/or other solicited crossing orders, in order to qualify for a QCC and Solicitation Rebate. The Exchange believes that the proposed fee change is reasonable and equitable as members that meet the lower volume threshold established in this filing will now be entitled to receive a rebate for their QCC and/or solicited crossing orders. Moreover, lowering the threshold level at which members are entitled to receive a rebate for their QCC and/or solicited crossing orders will attract more of this order flow to the ISE, to the benefit of all members that trade on the Exchange. The Exchange does not believe that the proposed fee change is unfairly discriminatory as the rebate will be uniformly applied to all members that meet the volume threshold for the new tier. By lowering the volume threshold required to receive a QCC and Solicitation Rebate, the proposed fee change is designed to allow more members to qualify. At the same time, members who execute a higher volume of QCC and/or solicited crossing orders will continue to receive rebates at the current higher rates.

The Exchange notes that it has determined to charge fees and provide rebates in Mini Options at a rate that is 1/10th the rate of fees and rebates the Exchange provides for trading in Standard Options. The Exchange believes it is reasonable and equitable and not unfairly discriminatory to assess lower fees and rebates to provide market participants an incentive to trade Mini Options on the Exchange. The Exchange believes the proposed rebates are reasonable and equitable in light of the fact that Mini Options have a smaller exercise and assignment value, specifically 1/10th that of a standard option contract, and, as such, is providing fees and rebates for Mini Options that are 1/10th of those applicable to Standard Options.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[7] the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposed rule change is pro-competitive as it is designed to attract additional crossing order flow by offering attractive rebates to members that bring their QCC and/or solicited crossing orders to the ISE. The Exchange operates in a highly competitive market in which market participants can readily direct their order flow to competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed fee changes reflect this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[8] and subparagraph (f)(2) of Rule 19b–4 thereunder,[9] because it establishes a due, fee, or other charge imposed by ISE.

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 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 No. SR–ISE–2014–47 *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–ISE–2014–47. 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

[3] Volume in Standard Options and Mini Options is combined to calculate the tier a Member has reached. Based on the tier achieved, the member is rebated for that tier for all the Standard Options traded at the Standard Option rebate amount and for all the Mini Options traded at the Mini Option rebate amount.

[4] The rebate is applied on all QCC and solicited crossing order contracts traded in a given month once a member reaches the specified volume threshold during that month.

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78f(b)(8).

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] 17 CFR 240.19b–4(f)(2).

provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the ISE. 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–ISE–2014–47 and should be submitted by November 10, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–24778 Filed 10–17–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73346; File No. SR–NYSEMKT–2014–88]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Make Conforming Amendments to Reflect Recent Deletion of Rule 343—Equities

October 14, 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 October 10, 2014, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') 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 make conforming amendments to reflect its recent deletion of Rule 343—Equities. 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 make conforming amendments to reflect its recent deletion of Rule 343—Equities. The Exchange deleted Rule 343—Equities and its interpretation, effective as of April 7, 2014.[4] The Exchange accordingly proposes to delete obsolete references to Rule 343—Equities in Rule 321—Equities, governing formation or acquisition of subsidiaries by member organizations, and Rule 476A, which governs minor rule violations.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, help to protect investors and the public interest. Specifically, the Exchange believes that deleting references to obsolete rules removes impediments to and perfects the mechanism of a free and open market by removing confusion that may result from having references to obsolete rules in the Exchange's rulebook. The Exchange further believes that the proposal removes impediments to and perfects the mechanism of a free and open market by ensuring that persons subject to the Exchange's jurisdiction, regulators, and the investing public can more easily navigate and understand the Exchange's rulebook. The Exchange believes that eliminating references to obsolete rules would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased transparency as to which rules are operable, thereby reducing potential confusion. Removing such obsolete cross references will also further the goal of transparency and add clarity to the Exchange's rules

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 change is not designed to address any competitive issue but rather would make the Exchange's rules internally consistent, thereby reducing confusion and making the Exchange's rules easier to understand and navigate.

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[7] and Rule 19b–4(f)(6) thereunder.[8] 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.

[10] 17 CFR 200.30–3(a)(12).

[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. 71988 (April 22, 2014), 79 FR 23393 (April 28, 2014) (SR–NYSEMKT–2014–34). *See also* FINRA Regulatory Notices 14–10 and 14–11.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 17 CFR 240.19b–4(f)(6).

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 19b–4(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. NYSE MKT has asked the Commission to waive the 30-day operative delay so that the proposal may become operative on filing. The Commission believes that waiving the 30-day operative delay is consistent with the public interest and investor protection, as it removes references to a rule that has been deleted by NYSE MKT. This change will make NYSE MKT's rules more accurate. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposal effective on filing.[11]

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)[12] 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 Number SR–NYSEMKT–2014–88 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2014–88. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of NYSE MKT. 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–NYSEMKT–2014–88 and should be submitted on or before November 10, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–24871 Filed 10–17–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73344; File No. SR–ICEEU–2014–16]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to EMIR Requirements

October 14, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 1, 2014, ICE Clear Europe Limited (''ICE Clear Europe'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II and III below, which Items have been prepared primarily by ICE Clear Europe. ICE Clear Europe filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act, and Rules 19b–4(f)(1) and (f)(4)(i) thereunder, so that the proposed rule change was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed changes is to make certain further clarifications and amendments to the ICE Clear Europe Clearing Rules (''Rules'') and procedures (''Procedures'') in connection with requirements under the European Market Infrastructure Regulation (including regulations and implementing technical standards thereunder, ''EMIR'')[3] that will apply to ICE Clear Europe. ICE Clear Europe has previously filed with the Commission proposed changes to its Rules, Procedures and certain related policies relating to EMIR implementation and certain other matters (the ''EMIR Rule Submissions''), which have been approved by the Commission.[4]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ICE Clear Europe has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

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[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78s(b)(2)(B).

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories, as well as various implementing regulations and technical standards.

[4] Securities Exchange Act Release No. 34–72755 (Aug. 4, 2014), 79 FR 46481 (Aug. 8, 2014) (SR–ICEEU–2014–09); Securities Exchange Act Release No. 34–72756 (Aug. 4, 2014) 79 FR 46479 (Aug. 8, 2014) (SR–ICEEU–2014–10); and Securities Exchange Act Release No. 34–72754 (Aug. 4, 2014) 79 FR 46481 (Aug. 8, 2014) (SR–ICEEU–2014–11).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

ICE Clear Europe submits additional proposed amendments to its Rules and Procedures in connection with its compliance with requirements under EMIR. The proposed amendments principally make certain clarifications to the Rule and Procedures amendments that were adopted pursuant to the EMIR Rule Submissions, as well as certain other clarifying and conforming changes discussed below. As described in more detail in the EMIR Rule Submissions, in order to comply with EMIR, ICE Clear Europe is adopting changes to the structure of customer accounts for cleared transactions to enhance segregation options for customers of Clearing Members. This includes the adoption of an individual client segregation framework for Non-FCM/BD Clearing Members as well as certain modifications relating to the existing, omnibus client segregation model for such Clearing Members. Specifically, the Rules adopted pursuant to the EMIR Rule Submissions establish two new types of individually segregated accounts, Individually Segregated Margin-flow Co-mingled Accounts and Individually Segregated Sponsored Accounts. The Rules also establish multiple new types of omnibus accounts, Segregated Customer Omnibus Accounts (separately for each product: FX, F&O and CDS) and Segregated TTFCA Customer Omnibus Accounts (separately for each product: FX, F&O and CDS) as well as Omnibus Margin-flow Co-mingled Accounts. These new individually segregated and omnibus accounts will be available only to Non-FCM/BD Clearing Members and their customers. For FCM/BD Clearing Members and their customers, individual client segregation is not being offered at this time, and the existing account types and segregation framework (which are required under applicable law) would be maintained.

The proposed additional amendments described herein are intended to further implement these requirements, as well as make various other consolidating, conforming and clarifying changes and drafting improvements to the Rules and Procedures.

ICE Clear Europe proposes to make amendments to Parts 1, 2, 3, 4, 5, 7, 8, 9, 11, 16, 17 and 19 and the Standard Terms of the Rules and to the CDS Procedures, Clearing Procedures, Finance Procedures, Delivery Procedures, FX Procedures, FX Auction Procedures, F&O Auction Procedures, and OTC FX Product Guide.[5] The proposed Rule and Procedure amendments are described in detail as follows.

In Rules, the definition of ''Applicable Law'' has been revised to refer explicitly to certain U.S. laws and regulations, including the Commodity Exchange Act, the Exchange Act, CFTC and Commission regulations, and relevant insolvency laws. A new defined term for ''Affected Customers'' has also been added, in connection with the amendments to Rule 102(g) discussed below. Certain defined terms relating to customer accounts of FCM/BD Clearing Members with respect to futures and options business on non-U.S. markets, specifically ''General Customer Account,'' ''Non-DCM/Swap'' and ''Non-DCM/Swap Customer'' have been revised to clarify the appropriate use of such accounts for relevant transactions in accordance with the CEA and CFTC regulations.

The defined term ''Repository'' has been revised to remove an incorrect requirement that the trade repository for EMIR reporting purposes be specified by the Clearing House. Corresponding changes have also been made in Rules 201(a)(v) and 1901(b)(ii), as well as a change reflecting that a Clearing Member or Sponsored Principal may have access to a Repository through means other than being a direct user of the Repository.

Rule 102(g) has been revised, in light of requirements of the Bank of England and other regulators, to clarify the manner in which certain Clearing Members are required to offer the individual and omnibus client segregation models under EMIR to their customers. Under the revised rule, and consistent with EMIR, Clearing Members must offer a choice of individual or omnibus client segregation to those customers for which Applicable Laws (in the jurisdiction of establishment of the customer or that apply in the context of activity on a relevant trading platform) do not prevent or prohibit such an account being provided to the customer (such customers are referred to as ''Affected Customers''). For Clearing Members that are not able under Applicable Laws to offer such accounts to affected customers, the Clearing Member must offer, to the extent possible and practicable under Applicable Laws, to procure such an account for such customer from another Clearing Member (which may be an affiliate).

Certain typographical corrections are made in Rules 102(o) and (v). Rule 102(r) has been revised to refer explicitly to ICE Clear Europe's status under U.S. law as a registered clearing agency and derivatives clearing organization and to add references to other Applicable Laws in addition to certain specified EU and UK requirements. In addition, the final sentence of Rule 102(r), relating to certain potential conflicts of applicable laws, has been removed in connection with discussions with relevant regulators. A typographical correction is also made in Rule 104(d). In Rule 106(a)(ii), an incorrect reference to ''U.S. Sponsored Principal'' is changed to ''Sponsored Principal''. A drafting correction is also made in Rule 111(c).

A new Rule 110(g) is added that clarifies that ICE Clear Europe may not, pursuant to its authority under existing Rule 110, extend the payment timing in respect of variation margin owed to any Clearing Member beyond the time immediately prior to the commencement of the daily payment cycle for the relevant currency for the next following business day. The amendment is intended to clarify that any extension of time for the Clearing House to make payments of variation margin under Rule 110 is subject to the requirements of CFTC Rule 39.14(b), which requires that a clearing organization must effect a settlement with each clearing member at least once each business day.

Cross-references in Rule 202(b) and 208(a) have been corrected. A typographical correction is also made in Rule 202(c)(ii).

The introductory language in Rule 302, which addresses mechanics for margin calls and payments, is revised to reflect that margin is to be settled on a net or gross basis depending on the particular type of account, as set forth in more detail in the subsections of Rule 302.

In Rule 401(a)(ix), an unnecessary parenthetical is removed for clarity. A drafting clarification is also made in Rule 406(d)(v). Typographical errors are corrected in Rules 502(h) and 503(k). Certain clarifications are made in Rules 504(f) and 506(a)(v) to reflect the fact that under Rule 506(a)(iv), Rule 504(f) does not apply to the Sponsored Principal model. A cross-reference is also corrected in Rule 506(a)(i).

In the introductory language to Part 9 of the Rules, and in Rule 906(a), a clarification is made that the relevant default rules and provision are intended

[5] Pursuant to a teleconference with ICE Clear Europe's external counsel on October 14, 2014, staff in the Division of Trading and Markets has revised this sentence to clarify the scope of the Rules and Procedures being amended as part of the proposed rule change.

to comply with all relevant Applicable Laws in addition to certain specified EU and UK requirements and to reference certain provisions of US law in addition to EU and UK laws. Rule 906(d) has been revised to clarify that new provisions that contemplate payment of a net sum directly to a Customer under certain circumstances do not apply to Customers of FCM/BD Clearing Members and in any event are subject to requirements of Applicable Law. The provisions of Rule 907(m) have been revised to be consistent with a parallel provision in Rule 904(r)(v). A typographical correction is made in Rule 908(i). In Rule 916, the text of the heading is corrected.

Rule 1101(c) and 1102(b) are revised to clarify certain requirements with respect to the Guaranty Funds, in line with the description provided in the EMIR Rule Submissions. Rule 1101(c) is revised to provide that the applicable Guaranty Fund must satisfy, in addition to the specified requirement, such higher default parameters, if any, as may be required by Applicable Laws with respect to financial resource requirements. Amendments to Rule 1102(b) similarly clarify that Guaranty Fund contributions must be calculated in accordance with the requirements of other Applicable Laws in addition to EMIR. In addition, Rule 1103(a) is amended to correct a cross-reference.

In Part 19 of the Rules relating to Sponsored Principals, Rule 1901(o) is revised to correct a reference to Rule 1901(b) and (d). A drafting clarification is also made in Rule 1903(d).

As discussed in the EMIR Rule Submissions, ICE Clear Europe has not made its new individual and omnibus segregation models, including the Sponsored Principal model, available to FCM/BD Clearing Members or their customers. As a result, certain Rules and Procedures submitted with the EMIR Rule Submissions that referred to a potential U.S. Sponsored Principal model are by their terms not in effect, and could not have been put into effect absent a future rule change. ICE Clear Europe has nonetheless determined to remove such provisions from the Rules and Procedures as a matter of clarity and to avoid any potential confusion as to the availability of such a model. Specifically, ICE Clear Europe has removed Rule 1905 and replaced it with an express provision that FCM/BD Clearing Members will not be permitted to act as Sponsors of Individually Segregated Sponsored Accounts. Accordingly, customers of FCM/BD Clearing Members will not have access to such accounts. In light of the limitations under applicable law on the ability of Non-FCM/BD Clearing Members to have customers that are U.S. persons, and as further set forth in a Circular to be published by ICE Clear Europe in connection with these amendments, the revised provision will also continue to restrict U.S. persons from becoming Sponsored Principals. In addition, ICE Clear Europe has removed various other references in the Rules and Procedures to U.S. Sponsored Principals and to FCM/BD Clearing Members acting as Sponsors of Individually Segregated Sponsored Accounts (and similar references), including in the definitions of ''Buying Counterparty,'' ''Capital,'' ''Customer,'' ''Customer Account,'' ''FCM/BD Customer,'' ''General Customer,'' ''Individually Segregated Sponsored Account,'' ''Mark-to-Market Margin,'' ''Nominated Customer Bank Account,'' ''Nominated Proprietary Bank Account,'' ''Proprietary Margin Account,'' ''Proprietary Position Account,'' ''Representative,'' ''Selling Counterparty,'' ''U.S. Sponsored Principal'' and in Rules 207(d), 401(o), 904(o) and (r), 906(d), 1601, 1603 and 1608. In light of these changes, certain distinctions between Non-FCM/BD Clearing Members and FCM/BD Clearing Members in the context of Sponsor activities are no longer relevant (as FCM/BD Clearing Members cannot act as Sponsors), and as a result various references throughout the Rules to a ''Sponsor that is a Non-FCM/BD Clearing Member'' have been changed to a ''Sponsor'', including in various definitions in Rule 101 as well as Rules 304, 506, 702, 705, 803, 810, 901, 904, 1704 and 1902. Corresponding changes are also made in the Clearing Procedures, Finance Procedures, CDS Procedures, FX Procedures, F&O Auction Procedures, FX Auction Procedures, OTC FX Product Guide, and Delivery Procedures.

In the Standard Terms for the applicable product categories in Exhibits 1–3, the timing for delivery of a Porting Notice under paragraph 6(f) has been extended from 2 hours to 4 hours of the relevant Default Notice being published, as a result of further consultations with the Bank of England. In addition, the use of the defined term Rules is clarified in such exhibits. References to defined terms for variation margin, mark-to-market margin and FX mark-to-market margin have also been corrected for the relevant product categories.

Certain additional conforming and other changes are also made to the CDS Procedures. The definition of Acceptance Time is amended to remove an incorrect reference to Sponsored Principals in connection with CDS Contracts arising under Rule 401(a)(x). Consistent with changes to Paragraph 8.2(e) described in the EMIR Rule Submissions, a missing reference to ''Merger Without Assumption'' is added to conform to changes previously made.

In the Clearing Procedures, in paragraph 2.3, clarifications are made to the categories of position-keeping accounts to implement from an operational perspective the new account categories provided for under the revised Rules. In subparagraph(b)(1), the use of the ''N'' account category is clarified as applying to gross-maintained sub-accounts with no automatic contractual netting that are part of the Proprietary Account, which includes positions of affiliates of FCM/BD Clearing Members (which are not part of the segregated customer account under the CEA). Revised subparagraph (b)(2) specifies the position-keeping accounts for the customer accounts applicable to FCM/BD Clearing Members. Subparagraph (b)(3) specifies the position-keeping accounts for the customer accounts of Non-FCM/BD Clearing Members regulated by the FCA and to which the FCA client money rules apply. Subparagraph (b)(4) specifies the position-keeping accounts for the customer accounts of other Non-FCM/BD Clearing Members. New subparagraph (e) specifies the position-keeping accounts applicable to Individually Segregated Sponsored Accounts. Conforming changes are also made in paragraphs 2.2 and 2.4. Parallel changes to Paragraphs 3.1 are made to reflect margining for the different categories of customer accounts and related position-keeping accounts. A drafting clarification is made in Paragraph 3.2. Conforming changes to the references to the position-keeping account categories are also made in Table A following Paragraph 3.2. Paragraph 4.2(a) is revised to clarify that account classes (other than those mentioned in Paragraph 4.2(a) as being margined on a net basis) are margined on a gross basis. A typographical correction is made in paragraph 5.1.

In the Finance Procedures, a defined term is clarified in paragraph 3.11. An incorrect reference to ''Clearing Members'' in paragraph 4.4(a)(iv) is removed and a typographical correction is made in paragraph 13.6. In paragraph 15.2, cross-references to subparagraph (g) thereof are corrected. Paragraph 15.4 is revised to make appropriate cross-references to Rule 209 of the Continuing CDS Rule Provisions.

In addition, consistent with EMIR requirements that do not permit ICE Clear Europe to accept letters of credit

as margin, paragraph 12 of the Finance Procedures has been deleted. (This change is also consistent with ICE Clear Europe's current list of Permitted Cover, under which letters of credit are not eligible.) Paragraph 9 of the Finance Procedures, which addressed the use of emissions allowances as Permitted Cover, has also been removed to give effect to EMIR restrictions on the use of such assets for margin. (In this regard, ICE Clear Europe notes that its current list of Permitted Cover imposes a 100% haircut on the value of any emissions allowances used as Permitted Cover. As a result, use of such assets for margin is already effectively precluded under current rules.) In paragraph 8.2 of the Finance Procedures, a reference to certificates of deposit, which are not currently accepted as permitted cover, has also been removed.

(b) Statutory Basis

ICE Clear Europe believes that the proposed amendments to the Rules and Procedures are consistent with the requirements of Section 17A of the Act [6] and the regulations thereunder applicable to it.[7] Section 17A(b)(3)(F) of the Act [8] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions. The proposed amendments are principally intended to further implement the Rule and Procedure amendments described in the EMIR Rule Submissions, which in turn are intended to ensure compliance by the Clearing House with the requirements of EMIR and implement new, strengthened options for the segregation and safeguarding of customer funds and property for customers of Non-FCM/BD Clearing Members.[9] Specifically, the amendments facilitate the adoption of individual client segregation and new forms of omnibus client segregation for customers of Non-FCM/BD Clearing Members, consistent with the requirements of EMIR. As such, the proposed amendments are part of a set of Rule and Procedure changes that will enhance, and not reduce, the level of customer protection available under the current ICE Clear Europe rules for those Clearing Members and their customers. As such, ICE Clear Europe believes that the proposed changes, together with the related amendments described in the EMIR Rule Submissions, will enhance the safeguarding of securities and funds associated with securities and derivative transactions that are in the custody or control of ICE Clear Europe or for which it is responsible. ICE Clear Europe also believes that the proposed rule changes will enhance the stability of the clearing system, by reducing the risk to market participants of a default by a Clearing Member or other customer. As a result, the proposed changes are, in the Clearing House's view, consistent with the requirements of Section 17A(b)(3)(F) of the Act.[10]

B. Self-Regulatory Organization's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed changes to the Rules and Procedures discussed herein would have any adverse impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed amendments are principally intended to further implement the new segregation models and account classes adopted pursuant to the EMIR Rule Submissions and make certain other conforming changes and clarifications.

For the reasons set forth in more detail in the EMIR Rule Submissions, ICE Clear Europe does not believe the proposed amendments set out herein would materially affect access to clearing by Clearing Members or their customers, adversely affect competition among Clearing Members or adversely affect the market for clearing services or limit market participants' choices for clearing transactions. Although the new segregation models set out in the EMIR Rule Submissions may entail certain additional costs for Clearing Members and their customers, ICE Clear Europe believes that this is the result of the requirement under EMIR to offer such models and in any event is justified by the benefits provided by such models for those who use them. As a result, and as discussed in the EMIR Rule Submissions, ICE Clear Europe does not believe that the proposed amendments to the Procedures will impose any burden on competition not appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments have not been specifically solicited with respect to the Rule and Procedure changes set out herein. ICE Clear Europe will notify the Commission of any additional written comments received by ICE Clear Europe.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(1) and (f)(4)(i) [11] thereunder because the changes either constitute a stated policy, practice or interpretation with respect to the meaning, administration or enforcement of an existing rule, within the meaning of Rule 19b–4(f)(1), and/or effect a change in an existing service of a registered clearing agency that does not adversely affect the safeguarding of securities or funds in the custody or control of the clearing agency or for which it is responsible and does not significantly affect the respective rights or obligations of the clearing agency or persons using the service, within the meaning of Rule 19b–4(f)(4)(i). 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.

Except as identified below, the changes to the Rules and Procedures set forth herein represent technical corrections and clarifications to the Rules and Procedures submitted to the Commission pursuant to the EMIR Rule Submissions and previously approved by the Commission. In ICE Clear Europe's view, these fall within rule 19b–4(f)(1) as stated policies, practices or interpretations with respect to the meaning, administration or enforcement of an existing rule.

Certain other Rule changes set forth herein fall within Rule 19b–4(f)(4)(i), as they constitute amendments that do not adversely affect the safeguarding of funds or securities or the rights or obligations of the Clearing House and its Clearing Members. In particular, Rule 102(g) has been revised to reflect more clearly the limitations on the segregation options that can be offered by certain Clearing Members under

[6] 15 U.S.C. 78q–1.

[7] 17 CFR 240.17Ad–22.

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] As discussed herein, certain additional amendments are in the nature of clarifications and drafting improvements to various provisions of the Rules and Procedures, and as such ICE Clear Europe believes that they also promote the prompt and accurate clearance and settlement of securities and derivatives transactions cleared by the Clearing House.

[10] 15 U.S.C. 78q–1(b)(3)(F).

[11] 17 CFR 340.19b–4(f)(4)(i)–(ii).

applicable law, and does not change the position under the existing rules that the new segregation models are not being offered to FCM/BD Clearing Members or their customers. The revisions to Rule 110(g), which are intended to confirm and make explicit certain existing obligations of the Clearing House under applicable U.S. laws, as such would not adversely affect the rights or obligations of the Clearing House or Clearing Members. The extension of the timing for the Porting Notices is similarly intended to be consistent with the obligations of the Clearing House under EMIR and will not adversely affect the rights or obligations of Clearing Members.

With respect to the additional changes to the Finance Procedures discussed above, the removal of the provisions relating to the use of letters of credit and emissions allowances as Permitted Cover is intended to comply with requirements under EMIR and in any event reflects the Clearing House's current practice. As a result, such changes should not adversely affect the safeguarding of funds or securities or the rights or obligations of Clearing Members. With respect to the removal of references to the potential U.S. Sponsored Principal model, such model was not in effect under the Rules and Procedures, and accordingly such removal will not affect the rights or obligations of the Clearing House or Clearing Members. In ICE Clear Europe's view, these changes will thus not significantly affect the safeguarding of funds or securities in the custody or control of ICE Clear Europe, or otherwise significantly affect the rights or obligations of the Clearing House and its Clearing Members.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*) or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ICEEU–2014–16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ICEEU–2014–16. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's Web site at *https://www.theice.com/clear-europe/regulation.*

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ICEEU–2014–16 and should be submitted on or before November 10, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–24775 Filed 10–17–14; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2014–0033]

Privacy Act of 1974, as Amended; Computer Matching Program (SSA/Department of Labor (DOL))—Match Number 1015

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a renewal of an existing computer matching program that will expire on November 24, 2014.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a renewal of an existing computer matching program that we are currently conducting with DOL.

DATES: We will file a report of the subject matching program with the Committee on Homeland Security and Governmental Affairs of the Senate; the Committee on Oversight and Government Reform of the House of Representatives; and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will be effective as indicated below.

ADDRESSES: Interested parties may comment on this notice by either telefaxing to (410) 966–0869 or writing to the Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235–6401. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, as shown above.

SUPPLEMENTARY INFORMATION:

A. General

The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), amended the Privacy Act (5 U.S.C. 552a) by describing the conditions under which computer matching involving the Federal government could be performed and adding certain protections for persons applying for, and receiving, Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such persons.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain approval of the matching agreement by the Data Integrity Boards of the participating Federal agencies;

(3) Publish notice of the computer matching program in the **Federal Register**;

(4) Furnish detailed reports about matching programs to Congress and OMB;

(5) Notify applicants and beneficiaries that their records are subject to matching; and

(6) Verify match findings before reducing, suspending, terminating, or denying a person's benefits or payments.

B. SSA Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of our computer matching programs comply with the requirements of the Privacy Act, as amended.

Kirsten J. Moncada,

Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

Notice of Computer Matching Program, SSA with the Department of Labor (DOL)

A. PARTICIPATING AGENCIES

SSA and DOL

B. PURPOSE OF THE MATCHING PROGRAM

The purpose of this matching program is to establish the terms, conditions, and safeguards under which DOL will disclose the DOL administered Part B Black Lung (BL) benefit data to us. We will match DOL's Part B BL data with our records of persons receiving Supplemental Security Income (SSI) to verify that Part B BL beneficiaries are receiving the correct amount of SSI payments.

C. AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM

This agreement is executed in accordance with the Privacy Act of 1974, 5 U.S.C. 552a, as amended by the Computer Matching and Privacy Protection Act of 1988, as amended, and the regulations promulgated thereunder.

The legal authority for this agreement is 1631(f) of the Social Security Act, 42 U.S.C. 1383(f). This legal authority requires any Federal agency to provide us with information in its possession that we may require for making a determination of eligibility for or the proper amount of SSI payments.

D. CATEGORIES OF RECORDS AND PERSONS COVERED BY THE MATCHING PROGRAM

We will match the SSR/SVB SSA/ODSSIS (60–0103) last published on January 11, 2006 (71 FR 1830), which contains all data pertinent to payments made to Title XVI recipients, with an extract from DOL's Office of Workers' Compensation Programs, BL Benefit Payments file (DOL/ESA–30). Both agencies have published the appropriate routine uses to permit the disclosures necessary to conduct this match. DOL's monthly extract file will contain necessary identifying and payment information for approximately 16,000 individuals, all miners, receiving Part B BL benefit payments. Additionally, once every year, DOL will send an additional file representing all Part B BL benefit records, referred to as the saturation file, regardless of any changes. DOL's monthly extract file will contain each Part B BL beneficiary's SSN, name, date of birth, date of entitlement, payment status, current benefit amount, and effective date of the current benefit amount. We will determine which of the recipients are receiving SSI payments and match the DOL data against the SSN, type of action code, and income type for those recipients in our SSR/SVB.

E. INCLUSIVE DATES OF THE MATCHING PROGRAM

The effective date of this matching program is November 25, 2014; provided that the following notice periods have lapsed: 30 days after publication of this notice in the **Federal Register** and 40 days after notice of the matching program is sent to Congress and OMB. The matching program will continue for 18 months from the effective date and, if both agencies meet certain conditions, it may extend for an additional 12 months thereafter.

[FR Doc. 2014–24817 Filed 10–17–14; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2014–0048]

Privacy Act of 1974, as Amended; Computer Matching Program (SSA/Office of Child Support Enforcement (OCSE))—Match Number 1074

AGENCY: Social Security Administration (SSA) .

ACTION: Notice of a renewal of an existing computer matching program that will expire on December 11, 2014.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a renewal of an existing computer matching program that we are currently conducting with OCSE.

DATES: We will file a report of the subject matching program with the Committee on Homeland Security and Governmental Affairs of the Senate; the Committee on Oversight and Government Reform of the House of Representatives; and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will be effective as indicated below.

ADDRESSES: Interested parties may comment on this notice by either telefaxing to (410) 966–0869 or writing to the Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235–6401. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, as shown above.

SUPPLEMENTARY INFORMATION:

A. General

The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100–503), amended the Privacy Act (5 U.S.C. 552a) by describing the conditions under which computer matching involving the Federal government could be performed and adding certain protections for persons applying for, and receiving, Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such persons.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain approval of the matching agreement by the Data Integrity Boards of the participating Federal agencies;

(3) Publish notice of the computer matching program in the **Federal Register**;

(4) Furnish detailed reports about matching programs to Congress and OMB;

(5) Notify applicants and beneficiaries that their records are subject to matching; and

(6) Verify match findings before reducing, suspending, terminating, or denying a person's benefits or payments.

B. SSA Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of our computer matching programs

comply with the requirements of the Privacy Act, as amended.

Kirsten J. Moncada,

Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

Notice of Computer Matching Program, SSA with the Office of Child Support Enforcement (OCSE)

A. PARTICIPATING AGENCIES

SSA and OCSE

B. PURPOSE OF THE MATCHING PROGRAM

This computer matching agreement governs a matching program between OCSE and us. The agreement covers the following information exchange operations between OCSE and us from the National Directory of New Hires (NDNH): online query access for Supplemental Security Income (SSI), Disability Insurance (DI), and Ticket-to-Work and Self-Sufficiency (Ticket) programs; and SSI Quarterly Wage batch match. This agreement also governs the use, treatment, and safeguarding of the information exchanged. This agreement assists us in (1) establishing or verifying eligibility or payment amounts, or both under the SSI program; (2) establishing or verifying eligibility or continuing entitlement under the DI program; and (3) in administering the Ticket programs. We evaluate the cost-benefits, including programmatic and operational impact, which NDNH information has on our programs and operations.

C. AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM

The legal authorities for disclosures under this agreement are the Social Security Act (Act) and the Privacy Act of 1974, as amended. 453(j)(4) of the Act provides that OCSE shall provide our Commissioner with all information in NDNH. 42 U.S.C. 653(j)(4). We have authority to use data to determine entitlement and eligibility for programs we administer pursuant to 453(j)(4), 1631(e)(1)(B) and (f), and 1148(d)(1) of the Act. 42 U.S.C. 653(j)(4), 1320b–19(d)(1), and 1383(e)(1)(B) and (f). Disclosures under this agreement shall be made in accordance with 5 U.S.C. 552a(b)(3), and in compliance with the matching procedures in 5. U.S.C. 552a(o), (p), and (r). Our Commissioner is required to verify eligibility of a recipient or applicant for SSI using independent or collateral sources. SSI benefits may not be determined solely based on declarations by the applicant concerning eligibility factors or other relevant facts. Information is also obtained, as necessary, in order to assure that SSI benefits are only provided to eligible individuals (or eligible spouses) and that the amounts of such benefits are correct. 1631(e)(1)(B) of the Act. Section 1631(f) of the Act provides that ''the head of any federal agency shall provide such information as our Commissioner needs for purposes of determining eligibility for the amount of benefits, or verifying information with respect thereto.'' Section 1148(d)(1) of the Act requires us to verify earnings of beneficiaries/recipients to ensure accurate payments to employer network providers under the Ticket program.

D. CATEGORIES OF RECORDS AND PERSONS COVERED BY THE MATCHING PROGRAM

We will provide electronically to OCSE the following data elements in the finder file: individual's Social Security number (SSN) and name. OCSE will provide electronically to us the following data elements from the NDNH in the quarterly wage file: quarterly wage record identifier; for employees: name, SSN, verification request code, processed date, non-verifiable indicator, wage amount, and reporting period; for employers of individuals in the quarterly wage file of the NDNH: name, employer identification number, and address(es); transmitter agency code; transmitter state code; and state or agency name. OCSE will provide electronically to us the following data elements from the NDNH in the unemployment insurance file: unemployment insurance record identifier; processed date; SSN; verification request code; name; address; unemployment insurance benefit amount; reporting period; transmitter agency code; transmitter state code; and state or agency name. We will us the individual's SSN to initiate an online query for NDNH records. Data elements we can access on the NDNH quarterly wage screen: quarterly wage record identifier; date report processed; name/SSN verified; for employees: SSN, Name, wage amount, and reporting period; for employers: name, employer identification number employer FIPS code (if present) and address(es). Data elements we can access on the NDNH new hire screen: new hire record identifier; name/SSN verified; date report processed; for employees: SSN, name, and date of hire; for employers: name, employer identification number, employer FIPS code (if present) and address(es). Data elements we can access on the NDNH unemployment insurance screen: unemployment insurance record identifier; name/SSN verified; SSN; name; address; unemployment insurance benefit amount; reporting period; payer state; and date report processed.

E. INCLUSIVE DATES OF THE MATCHING PROGRAM

The effective date of this matching program is December 12, 2014, provided that the following notice periods have lapsed: 30 days after publication of this notice in the **Federal Register** and 40 days after notice of the matching program is sent to Congress and OMB. The matching program will continue for 18 months from the effective date and, if both agencies meet certain conditions, it may extend for an additional 12 months thereafter.

[FR Doc. 2014–24815 Filed 10–17–14; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2014–0032]

Privacy Act of 1974, as Amended; Computer Matching Program (SSA/Department of Labor (DOL))—Match Number 1003

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a renewal of an existing computer matching program that will expire on November 24, 2014.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a renewal of an existing computer matching program that we are currently conducting with DOL.

DATES: We will file a report of the subject matching program with the Committee on Homeland Security and Governmental Affairs of the Senate; the Committee on Oversight and Government Reform of the House of Representatives; and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will be effective as indicated below.

ADDRESSES: Interested parties may comment on this notice by either telefaxing to (410) 966–0869 or writing to the Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235–6401. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, as shown above.

SUPPLEMENTARY INFORMATION:

A. General

The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100–503), amended the Privacy Act (5 U.S.C. 552a) by describing the conditions under which computer matching involving the Federal government could be performed and adding certain protections for persons applying for, and receiving, Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such persons.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain approval of the matching agreement by the Data Integrity Boards of the participating Federal agencies;

(3) Publish notice of the computer matching program in the **Federal Register**;

(4) Furnish detailed reports about matching programs to Congress and OMB;

(5) Notify applicants and beneficiaries that their records are subject to matching; and

(6) Verify match findings before reducing, suspending, terminating, or denying a person's benefits or payments.

B. SSA Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of our computer matching programs comply with the requirements of the Privacy Act, as amended.

Kirsten J. Moncada,

Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

Notice of Computer Matching Program, SSA With the Department of Labor (DOL)

A. PARTICIPATING AGENCIES

SSA and DOL

B. PURPOSE OF THE MATCHING PROGRAM

The purpose of this matching program is to establish the terms, conditions, and safeguards under which DOL will disclose the DOL administered Part C Black Lung (BL) benefit data to us. We will match DOL's Part C BL data with our records of persons receiving Social Security disability benefits to verify that Part C BL beneficiaries are receiving the correct amount of Social Security disability benefits.

C. AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM

This agreement is executed in accordance with the Privacy Act of 1974, 5 U.S.C. 552a, as amended by the Computer Matching and Privacy Protection Act of 1988, as amended, and the regulations promulgated thereunder.

The legal authority for this agreement is 224(h)(1) of the Social Security Act (Act), 42 U.S.C. 424a(h)(1). This legal authority requires any Federal agency to provide us with information in its possession that we may require for making a timely determination of the amount of reduction required under 224 of the Act for workers' compensation offset.

D. CATEGORIES OF RECORDS AND PERSONS COVERED BY THE MATCHING PROGRAM

We will match the MBR, SSA/ORSIS (60–0090) last published on January 11, 2006 (71 FR 1826), which contains all data pertinent to payments made to Social Security disability beneficiaries, with an extract from DOL's Office of Workers' Compensation Programs, BL Benefit Payments file, DOL/ESA–30. Both agencies have published the appropriate routine uses to permit the disclosures necessary to conduct this match.

DOL's monthly extract file will contain the necessary identifying and payment information for approximately 23,000 beneficiaries, all miners under age 65 entitled to receive Part C BL payments. We will match these DOL records against the MBR.

DOL's monthly extract file will contain each Part C BL beneficiary's SSN, name, date of birth, date of entitlement, payment status, current benefit amount, and effective date of the current benefit amount. We will determine which of the beneficiaries are receiving Social Security disability benefits and match the DOL data against the SSN, type of action code, and offset type for those beneficiaries in our MBR.

E. INCLUSIVE DATES OF THE MATCHING PROGRAM

The effective date of this matching program is November 25, 2014; provided that the following notice periods have lapsed: 30 days after publication of this notice in the **Federal Register** and 40 days after notice of the matching program is sent to Congress and OMB. The matching program will continue for 18 months from the effective date and, if both agencies meet certain conditions, it may extend for an additional 12 months thereafter.

[FR Doc. 2014–24816 Filed 10–17–14; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2014–0092]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

In accordance with Part 235 of Title 49 Code of Federal Regulations and 49 U.S.C. 20502(a), this document provides the public notice that by a document dated August 26, 2014, the Union Pacific Railroad Company (UP) petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of a signal system. FRA assigned the petition Docket Number FRA–2014–0092.

Applicant: Union Pacific Railroad Company, Mr. Neal Hathaway, AVP Engineering–Signal, 1400 Douglas Street, MS 0910, Omaha, NE 68179.

UP seeks approval of the modification of the Morley Bridge interlocking at Milepost (MP) 95, in association with the reduction of the approach locking limits at MP 92.9, on the Livonia Subdivision, Grosse Tete, Louisiana. The purpose of the modification is for installation of advanced electronic-coded track circuits to provide improved four-aspect signaling.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200

New Jersey Avenue SE., W12–140, Washington, DC 20590.

• *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by December 4, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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

Issued in Washington, DC, on October 14, 2014.

Ron Hynes,

Director, Office of Technical Oversight.

[FR Doc. 2014–24748 Filed 10–17–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2014–0095]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

In accordance with Part 235 of Title 49 Code of Federal Regulations and 49 U.S.C. 20502(a), this document provides the public notice that by a document dated September 5, 2014, the Wisconsin Central Limited (WC) petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of a signal system. FRA assigned the petition Docket Number FRA–2014–0095.

Applicant: Wisconsin Central Limited, Mr. Thomas L. Brasseur, Manager S&C, Engineering Department, Southern Region, 1625 Depot Street, Stevens Point, WI 54481.

WC, a subsidiary of Canadian National Railway (CN), seeks approval of the proposed discontinuance and removal of a traffic control system (TCS) between Milepost (MP) 162.9, South Ranier, and MP 161.8, Van Lynn, on the Rainy Subdivision, Ranier, MN. TCS will be removed and listed limits will be operated per CN's U.S. Operating Rules, Rule 520, Yard limits. New TCS limits will begin and end at Van Lynn.

The reason given for the proposed changes is to allow Canadian train crews more headroom to avoid blocking Spruce Street in Ranier. Currently, Canadian train crews cannot operate into United States TCS territory; therefore, Canadian crews have to be relieved by a United States crew to move the train. This changing of crews adds to the length of time that Spruce Street is blocked. In addition, U.S. Customs and Border Protection has a new inspection facility and requires more room to remove containers for inspection. This creates the need for a crew change to move the train far enough for this action to take place.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

• Web site: *http://www.regulations.gov*. Follow the online instructions for submitting comments.

• Fax: 202–493–2251.

• Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.

• Hand Delivery: 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by December 4, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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

Issued in Washington, DC, on October 14, 2014.

Ron Hynes,

Director, Office of Technical Oversight.

[FR Doc. 2014–24750 Filed 10–17–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2014–0087]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated September 5, 2014, Rouge Valley Terminal Railroad Corporation (RVTC) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 223, Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses. FRA assigned the petition Docket Number FRA–2014–0087.

RVTC petitioned for a waiver of compliance for one locomotive from the requirements of 49 CFR 223.11, *Requirements for existing locomotives,* that requires certified glazing in all locations. The subject locomotive is a leased Electro-Motive Diesel Model SW1200 locomotive built in 1949 and bearing the number WRIX 82. This locomotive is operated over 9.5 miles of RVTC track and 2 miles of Central Oregon and Pacific Railroad track (for interchange of freight cars), all within the Medford Industrial Park in White City, OR. Speeds do not exceed 10 mph. It is equipped with glazing that meets an ASI rating of AS–1. This locomotive has been operating over the same trackage under a glazing waiver per Docket Number FRA–2005–23332, issued to former operator White City Terminal and Utility Railway, for the last 8 years with no incidents of vandalism to the glazing or any other railroad property. This new waiver petition was necessitated by a change in corporate ownership. RVTC also cites economic

conditions in its request to continue use of the locomotive as presently equipped.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the Department of Transportation's Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- Web site: *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- Fax: 202–493–2251.
- Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- Hand Delivery: 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by December 4, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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

Issued in Washington, DC, on October 14, 2014.

Ron Hynes,

Director, Office of Technical Oversight.

[FR Doc. 2014–24747 Filed 10–17–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2014–0093]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated September 12, 2014, the Long Island Rail Road Company (LIRR) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from several provisions of the Federal railroad safety regulations. FRA assigned the petition Docket Number FRA–2014–0093.

Specifically, LIRR requests relief from certain provisions of 49 CFR Part 240, Qualification and Certification of Locomotive Engineers, and 49 CFR Part 242, Qualification and Certification of Conductors. The relief is contingent on LIRR's implementation of and participation in the Confidential Close Call Reporting System (C^3RS) pilot project.

LIRR seeks to shield reporting employees and the railroad from mandatory punitive sanctions that would otherwise arise as provided in 49 CFR Sections 240.117(e)(1)–(4); 240.305(a)(l)–(4) and (a)(6); 240.307; and 242.403(b), (c), (e)(l)–(4), (e)(6)–(11), (f)(l)–(2). The C^3RS pilot project encourages certified operating crew members to report close calls and protects the employees and the railroad from discipline or sanctions arising from the incidents reported per the C^3RS Implementing Memorandum of Understanding.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received within December 4, 2014 of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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

Issued in Washington, DC, on October 14, 2014.

Ron Hynes,

Director, Office of Technical Oversight.

[FR Doc. 2014–24749 Filed 10–17–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2014–0077]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated July 30, 2014, the Maine Narrow Gauge Railroad Company and Museum (MNGR) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 230, Steam Locomotive Inspection and Maintenance Standards. FRA assigned the petition Docket Number FRA–2014–0077. MNGR is a 2-foot gauge railroad that owns and operates No. 4, a 0–4–4 type steam locomotive, built in 1918 by the Vulcan Iron Works.

MNGR requests relief from 49 CFR 230.17, *One thousand four hundred seventy-two (1472) service day inspection.* Specifically, MNGR is petitioning for a delay of the 1472 service-day inspection (SDI) due on April 29, 2014, until December 31, 2014. The delay of the SDI would allow No. 4 to complete the 2014 MNGR winter holiday operating season. To date, No. 4 has used 482 service days and requires 30 of the remaining 990 service days to finish the 2014 operating schedule.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by December 4, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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

Issued in Washington, DC, on October 14, 2014.

Ron Hynes,

Director of Technical Oversight.

[FR Doc. 2014–24746 Filed 10–17–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2014–0074]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated July 24, 2014, Grand Canyon Railway (GCR) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 229, Railroad Locomotive Safety Standards. FRA assigned the petition Docket Number FRA–2014–0074.

Specifically, GCR petitioned for a waiver of compliance from 49 CFR 229.140, *Alerters,* which requires all controlling locomotives operating at speeds greater than 25 mph to be equipped with a functioning alerter effective January 1, 2017. GCR currently has five locomotives that would fall under this regulation. GCR cites the cost of equipping the locomotives with alerters, the fact that they operate with two crew members in the operating cab per Arizona State law, and its 25-year record of no reportable accidents attributable to nonvigilant crew members as justification for this relief.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by December 4, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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

Issued in Washington, DC, on October 14, 2014.

Ron Hynes,

Director, Office of Technical Oversight.

[FR Doc. 2014–24756 Filed 10–17–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2014–0101]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated October 3, 2014, the Sonoma-Marin Area Rail Transit District (SMART) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 236–Rules, Standards, and Instructions Governing the Installation, Inspection, Maintenance, and Repair of Signal and

Train Control Systems, Devices, and Appliances. FRA assigned the petition Docket Number FRA–2014–0101.

Specifically, SMART seeks temporary relief from the requirements of 49 CFR 236.0—*Applicability, minimum requirements, and penalties.*

SMART proposes to perform acceptance testing of new diesel multiple units (DMUs) at speeds of up to 79 miles per hour (MPH) on trackage without a block signal system, as required in 49 CFR 236.0(c)(2).

SMART is scheduled to receive its pilot two-car set of DMUs in February 2015. However, SMART's Enhanced Automatic Train Control (E–ATC) system is not scheduled to be commissioned until 2016. SMART seeks permission to perform limited nonrevenue testing of its new fleet of DMUs at a speed not to exceed 79 mph, solely on a remote 6.3-mile segment of track, absent the installation of a block signal system. SMART is seeking to perform testing under this temporary waiver until its E–ATC system is fully commissioned.

SMART has submitted a test plan with its petition that outlines the safety procedures that are to be in place during the testing.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- Web site: *http://www.regulations.gov.*
- Follow the online instructions for submitting comments.
- Fax: 202–493–2251.
- Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- Hand Delivery: 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by December 4, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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

Issued in Washington, DC, on October 14, 2014.

Ron Hynes,

Director, Office of Technical Oversight.

[FR Doc. 2014–24751 Filed 10–17–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2010–0056]

Notice of Petition for Approval of Positive Train Control Safety Plan

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated August 29, 2014, BNSF Railway (BNSF) has petitioned for approval of its Positive Train Control Safety Plan (PTCSP) submitted pursuant to the Federal railroad safety regulations contained in 49 CFR part 236, Subpart I, Positive Train Control Systems. FRA assigned the petition Docket Number FRA–2010–0056.

BNSF seeks approval of its PTCSP and system certification for its implementation of the Interoperable Electronic Train Management System (I–ETMS) in accordance with 49 CFR 236.1009, *Procedural requirements.* BNSF asserts that the PTCSP demonstrates that I–ETMS has been designed as a vital overlay PTC system in compliance with 49 CFR 236.1015, *PTC Safety Plan content requirements and PTC System Certification.* The PTCSP describes the BNSF I–ETMS implementation and the associated I–ETMS safety processes; safety analyses; and test, validation, and verification processes used during development of I–ETMS. The PTCSP also contains BNSF's operational and support requirements and procedures.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- Web site: *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- Fax: 202–493–2251.
- Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- Hand Delivery: 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by January 20, 2015 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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

Issued in Washington, DC, on October 14, 2014.

Ron Hynes,

Director, Office of Technical Oversight.

[FR Doc. 2014–24745 Filed 10–17–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD 2014—0135]

Request for Comments of a Previously Approved Information Collection: Application and Reporting Elements for Participation in the Maritime Security Program

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on July 7, 2014 (**Federal Register** 38354, Vol. 79, No. 129).

DATES: Comments must be submitted on or before November 19, 2014.

FOR FURTHER INFORMATION CONTACT: Bill Kurfehs, 202–366–2318, Office of Sealift Support, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC, 20590.

SUPPLEMENTARY INFORMATION: Maritime Administration (MARAD)

Title: Application and Reporting Elements for Participation in the Maritime Security Program.

OMB Control Number: 2133–0525.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: The Maritime Security Act of 2003, extended under Section 3508 of the National Defense Authorization Act for Fiscal Year 2013, Public Law 112–239, provides for the enrollment of qualified vessels in the Maritime Security Program Fleet. Applications and amendments are used to select vessels for the fleet. Periodic reporting is used to monitor adherence of contractors to program parameters.

Expiration Date of Approval: Three years from date of approval by the Office of Management and Budget.

Affected Public: Vessel Operators.

Estimated Number of Respondents: 15.

Estimated Number of Responses: 195.

Annual Estimated Total Annual Burden Hours: 210.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW., Washington, DC 20503. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; 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, including the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.

Dated: October 14, 2014.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2014–24799 Filed 10–17–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD 2014—0134]

Request for Comments of a Previously Approved Information Collection: Determination of Fair and Reasonable Rates for the Carriage of Agricultural Cargoes on U.S. Commercial Vessels

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on July 7, 2014 (**Federal Register** Vol. 79, No 129, 38355).

DATES: Comments must be submitted on or before November 19, 2014.

FOR FURTHER INFORMATION CONTACT: Albert Bratton, Telephone Number: (202) 366–5769, Office of Financial Approvals, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Determination of Fair and Reasonable Rates for the Carriage of Agricultural Cargoes on U.S. Commercial Vessels—46 CFR.

OMB Control Number: 2133–0514.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: This collection of information requires U.S.-flag operators to submit annual vessel operating costs and capital costs data to Maritime Administration officials. The information is used by the Maritime Administration in determining fair and reasonable guideline rates for the carriage of preference cargoes on U.S.-flag vessels. In addition, U.S.-flag vessel operators are required to submit Post Voyage Reports to the Maritime Administration after completion of a cargo preference voyage.

Affected Public: U.S. citizens who own and operate U.S.-flag vessels.

Estimated Number of Respondents: 51.

Estimated Number of Responses: 102.

Annual Estimated Total Annual Burden Hours: 306.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW., Washington, DC 20503. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; 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, including the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.

Dated: October 14, 2014.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2014–24822 Filed 10–17–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2014–0126]

Pipeline Safety: Information Collection Activities—Renewal of Expiring Information Collections

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on two information collections that will be expiring in 2015. PHMSA will request an extension with no change for the information collection identified by OMB control number 2137–0048. In addition, PHMSA will request a revision to the information collection identified under OMB control number 2137–0600. This revision updates the number of respondents used in the burden calculation but does not add to or change the type of information being collected.

DATES: Interested persons are invited to submit comments on or before December 19, 2014.

ADDRESSES: Comments may be submitted in the following ways:

E-Gov Web site: http://www.regulations.gov. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

Fax: 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: Room W12–140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: Identify the docket number PHMSA–2014–0126 at the beginning of your comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. You should know that anyone is able to search the electronic form of all comments received 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.). Therefore, you may want to review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (65 FR 19477) or visit *http://www.regulations.gov* before submitting any such comments.

Docket: For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* at any time or to Room W12–140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: ''Comments on Docket No. PHMSA–2014–0126.'' The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (internet, fax, or professional delivery service) of submitting comments to the docket and ensuring their timely receipt at DOT.

FOR FURTHER INFORMATION CONTACT: Angela Dow by telephone at 202–366–1246, by fax at 202–366–4566, or by mail at DOT, PHMSA, 1200 New Jersey Avenue SE., PHP–30, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: Section 1320.8(d), Title 5, Code of Federal Regulations, requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies several information collection requests that PHMSA will submit to OMB for renewal. The following information is provided for each information collection: (1) Title of the information collection; (2) OMB control number; (3) Current expiration date; (4) Type of request; (5) Abstract of the information collection activity; (6) Description of affected public; (7) Estimate of total annual reporting and recordkeeping burden; and (8) Frequency of collection. PHMSA will request a three-year term of approval for each information collection activity. PHMSA requests comments on the following information collections:

1. Title: Recordkeeping Requirements for Liquefied Natural Gas (LNG) Facilities.

OMB Control Number: 2137–0048.

Current Expiration Date: 02/28/2015.

Type of Request: Renewal with no change of a currently approved information collection.

Abstract: LNG facility owners and operators are required to maintain records, make reports, and provide information to the Secretary of Transportation at the Secretary's request.

Affected Public: Owners and operators of liquefied natural gas facilities.

Annual Reporting and Recordkeeping Burden:

Estimated number of responses: 101.

Estimated annual burden hours: 12,120.

Frequency of Collection: On Occasion.

2. Title: Qualification of Pipeline Safety Training.

OMB Control Number: 2137–0600.

Current Expiration Date: 4/30/2015.

Type of Request: Revision of a currently approved information collection.

Abstract: All individuals responsible for the operation and maintenance of pipeline facilities are required to be properly qualified to safely perform their tasks. 49 CFR 192.807 requires each operator to maintain records that demonstrate compliance with the mandated qualification criteria. Records must be kept to be provided upon request.

Affected Public: Operators of pipeline facilities.

Annual Reporting and Recordkeeping Burden:

Estimated number of responses: 29,167.

Estimated annual burden hours: 466,672.

Frequency of collection: On occasion.

Comments are invited on:

(a) The need for the renewal and revision of these collections of information 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 the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued in Washington, DC on October 14, 2014, under authority delegated in 49 CFR 1.97.

John A. Gale,

Director, Office of Standards and Rulemaking.

[FR Doc. 2014–24743 Filed 10–17–14; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 55 (Sub-No. 735X)]

CSX Transportation, Inc.—Abandonment Exemption—in Vigo County, Ind.

CSX Transportation, Inc. (CSXT) has filed a verified notice of exemption under 49 CFR pt. 1152 subpart F–*Exempt Abandonments* to abandon approximately 1.39 miles of rail line on its Southern Region, Nashville Division, CE & D Subdivision, between the connection to CSXT's mainline at milepost QST 0.03 and the end of the track at the connection with the Indiana Railroad Company at milepost QST 1.42, in Terre Haute, Vigo County, Ind. The line traverses United States Postal Service Zip Code 47807.

CSXT has certified that: (1) No local traffic has moved over the line for at least two years; (2) any overhead traffic on the line can be and has been rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on November 19, 2014, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 30, 2014. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by November 10, 2014, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to CSXT's representative: Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

CSXT has filed environmental and historic reports that address the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by October 24, 2014. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by CSXT's filing of a notice of consummation by October 20, 2015, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C. 2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which is currently set at $1,600. *See* 49 CFR 1002.2(f)(25).

Board decisions and notices are available on our Web site at *WWW.STB.DOT.GOV.*

Decided: October 14, 2014.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2014–24876 Filed 10–17–14; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 370X)]

Norfolk Southern Railway Company—Discontinuance of Service Exemption—in Clermont, Brown and Adams Counties, Ohio

On September 30, 2014, Norfolk Southern Railway Company (NSR) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to discontinue rail service over approximately 40.7 miles of rail line between milepost CT 32.83 at Williamsburg and milepost CT 73.50 at Plum Run in Clermont, Brown and Adams Counties, Ohio.

NSR states that the line includes the stations of Eastwood, Mt. Oreb, Sardinia, Mowrystown, Macon, Winchester, Seaman, Lawshe, Peebles, and Plum Run, all of which will be discontinued. Williamsburg is currently a station on the line, however, it will not be discontinued because NSR's Clare (Cincinnati)—Williamsburg, Ohio segment immediately to the west of and contiguous with the subject line is currently operated by CCET, LLC. (CCET).[1] The line traverses U.S. Postal Service Zip Codes 45154, 45171, 45176, 45660, 45679, and 45697.

NSR states that the line does not contain any federally granted rights-of-way. Any documentation in NSR's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line Railroad–Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final

[1] CCET was granted authority to lease and operate the rail line in *CCET, LLC—Lease & Operation Exemption—Rail Line of Norfolk Southern Railway,* FD 35810 (STB served April 4, 2014).

decision will be issued by January 16, 2015.

Because this is a discontinuance proceeding and not an abandonment proceeding, trail use/rail banking and public use conditions are not appropriate. Similarly, no environmental or historic documentation is required under 49 CFR 1105.6(c)(2) and 1105.8.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) to subsidize continued rail service will be due no later than January 26, 2015, or 10 days after service of a decision granting the petition for exemption, whichever occurs sooner. Each offer must be accompanied by a $1,600 filing fee. *See* 49 CFR 1002.2(f)(25).

All filings in response to this notice must refer to Docket No. AB 290 (Sub-No. 370X) and must be sent to: (1) Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001; and (2) William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave. NW., Suite 300, Washington, DC 20037. Replies to the petition are due on or before October 30, 2014.

Persons seeking further information concerning discontinuance procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238 or refer to the full abandonment and discontinuance regulations at 49 CFR pt. 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis (OEA) at (202) 245–0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV.*''

Decided: October 14, 2014.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2014–24878 Filed 10–17–14; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Executive Office for Asset Forfeiture; Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Executive Office for Asset Forfeiture within the Department of the Treasury is soliciting comments concerning the Request for Transfer of Property Seized/Forfeited by a Treasury Agency, TD F 92–22.46.

DATES: Written comments should be received on or before December 17, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to the Department of the Treasury, Executive Office for Asset Forfeiture, Attn: Jackie A. Jackson, 1341 G Street 9th Floor NW., Washington, DC 20005. Telephone: (202) 622–2755. Email Address: *Jackie.Jackson@Treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to the Department of the Treasury. Executive Office for Asset Forfeiture, Attn: Jackie A. Jackson, 1341 G Street 9th Floor NW., Washington, DC 20005. Telephone: (202) 622–2755. Email Address: *Jackie.Jackson@Treasury.gov.*

SUPPLEMENTARY INFORMATION:

Title: Request for Transfer of Property Seized/Forfeited by a Treasury Agency, TD F 92–22.46.

OMB Number: 1505–0152.

Form Number: TD F 92–22.46.

Abstract: The form was developed to capture the minimum amount of data necessary to process the application for equitable sharing benefits. Only one form is required per seizure. If a law enforcement agency does not make this one time application for benefits under the equitable sharing process, the agency will not benefit from the forfeiture process.

Current Actions: This is a notice for the continued use of the established form. There is one proposed change to the form or instructions. Under I. Seizing Agency (For Treasury Forfeiture Fund Participating Agency Use Only) Case Type: Adoption or Joint will be removed from the form.

Type of Review: Extension with changes.

Affected Public: Federal, State and local law enforcement agencies participating in the Treasury asset sharing program.

Estimated Number of Respondents: 7,000.

Estimated Time per Respondent: 30 Minutes.

Estimated Total Annual Burden Hours: 2,500.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

John Farley,

Acting Director, Department of the Treasury, Executive Office for Asset Forfeiture.

[FR Doc. 2014–24831 Filed 10–17–14; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Senior Executive Service; Legal Division Performance Review Board

AGENCY: Department of the Treasury.

ACTION: Notice of members of the Legal Division Performance Review Board (PRB).

SUMMARY: Pursuant to 5 U.S.C. 4314(c)(4), this notice announces the appointment of members of the Legal Division PRB. The purpose of this Board is to review and make recommendations concerning proposed performance appraisals, ratings, bonuses, and other appropriate personnel actions for incumbents of SES positions in the Legal Division.

DATES: *Effective Date: October 20, 2014.*

FOR FURTHER INFORMATION CONTACT: Office of the General Counsel, Department of the Treasury, 1500 Pennsylvania Avenue NW., Room 3000, Washington, DC 20220, Telephone: (202) 622–0283 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Composition of Legal Division PRB

The Board shall consist of at least three members. In the case of an appraisal of a career appointee, more than half the members shall consist of

career appointees. Composition of the specific PRBs will be determined on an ad hoc basis from among the individuals listed in this notice.

The names and titles of the PRB members are as follows:

Paul Ahern, Deputy Assistant General Counsel (Enforcement & Intelligence);
Priya R. Aiyar, Deputy General Counsel;
Trisha Anderson, Assistant General Counsel (Enforcement & Intelligence);
Peter A. Bieger, Assistant General Counsel (Banking and Finance);
George Bostick, Benefits Tax Counsel;
Himamauli Das, Assistant General Counsel (International Affairs);
Margaret Depue, Chief Counsel, Bureau of the Fiscal Service;
Eric Froman, Deputy Assistant General Counsel (Financial Stability Oversight Council);
Anthony Gledhill, Chief Counsel, Alcohol Tobacco, Tax, and Trade Bureau;
Roberto J. Gonzalez, Deputy General Counsel;
Rochelle F. Granat, Assistant General Counsel (General Law, Ethics and Regulation);
Carlton Greene, Chief Counsel, Financial Crimes Enforcement Network;
Elizabeth Horton, Deputy Assistant General Counsel (Ethics);
Mark Kaizen, Associate Chief Counsel (General Legal Services), Internal Revenue Service;
Jeffrey Klein, Deputy Assistant General Counsel (International Affairs);
Steven D. Laughton, Deputy Assistant General Counsel (Banking and Finance);
Robert Neis, Deputy Benefits Tax Counsel;
Sidney Rocke, Chief Counsel, Bureau of Engraving and Printing;
Danielle Rolfes, International Tax Counsel;
Bradley Smith, Chief Counsel, Office of Foreign Assets Control;
Brian Sonfield, Deputy Assistant General Counsel (General Law and Regulation);
Tom Thomas, Division Counsel (Small Business/Self Employed), Internal Revenue Service;
Thomas West, Deputy Tax Legislative Counsel;
Paul Wolfteich, Deputy Chief Counsel, Bureau of the Fiscal Service and;
Lisa Zarlenga, Tax Legislative Counsel.

Dated: October 10, 2014.

Roberto J. Gonzalez,

Deputy General Counsel.

[FR Doc. 2014–24928 Filed 10–17–14; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Requirements: Information Collection Renewal; Comment Request; Debt Cancellation Contracts and Debt Suspension Agreements

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

Currently, the OCC is soliciting comment concerning its renewal of an information collection titled ''Debt Cancellation Contracts and Debt Suspension Agreements.''

DATES: You should submit written comments by: December 19, 2014.

Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0224, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: Johnny Vilela or Mary H. Gottlieb, OCC Clearance Officers, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

The OCC is proposing to extend OMB approval of the following information collection:

Title: Debt Cancellation Contracts and Debt Suspension Agreements.

OMB Control No.: 1557–0224.

Description: This submission covers an existing regulation, 12 CFR 37, and involves no change to the regulation or the information collection. The OCC requests that OMB approve its revised estimates and renew its approval of the information collection. The estimates have been revised to reflect the current number of national banks.

Twelve U.S.C. 24(Seventh) authorizes national banks to enter into Debt Cancellation Contracts (DCCs) and Debt Suspension Agreements (DSAs). Part 37 requires national banks and Federal branches and agencies of foreign banks (banks) to disclose information about a DCC or a DSA using either a short or long form disclosure. The short form disclosure usually is made orally and issued at the time the bank firsts solicits the purchase of a contract. The long form disclosure usually is made in writing and issued before the customer completes the purchase of the contract. There are special rules for transactions by telephone, solicitations using written mail inserts or ''take one'' applications, and electronic transactions. Part 37 provides two forms of disclosure that serve as models for satisfying the

requirements of the rule. Use of the forms is not mandatory, however, and a bank may adjust the form and wording of its disclosures so long as it meets the requirements of the regulation. The requirements of part 37 enhance consumer protections for customers who purchase DCCs and DSAs from banks and ensure that banks offer these products in a safe and sound manner by requiring them to effectively manage their risk exposure.

Section 37.6

Section 37.6 requires the form of the disclosures to be readily understandable and meaningful. The content of the short and long form may vary, depending on whether a bank elects to provide a summary of the conditions and exclusions in the long form disclosures or refer the customer to the pertinent paragraphs in the contract. For example, the short form disclosure requires a bank to instruct the customer to read carefully both the long form disclosures and the contract for a full explanation of the contract terms, while the long form gives a bank the option of either summarizing the limitations or advising the customer that a complete explanation of the eligibility requirements, conditions, and exclusions is available in the contract and identifying the paragraphs where a customer may find that information.

Section 37.6 and Appendices A and B to part 37 require a bank to provide the following disclosures (summarized below), as appropriate:

- Optional (anti-tying)—A bank must inform the customer that purchase of the product is optional and neither its decision whether to approve the loan nor the terms and conditions of the loan are conditioned on the purchase of a DCC or DSA (short and long form).
- Explanation of debt suspension agreement—A bank must disclose that if a customer activates the agreement, the customer's duty to pay the loan principal and interest is only suspended and the customer must fully repay the loan after the period of suspension has expired (long form).
- Amount of the fee—A bank must make disclosures regarding the amount of the fee. The content of the disclosure depends on whether the credit is open-end or closed-end. In the case of closed-end credit, the bank must disclose the total fee. In the case of open-end credit, the bank must either disclose that the periodic fee is based on the account balance multiplied by a unit cost and provide the unit cost or disclose the formula used to compute the fee (long form).
- Lump sum payment of fee—A bank must disclose, where appropriate, that a customer has the option to pay the fee in a single payment or in periodic payments. This disclosure is not appropriate in the case of a DCC or DSA provided in connection with a home mortgage loan because the option to pay the fee in a single payment is not available in that case. Banks must also disclose that adding the fee to the amount borrowed will increase the cost of the contract (short and long form).
- Lump sum payment of fee with no refund—A bank must disclose that the customer has the option to choose a contract with or without a refund provision. This disclosure also states that prices of refund and no-refund products are likely to differ (short and long form).
- Refund of fee paid in lump sum—If a bank permits a customer to pay the fee in a single payment and to add the fee to the amount borrowed, the bank must disclose its cancellation policy. The disclosure informs the customer of the bank's refund policy, as applicable, *i.e.,* that the DCC or DSA may be: (i) canceled at any time for a refund; (ii) cancelled within a specified number of days for a full refund; or (iii) cancelled at any time with no refund (short and long form).
- Whether use of credit line is restricted—A bank must inform a customer if the customer's activation of the contract would prohibit the customer from incurring additional charges or using the credit line (long form).
- Termination of a DCC or DSA— If termination is permitted during the life of the loan, a bank must explain the circumstances under which a customer or the bank may terminate the contract (long form).
- Additional disclosures—A bank must inform consumers that it will provide additional information before the customer is required to pay for the product (short form).
- Eligibility requirements, conditions, and exclusions—A bank must describe any material limitations relating to the DCC or DSA (short and long form).

Section 37.7

Section 37.7 requires a bank to obtain a customer's written affirmative election to purchase a contract and written acknowledgment of receipt of the disclosures required by § 37.6. The section further provides that the election and acknowledgment must be conspicuous, simple, direct, readily understandable, and designed to call attention to their significance. Pursuant to § 37.7(b), if the sale of the contract occurs by telephone, the customer's affirmative election to purchase and acknowledgment of receipt of the required short form may be made orally, provided the bank: (i) maintains sufficient documentation to show that the customer received the short form disclosures and then affirmatively elected to purchase the contract; (ii) mails the affirmative written election and written acknowledgment, together with the long form disclosures required by § 37.6, to the customer within 3 business days after the telephone solicitation and maintains sufficient documentation to show it made reasonable efforts to obtain the documents from the customer; and (iii) permits the customer to cancel the purchase of the contract without penalty within 30 days after the bank has mailed the long form disclosures to the customer.

Pursuant to § 37.7(c), if the DCC or DSA is solicited through written materials such as mail inserts or ''take one'' applications and the bank provides only the short form disclosures in the written materials, then the bank shall mail the acknowledgment, together with the long form disclosures, to the customer. The bank may not obligate the customer to pay for the contract until after the bank has received the customer's written acknowledgment of receipt of disclosures, unless the bank takes certain steps, maintains certain documentation, and permits the customer to cancel the purchase within 30 days after mailing the long form disclosures to the customer. Section 37.6(d) permits the affirmative election and acknowledgment to be made electronically.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Number of Respondents: 1,219.

Total Annual Responses: 1,219.

Frequency of Response: On occasion.

Total Annual Burden Hours: 29,256 hours.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information shall have practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: October 10, 2014.

Stuart E. Feldstein,

Director, Legislative & Regulatory Activities Division.

[FR Doc. 2014–24798 Filed 10–17–14; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0209]

Proposed Information Collection (Application for Work-Study Allowance) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine a claimant's eligibility for work-study benefits.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 19, 2014.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0209'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles:

a. Application for Work-Study Allowance, VA Form 22–8691.

b. Student Work-Study Agreement (Advance Payment), VA Form 22–8692.

c. Extended Student Work-Study Agreement, VA Form 22–8692a.

d. Work-Study Agreement, VA Form 22–8692b.

OMB Control Number: 2900–0209.

Type of Review: Revision of a currently approved collection.

Abstracts:

a. VA Form 22–8691 is used by claimants to apply for work-study benefits.

b. VA Form 22–8692 is used to request an advance payment of work-study allowance.

c. VA Form 22–8692a is used by a claimant to extend his or her work-study contract.

d. VA Form 22–8692b is used by claimants who do not want a work-study advanced allowance payment.

The data collected is used to determine an applicant's eligibility for work-study allowance and the amount payable.

Affected Public: Individuals or households.

Estimated Annual Burden:

a. VA Form 22–8691—5,008 hours.

b. VA Form 22–8692 & VA Form 22–8692b—1,296 hours.

c. VA Form 22–8692a—153 hours.

Estimated Average Burden per Respondent:

a. VA Form 22–8691—15 minutes.

b. VA Form 22–8692—5 minutes.

c. VA Form 22–8692a—3 minutes.

d. VA Form 22–8692b—5 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents:

a. VA Form 22–8691—20,032.

b. VA Form 22–8692 & VA Form 22–8692a—15,549.

c. VA Form 22–8692b—3,054.

Dated: October 15, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–24853 Filed 10–17–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Prosthetics and Special-Disabilities Programs; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that a meeting and site visit of the Federal Advisory Committee on Prosthetics and Special-Disabilities Programs will be held on November 4–5, 2014, in Room 2K–113–115 at the Hunter Holmes McGuire VA Medical Center, 1201 Broad Rock Boulevard, Richmond, VA 23249. The meeting will convene at 8:30 a.m. on both days, and will adjourn at 4:30 p.m. on November 4 and at 12 noon on November 5. Meetings are open to the public except when the Committee is touring medical facilities. The site visit will include several closed sessions, to protect patient privacy during tours of medical facilities. Closing portions of the sessions are in accordance with 5 U.S.C. 552b(c)(6).

The purpose of the Committee is to advise the Secretary of Veterans Affairs on VA's prosthetics programs designed to provide state-of-the-art prosthetics and the associated rehabilitation research, development, and evaluation of such technology. The Committee also provides advice to the Secretary on special-disabilities programs, which are defined as any program administered by the Secretary to serve Veterans with spinal cord injuries, blindness or visual impairments, loss of extremities or loss of function, deafness or hearing impairment, and other serious incapacities in terms of daily life functions.

On November 4, the Committee will convene an open session on VA's Polytrauma System of Care from 8:30–11:30 a.m. The Committee will convene closed sessions from 11:30 a.m.–4:30 p.m. as they tour the Polytrauma Center, Regional Amputee Center, Assistive Technology Lab, and Spinal Cord Injury

Center. On November 5, the Committee will convene open sessions from 8:30–9:30 a.m. and 11:00 a.m.–12 noon. From 9:40–10:40 a.m. the Committee will convene a closed session as they tour the Vision Impairment services in Outpatient Rehabilitation (VISOR) Program.

No time will be allocated for receiving oral presentations from the public; however, members of the public may direct questions or submit written statements for review by the Committee in advance of the meeting to Mr. Larry N. Long, Designated Federal Officer, Veterans Health Administration, Patient Care Services, Rehabilitation and Prosthetic Services (10P4RR), VA, 810 Vermont Avenue NW., Washington, DC 20420, or by email at *lonlar@va.gov.* Because the meeting is being held in a government building, a photo I.D. must be presented at the Guard's Desk as a part of the clearance process. Therefore, you should allow an additional 15 minutes before the meeting begins. Any member of the public wishing to attend the meeting should contact Mr. Long at (202) 461–7354.

Dated: October 15, 2014.

Rebecca Schiller,

Committee Management Officer.

[FR Doc. 2014–24813 Filed 10–17–14; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 79 Monday,
No. 202 October 20, 2014

Part II

Environmental Protection Agency

40 CFR Part 141
Announcement of Preliminary Regulatory Determinations for Contaminants on the Third Drinking Water Contaminant Candidate List; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 141

[EPA–HQ–OW–2012–0155; FRL–9917–87–OW]

Announcement of Preliminary Regulatory Determinations for Contaminants on the Third Drinking Water Contaminant Candidate List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for public comment.

SUMMARY: The Safe Drinking Water Act (SDWA), as amended in 1996, requires the Environmental Protection Agency (EPA) to make regulatory determinations every five years on at least five unregulated contaminants. A regulatory determination is a decision about whether or not to begin the process to propose and promulgate a national primary drinking water regulation (NPDWR) for an unregulated contaminant. These unregulated contaminants are chosen from the Contaminant Candidate List (CCL), which SDWA requires the agency to publish every five years. EPA published the third CCL (CCL 3) in the **Federal Register** on October 8, 2009. This notice presents the preliminary regulatory determinations and supporting rationale for 5 of the 116 contaminants listed on CCL 3. The agency is making preliminary determinations to regulate one contaminant (i.e., strontium) and to not regulate four contaminants (i.e., 1,3-dinitrobenzene, dimethoate, terbufos and terbufos sulfone). EPA seeks comment on these preliminary determinations.

DATES: Comments must be received on or before December 19, 2014, 60 days after publication in the **Federal Register**.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2012–0155, by one of the following methods:

- *www.regulations.gov:* Follow the online instructions for submitting comments.
- *Mail:* Water Docket, Environmental Protection Agency, Mailcode: [28221T], 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- *Hand Delivery:* EPA Docket Center, [EPA/DC] EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OW–2012–0155. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov.* The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. 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 Section I.B of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Water Docket, 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: Zeno Bain, Standards and Risk Management Division, Office of Ground Water and Drinking Water, Office of Water (Mailcode 4607M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–5970; email address: *bain.zeno@epa.gov.* For general information, contact the Safe Drinking Water Hotline, telephone number: (800) 426–4791. The Safe Drinking Water Hotline is open Monday through Friday, excluding legal holidays, from 10 a.m. to 4 p.m. Eastern time.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

Neither these preliminary regulatory determinations nor the final regulatory determinations, when published, impose any requirements on anyone. Instead, this action notifies interested parties of EPA's preliminary regulatory determinations for five unregulated contaminants for comment.

B. 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).
- Explain why you agree or disagree and suggest alternatives.
- Describe any assumptions and provide any technical information and/or data that you used.
- 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.

ABBREVIATIONS USED IN THIS DOCUMENT

Abbreviation	Meaning
µg/L	Micrograms per liter.
ADAF	Age Dependent Adjustment Factor.
AM	Assessment Monitoring.
AMWA	Association of Metropolitan Water Agencies.
ATSDR	Agency For Toxic Substances And Disease Registry.
AWWA	American Water Works Association.
BATs	Best Available Technologies.

ABBREVIATIONS USED IN THIS DOCUMENT—Continued

Abbreviation	Meaning
BMD	Benchmark Dose.
BMDL	Benchmark Dose (95% Lower Confidence Bound).
BW	Body Weight.
CARC	Cancer Assessment Peer Review Committee.
CAS	Chemical Abstracts Service.
CASRN	Chemical Abstract Service Registry Number.
CBI	Confidential Business Information.
CCL	Contaminant Candidate List.
CCL 1	First Contaminant Candidate List.
CCL 2	Second Contaminant Candidate List.
CCL 3	Third Contaminant Candidate List.
CCR	Consumer Confidence Report.
CFR	Code of Federal Regulations.
ChE	Cholinesterase.
CMR	Chemical Monitoring Reform.
CSF	Cancer Slope Factor.
CUSIUR	Chemical Update System/Inventory Update Rule.
cVOC	Carcinogenic Volatile Organic Compounds.
CW	Concentration in Water.
CWS	Community Water System.
CWSS	Community Water System Survey.
DBP	Disinfection Byproduct.
DBP ICR	Disinfection Byproduct Information Collection Rule.
DDE	1,1-Dichloro-2,2-bis(p-chlorophenyl)ethylene.
DSMRT	Distribution System Maximum Residence Time.
DWI	Drinking Water Intake.
DWS	Drinking Water Strategy.
EFSA	European Food Safety Authority.
ELCD	Electrolytic Conductivity Detection.
EPA	Environmental Protection Agency.
EPCRA	Emergency Planning And Community Right-To-Know Act.
EPTC	S-Ethyl propylthiocarbamate.
EPTDS	Entry Point to the Distribution System.
ESA	Ethanesulfonic Acid.
EWG	Environmental Working Group.
F	Fraction of a 70 year lifetime applicable to the age period.
FFQ	Food Frequency Questionnaire.
FIFRA	Federal Insecticide, Fungicide, And Rodenticide Act.
FR	**Federal Register**.
GAC	Granular Activated Carbon.
GAO	Government Accountability Office.
GC	Gas Chromatography.
GW	Ground Water.
HA	Health Advisory.
HRL	Health Reference Level.
ICR	Information Collection Rule.
IOC	Inorganic Compound.
IREDs	Interim Eligibility Decisions.
IRIS	Integrated Risk Information System.
Kg	Kilogram.
LOAEL	Lowest Observed Adverse Effect Level.
MCLG	Maximum Contaminant Level Goal.
MDL	Method Detection Limit.
mg/L	Milligrams per liter.
mg/kg/day	Milligrams per kilogram per day.
MDBP	Microbial Disinfection Byproduct.
MOA	Mode of Action.
MRL	Minimum Reporting Limit.
MS	Mass Spectrometry.
MTBE	Methyl Tertiary Butyl Ether.
NAS	National Academy of Sciences.
NAWQA	National Water Quality Assessment.
NCFAP	National Center for Food and Agricultural Policy.
NCI	National Cancer Institute.
NCOD	National Drinking Water Contaminant Occurrence Database.
NDBA	N-Nitroso-di-n-butylamine.
NDEA	N-Nitrosodiethylamine.
NDMA	N-Nitrosodimethylamine.
NDPA	N-Nitroso-di-n-propylamine.
NDPhA	N-Nitrosodiphenylamine.
NDWAC	National Drinking Water Advisory Council.
NIRS	National Inorganics And Radionuclides Survey.
NMEA	N-Nitrosomethylethylamine.
NOAEL	No Observed Adverse Effect Level.
NPDES	National Pollutant Discharge Elimination System.
NPDWR	National Primary Drinking Water Regulation.
NPYR	N-Nitrosopyrrolidine.
NRC	National Research Council.
NREC	National Reconnaissance of Emerging Contaminants.
NTP	National Toxicology Program.
OA	Oxanilic Acid.
OPP	Office of Pesticides Program.
OW	Office of Water.
PCCL	Preliminary Contaminant Candidate List.
PCE	Tetrachloroethylene.
PDP	Pesticide Data Program.
PFOA	Perfluorooctanoic Acid.
PFOS	Perfluorooctanesulfonic Acid.
PHA	Provisional Health Advisory.
PID	Photoionization Detection.
PMP	Pesticide Monitoring Program.
PWS	Public Water System.
QA	Quality Assurance.
RD 1	Regulatory Determinations 1.
RD 2	Regulatory Determinations 2.
RD 3	Regulatory Determinations 3.
RED	Reregistration Eligibility Decision.
RfD	Reference Dose.
RL	Reporting Limit.
RSC	Relative Source Contribution.
SAP	Scientific Advisory Panel.
SDWA	Safe Drinking Water Act.
SEPW	U.S. Senate Committee on Environment and Public Works.
SS	Screening Survey.
SSCTs	Small System Compliance Technologies.
STORET	Storage And Retrieval (STORET) Data System.
SW	Surface Water.
SY	Six Year Review.
SY3	Six Year Review 3.
TCE	Trichloroethylene.
TPTH	Triphenyltin Hydroxide.
TRED	Tolerance Reassessment Progress And Risk Management Decision.
TRI	Toxic Release Inventory.
TT	Treatment Technique.
UCM	Unregulated Contaminant Monitoring.
UCMR 1	First Unregulated Contaminant Monitoring Regulation.
UCMR 2	Second Unregulated Contaminant Monitoring Regulation.
UCMR 3	Third Unregulated Contaminant Monitoring Regulation.
UF	Uncertainty Factor.
USDA	United States Department of Agriculture.
USGS	United States Geological Survey.
VOC	Volatile Organic Compound.
WHO	World Health Organization.

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II. Purpose and Background

This section briefly summarizes the purpose of this action, the statutory requirements, and previous activities related to the CCL and regulatory determinations.

A. What is the purpose of this action?

The purpose of this action is to present and request comment on EPA's preliminary regulatory determinations for five unregulated contaminants. The five contaminants include: Dimethoate, 1,3-dinitrobenzene, strontium, terbufos, and terbufos sulfone. The agency is making preliminary determinations to regulate one contaminant (strontium) and to not regulate the remaining four contaminants (dimethoate, 1,3-dinitrobenzene, terbufos, and terbufos sulfone). EPA seeks comment on these preliminary determinations. The agency is also presenting and requesting comment on the process used for this round of regulatory determinations (i.e., RD 3), the supporting information, and the rationale used to make these preliminary decisions.

B. Background on the CCL and Regulatory Determinations

1. Statutory Requirements for CCL and Regulatory Determinations. Section 1412(b)(1)(B)(i) of the 1996 Safe Drinking Water Act Amendments (SDWA) requires EPA to publish the CCL every five years. The CCL is a list of contaminants which are not subject to any proposed or promulgated national primary drinking water regulations (NPDWRs), are known or anticipated to occur in public water systems (PWSs), and may require regulation under SDWA. SDWA section 1412(b)(1)(B)(ii) directs EPA to determine whether to regulate at least five contaminants from the CCL every five years. For EPA to make a determination to regulate a contaminant, SDWA requires the Administrator to determine that:

(a) The contaminant may have an adverse effect on the health of persons;

(b) the contaminant is known to occur or there is substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern; and

(c) in the sole judgment of the Administrator, regulation of such contaminant presents a meaningful opportunity for health risk reduction for persons served by public water systems.

If EPA determines that these three statutory criteria are met and makes a final determination to regulate a contaminant, the agency has 24 months to publish a proposed Maximum Contaminant Level Goal [1] (MCLG) and NPDWR.[2] After the proposal, the agency has 18 months to publish and promulgate a final MCLG and NPDWR (SDWA section 1412(b)(1)(E)).[3]

2. The First Contaminant Candidate List (CCL 1) and Regulatory Determinations (RD 1). EPA published the final CCL 1, which contained 60 chemical and microbiological contaminants, in the **Federal Register** (FR) on March 2, 1998 (63 FR 10273; USEPA, 1998). The agency made and published the final regulatory determinations for 9 of the 60 CCL 1 contaminants in the FR on July 18, 2003. The agency determined that NPDWRs were not necessary for any of these nine contaminants: *Acanthamoeba,* aldrin, dieldrin, hexachlorobutadiene, manganese, metribuzin, naphthalene, sodium, and sulfate (68 FR 42898; USEPA, 2003a). The agency posted information about *Acanthamoeba* [4] on the EPA Web site and issued health advisories [5] for manganese, sodium, and sulfate.

3. The Second Contaminant Candidate List (CCL 2) and Regulatory Determinations (RD 2). The agency published the final CCL 2 in the FR on February 24, 2005, (70 FR 9071; USEPA, 2005a) and carried forward the 51 remaining chemical and microbial contaminants listed on CCL 1. The agency made and published the final regulatory determinations for 11 of the 51 CCL 2 contaminants in the FR on July 30, 2008. The agency determined that NPDWRs were not necessary for any of these 11 contaminants: boron, the dacthal mono- and di-acid degradates, 1,1-dichloro-2,2-bis(p-chlorophenyl)ethylene (DDE), 1,3-dichloropropene (Telone), 2,4-dinitrotoluene, 2,6-dinitrotoluene, s-ethyl propylthiocarbamate (EPTC), fonofos, terbacil, and 1,1,2,2-tetrachloroethane (73 FR 44251; USEPA, 2008a). The agency issued new or updated health advisories [6] for boron, dacthal degradates, 2,4-dinitrotoluene, 2,6-dinitrotoluene and 1,1,2,2-tetrachloroethane.

4. The Third Contaminant Candidate List (CCL 3) and Regulatory Determinations (RD 3). The agency published the final CCL 3, which listed 116 contaminants, in the FR on October 8, 2009 (74 FR 51850; USEPA, 2009a). In developing CCL 3, EPA improved and built upon the process that was used for CCL 1 and CCL 2. The new CCL 3 process was based on substantial expert input and recommendations from the National Academy of Science's (NAS) National Research Council (NRC) and the National Drinking Water Advisory Council (NDWAC) as well as input from the public. Based on these consultations and input, EPA developed a multi-step process to select candidates for the final

[1] The MCLG is the ''maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. Maximum contaminant level goals are non-enforceable health goals.'' (40 CFR 141.2; 42 U.S.C. 300g–1)

[2] An NPDWR is a legally enforceable standard that applies to public water systems. An NPDWR sets a legal limit (called a maximum contaminant level or MCL) or specifies a certain treatment technique (TT) for public water systems for a specific contaminant or group of contaminants. The MCL is the highest level of a contaminant that is allowed in drinking water and is set as close to the MCLG as feasible using the best available treatment technology and taking cost into consideration.

[3] The statute authorizes a nine month extension of this promulgation date.

[4] Consumer information about *Acanthamoeba* for people who wear contact lenses can be found at *http://water.epa.gov/action/advisories/acanthamoeba/index.cfm.*

[5] The health advisories for CCL 1 can be found at *http://water.epa.gov/drink/standards/hascience.cfm.*

[6] The health advisories for CCL 2 can be found at *http://water.epa.gov/drink/standards/hascience.cfm.*

CCL 3, which included the following key steps:

(a) Identification of a broad universe of ~7,500 potential drinking water contaminants (the CCL 3 Universe);

(b) screening the CCL 3 Universe to a preliminary CCL (PCCL) of ~600 contaminants based on the potential to occur in PWSs and the potential for public health concern; and

(c) evaluation of the PCCL contaminants based on a more detailed review of the occurrence and health effects data to identify a final list of 116 CCL 3 contaminants.

The development of the CCL, regulatory determinations, and any subsequent rulemaking should be viewed as a progression where each process builds upon the previous process, including the collection of data and analyses conducted. The agency's improvements in developing CCL 3 provide an excellent foundation for RD 3 by enhancing EPA's ability to identify contaminants of concern for drinking water.

While this notice focuses on the preliminary regulatory determinations for 5 of the 116 CCL 3 contaminants, it is important to note that the agency made and published a final determination to regulate one CCL 3 contaminant, perchlorate, on February 11, 2011 (76 FR 7762; USEPA, 2011a). Additional information about CCL 3 and the perchlorate final determination can be found in the October 8, 2009 (74 FR 51850; USEPA, 2009a) and February 11, 2011 (76 FR 7762; USEPA, 2011a) **Federal Register** notices, respectively. Sections III and IV in this notice provide more detailed information about the approach and outcome used for RD 3 and the contaminant-specific regulatory determinations.

5. The Drinking Water Strategy. In March 2010, EPA announced the agency's new Drinking Water Strategy (DWS),[7] which is aimed at finding ways to strengthen the protection of public health from contaminants in drinking water. The new vision is intended to streamline decision-making, expand protection under existing laws, and promote cost-effective new technologies to meet the needs of rural, urban, and other water-stressed communities. The four principles underlying the DWS are:

(a) Address contaminants as groups rather than one at a time so that enhancement of drinking water protection can be achieved cost-effectively.

(b) Foster development of new drinking water technologies to address health risks posed by a broad array of contaminants.

(c) Use the authority of multiple statutes to help protect drinking water.

(d) Partner with States to develop shared access to all PWSs monitoring data.

The first principle (i.e., addressing contaminants as groups) has a direct bearing on RD 3 and how to designate the contaminants for analysis, determination and subsequent regulation; that is, should they be considered individually or as a group. Although the agency has previously regulated contaminants as groups (e.g., total trihalomethanes, total haloacetic acids, gross alpha radionuclides, gross beta and photon emitters, etc.), all of the determinations for RD 1 and RD 2 were made on individual contaminants. As part of the DWS, the agency identified several factors to evaluate which contaminants might effectively be regulated as a group and considered these factors in evaluating contaminant groups for RD 3. All the factors do not have to be met, but the more factors that are met, the more suitable it may be to regulate the contaminants as a group. These factors include whether the contaminants in the group:

(a) Have a similar health endpoint,

(b) can be measured by the same analytical methods,

(c) can be treated using the same technology or treatment technique approach and/or

(d) have been shown to occur individually (and possibly co-occur if data are available).

EPA conducted extensive national outreach to solicit input from stakeholders on the DWS and how best to address groups of contaminants. Stakeholders generally agreed that while public health protection is of paramount importance, the grouping factors previously listed were some of the other important factors to consider in evaluating which contaminants would work best in a group regulation. Several CCL 3 contaminants (as well as non-CCL 3 contaminants) belong to contaminant groups that underwent consideration for regulation during the RD 3 process.

In February 2011,[8] the agency decided to address carcinogenic volatile organic compounds (cVOCs) as a group in a separate and concurrent regulatory process (which the agency expects to release in late 2014). Some of the cVOCs being considered include unregulated cVOCs listed on CCL 3 (e.g., 1,2,3-trichloropropane). While the cVOC group is being evaluated in a separate regulatory process, the same factors used to group cVOCs (i.e., similar health endpoint, measured by the same analytical method, similar treatment technique approach, etc.) were used to evaluate groups of contaminants for RD 3 as well (e.g., nitrosamines, chloroacetanilides, etc.). Although EPA evaluated the nitrosamines and chloroacetanilides groups as part of the RD 3 process, in the end, EPA decided not to make any preliminary determinations for these groups under RD 3.

The SDWA requires EPA to review each existing NPDWR at least once every six years and revise them, if appropriate. The purpose of the review, called the Six Year Review (SY), is to identify those NPDWRs for which current health effects assessments, changes in technology, and/or other factors provide a health or technical basis to support a regulatory revision that will maintain or provide for greater protection of the health of persons. In contrast, the RD process is intended to address currently unregulated contaminants. The agency will review the existing Microbial Disinfection Byproduct (MDBP) regulations as part of the third Six Year Review (SY3). Because chlorate and nitrosamines are disinfection byproducts (DBPs) that can be introduced or formed in public water systems partly because of disinfection practices, the agency believes it is important to evaluate these unregulated DBPs in the context of the review of the existing DBP regulations. DBPs need to be evaluated collectively, because the potential exists that the chemical disinfection used to control a specific DBP could affect the concentrations of other DBPs. Therefore, the agency is not making a regulatory determination for chlorate and nitrosamines at this time. The agency expects to complete the review of these DBPs by the end of 2015.

6. Outreach for RD 3 (Stakeholder Meetings and Expert Review).

EPA sought external advice and expert input for RD 3 by convening two public stakeholder meetings and conducting an Expert Review panel. On March 3, 2011, EPA held an Environmental Justice (EJ) Stakeholder meeting in Washington, DC to solicit input on RD 3 and environmental justice issues. Approximately 90 stakeholders participated (either by phone or in person) including representatives of children's advocacy groups, environmental organizations, community action groups, the drinking water industry, and State drinking water and public health programs. Stakeholders did not identify any EJ

[7] More information about the DWS can be found at *water.epa.gov/lawsregs/rulesregs/sdwa/dwstrategy/*.

[8] *http://water.epa.gov/lawsregs/rulesregs/sdwa/dwstrategy/*.

issues specific to RD 3. On June 16, 2011, EPA held another public Stakeholder Meeting in Washington, DC, to disseminate information on the progress of RD 3 and solicit input from stakeholders, the public, and other interested groups. Forty-six participants attended including representatives from States, environmental and public health organizations, drinking water systems, chemical manufacturers, local governments, and academia. EPA presented and discussed: (a) The approach used to narrow the contaminants listed on CCL 3 and identify potential candidates for RD 3 (with a focus on those occurring at levels of health concern in drinking water) and (b) the background, health, and occurrence information for a ''short list'' of 32 [9] contaminants being evaluated as potential RD 3 candidates. Stakeholders asked questions and provided comments about the approach as well as the health and occurrence information presented on several contaminants. One stakeholder provided additional health information on the chloroacetanilides and submitted a letter requesting that EPA regulate these compounds with an NPDWR (USEPA, 2011b). A summary of the June 16, 2011, meeting is provided in the docket for this action (USEPA, 2011c).

In May 2011, the Government Accountability Office (GAO) released a report entitled, ''EPA Should Improve Implementation of Requirements on Whether to Regulate Additional Contaminants'' (GAO, 2011). Specifically for regulatory determinations, GAO recommended that the agency develop criteria to identify contaminants of greatest public health concern and be more transparent, clear, and consistent by developing policies/guidance to interpret the SDWA criteria and make determinations (i.e., include thresholds for positive findings, factors for determining adequacy of occurrence/health data to make determinations, an approach for evaluating health effects on sensitive subpopulations, a process for presenting key information in documents, etc). In response to questions regarding the GAO report at a July 2011 U.S. Senate Committee on Environment and Public Works (SEPW) hearing,[10] EPA committed to consulting with an independent panel of scientists on the RD 3 process to determine how SDWA criteria 1 and 2 are evaluated,[11] how the best available science is used to make decisions, how the contaminants of greatest public health risk are assessed, and how vulnerable populations (especially children) are considered. EPA also committed to making the process used for regulatory determinations publicly available and to review the process every five years as EPA conducts the regulatory determination cycle.

To implement the commitment, EPA convened a panel of experts in October 2011 to provide an independent review of the approach used for RD 3, which EPA described in a draft of the document entitled, ''Protocol for the Regulatory Determinations 3'' (USEPA, 2014a). The Expert Review panel included seven experts representing one or more of the following areas of expertise: health effects evaluation, drinking water occurrence/exposure information evaluation, State drinking water perspective, PWS perspective, and/or some familiarity with the RD 3 process (including the Contaminant Candidate List). The review involved a three-week paper review of the October 2011 Draft RD 3 Protocol document and an in-person meeting held in Washington DC, on October 26 and 27, 2011. Panel members were encouraged to provide comments as individuals based upon their expertise and background, not as representatives of any respective organizational affiliation. The information and input provided by the expert reviewers assisted the agency in revising and clarifying the approach used for the RD 3 process. A summary of the October 26–27, 2011, meeting and the expert reviewers' comments (USEPA, 2011d), as well as the protocol document (USEPA, 2014a), are provided in the docket for this action.

III. Approach and Overall Outcome for RD 3

This section describes (a) the approach EPA uses to identify and evaluate contaminants for the agency's third round of Regulatory Determinations (RD 3) along with the overall outcome of applying this approach, (b) the supporting RD 3 documentation, and (c) the technical analyses and sources of health and occurrence information.

A. Summary of the Approach and Overall Outcome for RD 3

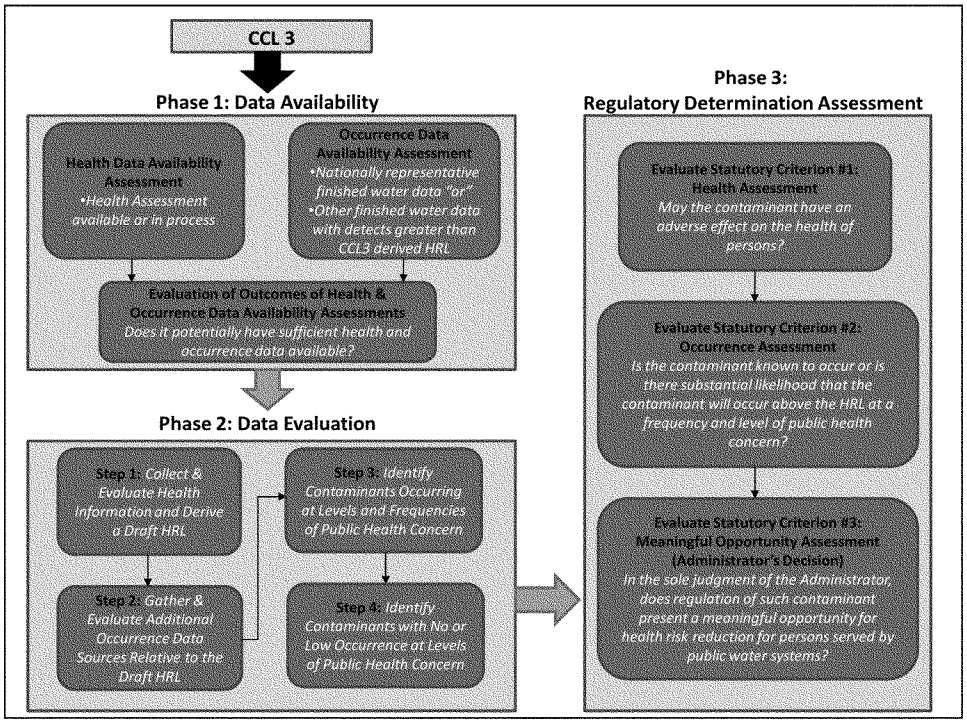
The three phases of the RD 3 Process are (1) the Data Availability Phase, (2) the Data Evaluation Phase, and (3) the Regulatory Determination Assessment Phase. Figure 1 provides a brief overview of the process EPA uses to identify which CCL 3 contaminants are candidates for regulatory determinations and the SDWA statutory criteria considered in making the regulatory determinations. For more detailed information on the three phases of the RD 3 process please refer to the ''Protocol for the Regulatory Determinations 3'' (USEPA, 2014a).

[9] Subsequent to the June 2011 stakeholder meeting and before the October 2011 Expert Review, EPA identified two additional contaminants for the shortlist, bringing the total to 34. In response to the Expert Review comments, an additional contaminant was added to the short list, bringing the final total to 35 CCL 3 contaminants.

[10] The U.S. Senate Committee on Environment and Public Works full committee hearing, entitled ''Oversight Hearing on the Environmental Protection Agency's Implementation of the Safe Drinking Water Act's Unregulated Drinking Water Contaminants Program'' can be found at (*http://www.epw.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=fc5a8756-802a-23ad-454a-b9eeb7bf1c36*).

[11] Under the statute, SDWA criterion 3 of Section 1412(b)(1)(A) is solely the Administrator's decision.

Figure 1: The Three Primary Phases of the RD 3 Process



1. Phase 1 (Data Availability Phase)

In Phase 1, the *Data Availability Phase,* the agency identifies contaminants that may have sufficient health and occurrence data to proceed to Phase 2 and be listed on a ''short list'' for further evaluation. With regard to sufficient health effects data used to identify potential adverse health effect(s), the agency considers whether a peer-reviewed health risk assessment is available or in process from one of the following sources: (a) The agency's Integrated Risk Information System (IRIS); (b) the agency's Office of Water (OW); (c) the agency's Office of Pesticide Programs (OPP); (d) the National Academy of Sciences (NAS); (e) the Agency for Toxic Substances and Disease Registry (ATSDR); and/or (f) the World Health Organization (WHO). For a non-EPA health assessment (i.e., NAS, ATSDR, WHO) to be utilized for regulatory determinations, the health assessment must use comparable methods, standards, and guidelines to an EPA health assessment. If a health assessment is not available from one of these sources, then the contaminant is not considered for RD 3.

In regard to sufficient occurrence data, the agency considers the availability of nationally representative finished water data and whether other finished water data are available that indicate known and/or likely occurrence in PWSs. Occurrence data from the following sources, administered or overseen by EPA, is considered nationally representative: (a) The Second Unregulated Contaminant Monitoring Regulation (UCMR 2); (b) the First Unregulated Contaminant Monitoring Regulation (UCMR 1) Assessment Monitoring; (c) the Unregulated Contaminant Monitoring (UCM) program; and/or (d) the National Inorganics and Radionuclides Survey (NIRS).

If nationally representative data are not available, EPA identifies and evaluates other finished water data, which may include other national assessments as well as regional, State, and more localized finished water assessments. These other national finished water data include assessments that are geographically distributed across the nation but not intended to be statistically representative of the nation. These other finished water data include the following sources for consideration in the regulatory determination process: (a) Finished water assessments for Federal agencies (e.g., EPA and the United States Geological Survey (USGS));[12] (b) state-level finished water monitoring data; (c) research performed by institutions and universities (e.g., scientific literature); and/or (d) other supplemental finished water monitoring surveys (e.g., Pesticide Monitoring Program (PMP), National Reconnaissance of Emerging Contaminants (NREC), and other targeted surveys or localized State/Federal monitoring surveys).

EPA prefers to have nationally representative data available when making regulatory determinations but may also use these other sources of finished water occurrence data to evaluate the contaminant and determine if there is ''substantial likelihood that the contaminant will occur in PWSs with a frequency and at levels of public health concern.'' If there is sufficient occurrence in these other finished water data sources, EPA uses this information to address the occurrence-related aspects of the statutory criteria when deciding to regulate a contaminant. However, it is difficult to determine that a contaminant is not occurring or not likely to occur based on these other sources of finished water data because the data are limited in scope and the contaminant could be occurring in other parts of the country that were not monitored.

EPA also considers the availability of analytical methods for monitoring, and whether the contaminant is part of a contaminant group based on factors defined by the Drinking Water Strategy

[12] These may be assessments that are geographically distributed across the nation but not intended to be statistically representative of the nation. Examples include EPA's Disinfection By Product Information Collection Request and various USGS water quality surveys.

(DWS) (see section II.B.5). After conducting the health and occurrence data availability assessments, the agency identifies those contaminants and contaminant groups that meet the following Phase 1 data availability criteria:

(a) A peer-reviewed health assessment is available or in process, and

(b) A widely available analytical method for monitoring is available, and

(c) Either nationally representative finished water occurrence data are available, or other finished water occurrence data shows occurrence at levels >½ CCL 3 health reference level (HRL).[13]

If a contaminant meets these three criteria, it is placed on a ''short list'' and proceeds to Phase 2. EPA also evaluated whether the contaminant could be considered as part of a group using the DWS factors discussed earlier in section II.B.5. After evaluating the 116 CCL 3 contaminants in Phase 1, the agency identified 35 CCL 3 contaminants and two non-CCL 3 contaminants (listed in Table 1) to evaluate further in Phase 2. The non-CCL 3 contaminants were included because they are part of a larger group (nitrosamines) that also includes a number of CCL 3 contaminants.

TABLE 1—CONTAMINANTS PROCEEDING FROM PHASE 1 TO PHASE 2

1, 1, 1, 2-Tetrachloroethane [1 3]	Metolachlor oxanilic acid (OA).[1 3]
1, 2, 3-Trichloropropane [1 3]	Molinate.[1]
1, 3-Dinitrobenzene [1]	Molybdenum.[1]
1, 4-Dioxane [2]	Nitrobenzene.[1 3]
Acephate [2]	N-Nitroso-di-n-butylamine (NDBA).[1 3 5]
Acetochlor [1 3]	N-Nitrosodiethylamine (NDEA).[1 3]
Acetochlor ethanesulfonic acid (ESA) [1 3]	N-Nitrosodimethylamine (NDMA).[1 3]
Acetochlor oxanilic acid (OA) [1 3]	N-Nitroso-di-n-propylamine (NDPA).[1 3]
Alachlor ethanesulfonic acid (ESA) [1 3]	N-Nitrosodiphenylamine (NDPhA).[3]
Alachlor oxanilic acid (OA) [1 3]	N-Nitrosomethylethylamine (NMEA).[1 3 5]
Chlorate [2]	N-Nitrosopyrrolidine (NPYR).[1 3]
Cobalt [1]	Perfluorooctanesulfonic acid (PFOS).[2]
Dimethoate [1]	Perfluorooctanoic acid (PFOA).[2]
Disulfoton [4]	RDX.[1]
Diuron [4]	Strontium.[1]
Methyl bromide (Bromomethane) [1]	Terbufos.[2 3]
Methyl tert-butyl ether [1]	Terbufos sulfone.[1 3]
Metolachlor [1 3]	Vanadium.[1]
Metolachlor ethanesulfonic acid (ESA) [1 3]	

[1] Has nationally representative finished water data and available or in process health assessment.
[2] Has other finished water data (occurrence at levels >½ CCL 3 HRL) and available or in process health assessment.
[3] Component of a contaminant group and will be further evaluated in Phase 2.
[4] One exception to the criterion of having available nationally representative drinking water data applies to contaminants monitored in the UCMR 1 Screening Survey (SS). As noted in section 5, the UCMR 1 SS is a statistically defined, national sample of 300 PWSs. Because this survey only includes 300 systems, the agency identified and compiled additional supplemental data to compliment the UCMR 1 SS data for these contaminants that proceed to Phase 2 for further evaluation.
[5] A non-CCL 3 contaminant that is part of the nitrosamine group.

The remaining 81 CCL 3 contaminants (listed in Table 2) did not meet either or both of the Phase 1 data availability criteria above and were not considered further for RD 3.

TABLE 2—CONTAMINANTS NOT PROCEEDING FROM PHASE 1 TO PHASE 2

Has nationally representative finished water data but no health assessment	
1,1-Dichloroethane	Halon 1011 (Bromochloromethane).
3-Hydroxycarbofuran	n-Propylbenzene.
Chloromethane (Methyl chloride)	sec-Butylbenzene.
Germanium	Tellurium.
Has available or in process health assessment and other finished drinking water data but no occurrence at levels >½ CCL 3 HRL	
1-Butanol	Formaldehyde.
Acrolein	Methamidophos.
alpha-Hexachlorocyclohexane	Oxydemeton-methyl.
Bensulide	Oxyfluorfen.
Benzyl chloride	Permethrin.
Captan	Profenofos.

[13] See section III.C for a discussion about how EPA derives an HRL. EPA developed the CCL 3 HRLs using the most recent health data available during the CCL 3 process. EPA uses ½ CCL 3 HRL as a conservative value to identify contaminants with potential occurrence of concern during Phase 1 of the RD process. The CCL 3 HRLs for the 116 contaminants can be found at (*http://water.epa.gov/scitech/drinkingwater/dws/ccl/upload/Final-CCL-3-Contaminant-Information-Sheets.pdf*). After updating, completing and peer-reviewing health assessments as necessary, the final HRL used for RD 3 may be different than the CCL 3 HRL.

TABLE 2—CONTAMINANTS NOT PROCEEDING FROM PHASE 1 TO PHASE 2—Continued

Dicrotophos	Tebuconazole.
Ethoprop	Tribufos.
Ethylene glycol	Vinclozolin.
Ethylene thiourea (Maneb)	Ziram.
Fenamiphos	
Has other finished drinking water data but no health assessment	
17-alpha-Estradiol	Estriol.
Acetaldehyde	Estrone.
Aniline	Ethinyl Estradiol (17-alpha-ethynyl estradiol).
Butylated hydroxyanisole	HCFC-22.
Cyanotoxins (Anatoxin-a, Cylindrospermopsin, Microcystin-LR)	Hexane.
Equilenin	Mestranol.
Equilin	Norethindrone (19-Norethisterone).
Erythromycin	*Naegleria fowleri.**
Estradiol (17-beta-Estradiol)	
Does not have nationally representative or other finished water data	
1,3-Butadiene	Quinoline.
2-Methoxyethanol	Tebufenozide.
2-Propen-1-ol	Thiodicarb.
4,4′-Methylenedianiline	Thiophanate-methyl.
Acetamide	Toluene diisocyanate.
Clethodim	Triethylamine.
Cumene hydroperoxide	Triphenyltin hydroxide (TPTH).
Dimethipin	Urethane.
Ethylene oxide	*Campylobacter jejuni.*
Hydrazine	*Escherichia coli (0157).*
Methanol	*Helicobacter pylori.*
Nitroglycerin	Hepatitis A virus.
N-Methyl-2-pyrrolidone	*Salmonella enteric.*
o-Toluidine	*Shigella sonnei.*
Oxirane, methyl-	
Does not have a widely available analytical method for occurrence monitoring	
Adenovirus	*Legionella pneumophila.*
Caliciviruses	*Mycobacterium avium.*
Enterovirus	
Not within scope of this RD 3 since regulatory determination made in February 2011	
Perchlorate	

* Does not have a widely available analytical method for occurrence monitoring.

2. Phase 2 (Data Evaluation Phase)

Contaminants that meet the minimum health and occurrence data availability requirements in Phase 1 are advanced to the Phase 2 evaluation. In addition to health and occurrence information data assessed in Phase 1, the agency collects additional health and occurrence data and more thoroughly evaluates this information to identify a list of contaminants that should proceed to Phase 3. The agency uses the following steps to develop this list: (a) Derive a draft HRL [14] (See section III.C) for each contaminant, (b) compare all occurrence data against the draft HRL (along with the analytical method minimum reporting limit (MRL)), (c) identify contaminants that occur at levels and frequencies of public health concern, and (d) identify contaminants that have no or low occurrence at levels of public health concern.

Using the available health effects assessments, the agency derives a draft HRL and then evaluates this HRL value (along with the analytical method MRL), against the concentration values compiled for the nationally representative or other finished water occurrence information identified in Phase 1. The agency also gathers additional occurrence data and information on monitoring in ambient or source water (relative to the draft HRL and the analytical method MRL), production, use, release to the environment, and persistence and mobility. In Phase 2, the agency specifically focuses its efforts to identify those contaminants or contaminant groups that are occurring or have substantial likelihood to occur at levels and frequencies of public health concern. To identify such contaminants, the agency considers the following information:

(a) How many samples (# and %) have detections > draft HRL and ½ draft HRL in the nationally representative and other finished water occurrence data?

(b) How many systems (# and %) have detections > draft HRL and ½ draft HRL in the nationally representative and other finished water occurrence data? and

(c) Is the contaminant associated with a contaminant group that is of public

[14] HRLs are not final determinations about the level of a contaminant in drinking water that is necessary to protect any particular population and are derived prior to development of a complete exposure assessment. HRLs are risk derived concentrations against which to evaluate the occurrence data to determine if contaminants occur at levels of potential public health concern.

health concern and is being considered as part of the DWS? [15]

(d) Are there uncertainties or limitations with the data and/or analyses, such as the age of the dataset, limitation of the detection limit (i.e., MRL > draft HRL) and/or representativeness of the data (e.g., limited to a specific region) that may cause misestimation of occurrence in finished water at levels and frequency of public health concern?

After identifying contaminants that are occurring at levels and frequencies of public health concern to proceed to Phase 3, the agency evaluates the remaining contaminants on the ''short list'' to determine which contaminants have no or low occurrence at levels of health concern that could also proceed to Phase 3 by considering the following factors:

(a) Does the contaminant have nationally representative finished water data showing no or low # or % of detections > draft HRL? [16]

(b) If a contaminant has other finished water data in addition to nationally representative finished water data, does it support no or low potential for occurrence in drinking water?

(c) Does additional occurrence information of known quality support low or no occurrence or potential for occurrence in drinking water? For example, is the occurrence in ambient/source water at levels below the draft HRL? Are releases to the environment or use/production decreasing over time?

(d) There are no critical information/data gaps after evaluating the available health or occurrence data; and

(e) The contaminant is not included or evaluated with a group of contaminants based on the factors defined by the DWS.

After evaluating these factors and whether a contaminant appears to have sufficient data to evaluate the statutory criteria for regulatory determination, the agency determines if the contaminant should proceed to Phase 3. After evaluating the ''short list'' contaminants (listed in Table 1), the agency identified 10 CCL 3 contaminants and 2 non-CCL 3 contaminants (listed in Table 3) that were within one of the following Phase 2 data evaluation categories to proceed to Phase 3:

(a) A contaminant or part of a contaminant group occurring or likely to occur at levels and frequencies of public health concern, or

(b) A contaminant not occurring or likely to occur at levels and frequencies of public health concern and no data gaps.

TABLE 3—CONTAMINANTS PROCEEDING FROM PHASE 2 TO PHASE 3

Chlorate [1 3]	N-Nitrosodiethylamine (NDEA).[1]
Dimethoate [2]	N-Nitrosomethylethylamine (NMEA).[1 4]
1,3-Dinitrobenzene [2]	N-Nitrosopyrrolidine (NPYR).[1]
N-Nitroso-di-n-butylamine (NDBA) [1 4]	Strontium.[1 3]
N-Nitrosodimethylamine (NDMA) [1]	Terbufos.[2]
N-Nitroso-di-n-propylamine (NDPA) [1]	Terbufos Sulfone.[2]

[1] A contaminant or part of a contaminant group occurring or likely to occur at levels and frequencies of public health concern.
[2] A contaminant not occurring or likely to occur at levels and frequencies of public health concern and no data gaps.
[3] The UCMR 3 includes sampling at both the entry point to the distribution system (EPTDS) and distribution system maximum residence time (DSMRT) for this contaminant (77 FR 26071, May 2, 2012). For some contaminants, including disinfection byproducts and inorganics, occurrence values may differ between the EPTDS and the DSMRT due to dynamics within the distribution system such as contaminant degradation, formation, accumulation and release.
[4] A non-CCL 3 contaminant that is part of the nitrosamine group.

Note that the agency does not have a threshold or a bright line for occurrence in drinking water that triggers whether a contaminant is of public health concern. There are a number of factors to consider in developing thresholds, some of which include the health effect(s), the potency of the contaminant, the level at which the contaminant is found in drinking water, how frequently the contaminant is found, the geographic distribution (national, regional, or local occurrence), other possible sources of exposure, and potential impacts on sensitive populations or lifestages, etc. Given the many possible combinations of factors and the constantly evolving science, EPA believes it is better to analyze each contaminant and characterize and present the best available information that helps identify whether the occurrence of a contaminant is of public health concern. In the end, the determination of whether there is a meaningful opportunity for health risk reduction by regulation of a contaminant in drinking water is a highly contaminant-specific one that takes into consideration a large number of factors.

The remaining 25 CCL 3 contaminants (listed in Table 4) did not proceed to Phase 3 and were not considered for RD 3 because of one or more of the following critical health, occurrence, and/or other data gaps:

(a) An updated health assessment is needed, but was not completed by fall 2011;

(b) A health assessment is in process, but was not completed by fall 2011;

(c) Critical health effects gap (e.g., lack of data to support quantification for the oral route of exposure);

(d) Lacked nationally representative occurrence data;

(e) Insufficient other finished water occurrence data to demonstrate occurrence at levels and frequencies of public health concern (although it may have some levels of public health concern);

(f) Individual contaminants that were part of a group but lacked a widely available analytical method for occurrence monitoring; and

(g) Critical occurrence data gap (e.g., inconsistent results and/or trends in occurrence data, significant uncertainty in occurrence analyses and/or data).

Table 4 identifies the health, occurrence, and/or other data gaps that prevented the following 25 contaminants from moving forward for RD 3. The agency continues to conduct research, collect information or find other avenues to fill the data and information gaps identified in Table 4.

[15] Carcinogenic Volatile Organic Compounds (including 1,2,3-trichloropropane) are being evaluated in a separate regulatory effort.

[16] Note that the non-national data tend to be limited in scope and EPA does not use these data alone to support a determination that the contaminant is not or is not substantially likely to ''occur in PWSs with a frequency and at levels of public health concern,'' which would therefore be a decision ''not to regulate'' (*i.e.,* negative determination).

TABLE 4—DATA AND RATIONALE SUMMARY OF THE 25 CONTAMINANTS NOT PROCEEDING TO PHASE 3

No.	Contaminant	Health data available	Occurrence data available	Rationale
1	1,4-Dioxane	Yes	No [1]	Occurrence data gaps (no nationally representative finished water data or sufficient other finished water data).
2	Acephate	Yes	No	Occurrence data gaps (no nationally representative finished water data or sufficient other finished water data).
3	Acetochlor	No	Yes	Health data gap (no health assessment for the degradates) and no detections in nationally representative finished water data.
4	Acetochlor ethanesulfonic acid (ESA).	No	Yes	Health data gap (no health assessment for the ESA degradate) and no or low detections based on nationally representative finished water data.
5	Acetochlor oxanilic acid (OA)	No	Yes	Health data gap (no health assessment for the OA degradate) and no or low detections based on nationally representative finished water data.
6	Alachlor ethanesulfonic acid (ESA).	No	Yes	Health data gap (no health assessment for the ESA degradate) and no or low detections based on nationally representative finished water data.
7	Alachlor oxanilic acid (OA)	No	Yes	Health data gap (no health assessment for the OA degradate) and no or low detections based on nationally representative finished water data.
8	Cobalt	No	Yes [2]	Health data gap (health assessment not updated by fall 2011) and no detections in nationally representative or other finished water data at levels of public health concern.
9	Disulfoton	Yes	No	Occurrence data gap (no nationally representative finished water data and no detections in other finished water data).
10	Diuron	Yes	No	Occurrence data gap (no nationally representative finished water data and no detections in other finished water data).
11	Methyl Bromide	No	Yes [1]	Health data gap (health assessment not updated by fall 2011).
12	Methyl tert-butyl ether	No	Yes	Health data gap (IRIS health assessment not completed by fall 2011) and no or low detections based on nationally representative finished water data.
13	Metolachlor	No	Yes	Health data gap (no health assessment for degradates) and few detections in nationally representative finished water data.
14	Metolachlor ethanesulfonic acid (ESA).	No	Yes	Health data gap (no health assessment for ESA degradate) and no or low detections based on nationally representative finished water data.
15	Metolachlor oxanilic acid (OA)	No	Yes	Health data gap (no health assessment for OA degradate) and no or low detections based on nationally representative finished water data.
16	Molinate	No	Yes	Health data gap (OPP health assessment not completed by fall 2011 due to cancellation of molinate) and no detections in nationally representative or other finished water data at levels of public health concern.
17	Molybdenum	No	Yes	Health data gap (health assessment not updated by fall 2011) and no detections in nationally representative or other finished water data at levels of public health concern.
18	N-Nitrosodiphenylamine (NDPhA).	Yes	No	Health data gap (health assessment not updated by fall 2011) and occurrence data gaps (no EPA approved analytical method for monitoring).
19	Perfluorooctanesulfonic acid (PFOS).	No	No [1]	Health data gap (health assessment not completed by fall 2011) and occurrence data gaps (limited other finished water data available).
20	Perfluorooctanoic acid (PFOA)	No	No [1]	Health data gap (health assessment not completed by fall 2011) and occurrence data gaps (limited other finished water data available).
21	RDX	No	Yes	Health data gap (IRIS health assessment not updated by fall 2011) and no detections in nationally representative or other finished water data at levels of public health concern.
22	Vanadium	No	Yes [2]	Health data gap (health assessment not updated by fall 2011) and no to low detections in nationally representative finished water data at levels of public health concern.
23	1,1,1,2-Tetrachloroethane			Will be evaluated and considered for the Carcinogenic Volatile Organic Compounds (cVOCs) group rule addressed in a separate process.
24	1,2,3-Trichloropropane		([1])	Will be evaluated and considered for the Carcinogenic Volatile Organic Compounds (cVOCs) group rule addressed in a separate process.

TABLE 4—DATA AND RATIONALE SUMMARY OF THE 25 CONTAMINANTS NOT PROCEEDING TO PHASE 3—Continued

No.	Contaminant	Health data available	Occurrence data available	Rationale
25	Nitrobenzene	.....	.....	Will be evaluated and considered for the Carcinogenic Volatile Organic Compounds (cVOCs) group rule addressed in a separate process.

[1] The UCMR 3 includes sampling at the EPTDS for this contaminant (77 FR 26071, May 2, 2012).
[2] The UCMR 3 includes sampling at both the EPTDS and DSMRT for this contaminant (77 FR 26071, May 2, 2012). For some contaminants, including disinfection byproducts and inorganics, occurrence values may differ between the EPTDS and the DSMRT due to dynamics within the distribution system such as contaminant degradation, formation, accumulation and release.

3. Phase 3 (Regulatory Determination Assessment Phase)

Phase 3, the Regulatory Determination Assessments Phase, involves a complete evaluation of the statutory criteria for each contaminant or group of contaminants that proceed from Phase 2 and have sufficient information and data for making a regulatory determination. In this phase, the agency evaluates the following statutory criteria:

(a) Statutory Criterion #1—The contaminant may have an adverse effect on the health of persons. To evaluate statutory criterion #1, EPA completes any health assessment that needs to be updated and externally peer-reviewed, and derives a final HRL. The derivation of the final HRL, further described in the section III.C.1, Evaluation of Adverse Health Effects, takes into account many of the key elements that are considered when evaluating criterion #1, which includes the mode of action, the critical health effect(s), the dose-response for critical health effect(s), impacts on sensitive populations(s) or lifestages, the RfD, and/or the cancer slope factor. HRLs are not final determinations about the level of a contaminant in drinking water that must not be exceeded to protect any particular population and are derived prior to the development of a complete exposure assessment. HRLs are risk derived concentrations against which to evaluate the occurrence data to determine if contaminants may occur at levels of potential public health concern. With this information, EPA determines whether the contaminant ''may have an adverse effect.'' While CCL 3 contaminants are generally expected to meet statutory criterion #1 because their adverse health effects were analyzed as part of the determination to list them on the CCL, the availability of a final HRL is derived as part of the first statutory criterion and is necessary to evaluate the second statutory criterion.

(b) Statutory Criterion #2—The contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern. EPA compares the occurrence data for each contaminant to the final peer-reviewed HRL to determine if the contaminant occurs at a frequency and levels of public health concern. The types of occurrence data used at this stage are described in section III.C.2, Evaluation of Contaminant Occurrence and Exposure. The agency considers the following factors when identifying contaminants or contaminant groups that are occurring at frequencies and levels of public health concern:

- How many samples (# and %) have detections > final HRL in the nationally representative and other finished water occurrence data?
- How many systems (# and %) have detections > final HRL in the nationally representative and other finished water occurrence data?
- Is the contaminant associated with a contaminant group that is of public health concern and is being considered as part of the DWS?
- Is the geographic distribution of the contaminant occurrence national, regional, or localized?
- In addition to the number of systems, what type of systems does the contaminant occur in? Does the contaminant occur in large or small systems? Does the contaminant occur in surface or ground water systems?
- Are there significant uncertainties or limitations with the data and/or analyses, such as the age of the dataset, limitation of the detection limit (i.e., MRL > final HRL) and/or representativeness of the data (e.g., limited in scope to a specific region)?

Additional, less important factors that the agency considers when identifying contaminants or contaminant groups that are of public health concern also include:

- How many samples (# and %) have detections >½ final HRL [17] in the nationally representative and other finished water occurrence data?
- How many systems (# and %) have detections >½ final HRL in the nationally representative and other finished water occurrence data?
- How many samples (# and %) have detections > final HRL and ½ final HRL in the ambient/source water occurrence data?
- How many monitoring sites (# and %) have detections > final HRL and ½ final HRL in the ambient/source water occurrence data?
- Are production and use trends for the contaminant increasing or decreasing?
- How many pounds are discharged annually to surface water and/or released to the environment?
- Do the environmental fate and transport parameters indicate that the contaminant would persist and/or be mobile in water?
- Are there other uncertainties or limitations with the data and/or analyses for these additional factors that should be considered?
- Is the contaminant introduced by water treatment processes (e.g., disinfection byproducts)?

If a contaminant is known to occur or substantially likely to occur at a frequency and level of health concern in public water systems based on the factors listed above, then the agency answers ''yes'' to the second statutory criterion.

(c) Statutory Criterion #3—In the sole judgment of the Administrator, regulation of the contaminant presents a meaningful opportunity for health risk reduction for persons served by public water systems. EPA evaluates the population exposed at the health level of concern along with several other factors to determine if regulation presents a meaningful opportunity for health risk reduction. EPA considers the following factors in evaluating statutory criterion #3:

- Based on the occurrence information for statutory criterion #2 (and the potential number of systems impacted), what is the national population exposed or served by

[17] Note that the ½ HRL threshold is based on a recommendation from the NDWAC working grouping that provided recommendations on the first regulatory determinations effort. (USEPA, 2000b)

systems with levels ≥ HRL and ½ HRL (provide actual and estimated # and %)?

- What is the nature of the health effect(s) identified in statutory criterion #1 and are there sensitive populations that may be impacted (either qualitative or quantitative [18])?
- For non-carcinogens, are there other sources of exposure that should be considered (i.e., what is the relative source contribution)?
- What is the geographic distribution of occurrence (e.g., local, regional, national)?
- Are there any uncertainties and/or limitations in the health and occurrence information or analyses that should be considered?
- What other factors or other pieces of information should be considered that may have direct bearing on any decision to regulate the contaminant (e.g., treatment, analytical methods,[19] etc.)?

After evaluating these factors, if the Administrator determines that there is a meaningful opportunity to reduce risk by regulating the contaminant in drinking water, then the agency answers ''yes'' to the third statutory criterion.

If the agency answers ''yes'' to all three statutory criteria in Phase 3 for a particular contaminant, then the agency makes a ''positive'' preliminary determination and requests public comment.

If after the public comment period, the agency answers ''yes'' to all three statutory criteria, the agency then makes a ''positive'' final determination that regulation is necessary and proceeds to develop an MCLG and NPDWR. The agency has 24 months to publish a proposed MCLG and NPDWR and an additional 18 months to publish a final MCLG and promulgate a final NPDWR. It should be noted that this regulatory determination process is distinct from the more detailed analyses needed to develop a national primary drinking water regulation. Thus, a decision to regulate is the beginning of the agency's regulatory development process, not the end.

If a contaminant has sufficient information and the agency answers ''no'' to any of the three statutory criteria, based on the available data, then the agency considers making a ''negative'' determination that an NPDWR is not necessary for that contaminant at that time. The agency may decide to develop a Health Advisory (HA), which provides non-regulatory concentration values for drinking water contaminants at which adverse health effects are not anticipated to occur over specific exposure durations (one-day, ten-days, several years, and a lifetime). HAs serve as informal technical guidance to assist Federal, State, and local officials, and managers of public or community water systems (CWSs) in protecting public health when emergency spills or contamination situations occur.

While a negative determination is considered a final agency action for this round of regulatory determinations, the contaminant is reconsidered for inclusion on the next CCL. If new health or occurrence information becomes available on contaminants with negative regulatory determinations, the agency considers whether the contaminant(s) should be listed on the next CCL and further evaluated in the next regulatory determinations process.

Of the twelve contaminants that proceeded to Phase 3, the agency is not making preliminary regulatory determinations for seven contaminants at this time. The seven contaminants include chlorate and the six nitrosamines (i.e., NDBA, NDMA, NDPA, NDEA, NPYR, and NMEA). As discussed in section V, chlorate and the six nitrosamines are DBPs and the agency plans to consider these contaminants as part of the regulatory review of existing MDBP regulations. DBPs need to be evaluated collectively, because the potential exists that the control of one DBP could affect the concentrations of other DBPs or the necessary treatment. After evaluating the five remaining CCL 3 contaminants in Table 3 (i.e., dimethoate, 1,3-dinitrobenzene, strontium, terbufos, and terbufos sulfone) against the three SDWA criteria and considering the factors listed for each, the agency is making preliminary regulatory determinations for these five CCL 3 contaminants. Table 5 provides a summary of the five contaminants evaluated for Phase 3 and the preliminary regulatory determination outcome. The agency seeks comment on the preliminary determination to regulate one contaminant (i.e., strontium) and to not regulate the remaining four contaminants (i.e., dimethoate, 1,3-dinitrobenzene, terbufos, and terbufos sulfone). Section IV.B of this notice provides a more detailed summary of the information and the rationale used by the agency to reach its preliminary decisions for these five contaminants.

TABLE 5—CONTAMINANTS EVALUATED IN PHASE 3 AND THE REGULATORY DETERMINATION OUTCOME

No.	RD 3 contaminants	Preliminary determination outcome
1	Dimethoate	Do not regulate.
2	1,3-Dinitrobenzene	Do not regulate.
3	Strontium	Regulate.
4	Terbufos	Do not regulate.
5	Terbufos Sulfone	Do not regulate.

[18] If appropriate and if available, the agency quantitatively takes into account exposure data applicable to sensitive populations or lifestages when deriving HRLs for regulatory determinations. When data is not available on sensitive populations, the derivation of the RfD typically includes an uncertainty factor to account for the weakness in the database. See section III.C.1. Sensitive populations are also qualitatively considered by providing national prevalence estimates for a particular sensitive population if available.

[19] If the agency decides to regulate a contaminant, SDWA requires that EPA issue a proposed regulation within two years of the final determination (with the possibility of a 9 month extension). As part of the proposal, the agency must list the best available technologies (BATs), small system compliance technologies (SSCTs), and approved analytical methods if it proposes an enforceable MCL. Alternatively, if EPA proposes a treatment technique (TT) instead of an MCL, the agency must identify the TT. EPA must also prepare a health risk reduction and cost analysis. This analysis includes an extensive evaluation of the treatment costs and monitoring costs at both system level and aggregated at the national level. To date, treatment information and approved analytical methods have not been a significant factor in regulatory determinations but are important considerations for regulation development.

B. Supporting Documentation for EPA's Preliminary Determinations

For this action, EPA prepared several support documents that are available for review and comment in the EPA Water Docket. These support documents include:

- The comprehensive regulatory support document entitled, ''Regulatory Determination 3 Support Document'' (USEPA, 2014b), summarizes the information and data on the physical and chemical properties, uses and environmental release, environmental fate, potential health effects, occurrence and exposure estimates, the preliminary determinations, and the agency's rationale for these determinations.
- A separate health effects support document for strontium, entitled ''Health Effects Support Document for Strontium'' (USEPA, 2014c), that addresses exposure from drinking water and other media, toxicokinetics, hazard identification, and dose-response assessment, and provides an overall characterization of the risk from drinking water containing strontium. For the contaminants with negative determinations, the agency refers the reader to the IRIS or OPP assessments for more detailed information regarding health effects (USEPA, 1990a, 1990b, 2003c). These documents serve as the basis for the health information provided in the regulatory support documents.
- A comprehensive technical occurrence support document for UCMR 2 entitled, ''Occurrence Data from the Second Unregulated Contaminant Monitoring Rule (UCMR 2)'' (USEPA, 2014d). This occurrence support document includes more detailed information about UCMR 2, how EPA assessed the data quality, completeness, and representativeness, and how the data were used to generate estimates of drinking water contaminant occurrence in support of these regulatory determinations.
- A comprehensive protocol document, entitled ''Protocol for the Regulatory Determination 3'' (USEPA, 2014a). This protocol document describes the approach implemented by the agency to evaluate 116 CCL 3 contaminants in a three phase process and select the contaminants for preliminary determinations for RD 3. The protocol underwent expert review and the comments received were addressed by the agency.

C. Analyses Used To Support the Preliminary Regulatory Determinations

Sections III.C.1 and 2 of this action outline the health effects and occurrence/exposure evaluation process EPA used to support these preliminary determinations.

1. Evaluation of Adverse Health Effects

Section 1412(b)(1)(A)(i) of SDWA requires EPA to determine whether each candidate contaminant may have an adverse effect on public health. This section describes the overall process the agency uses to evaluate health effects, hazard and dose-response information, and the approach for deriving the health reference level (HRL) for the contaminants under consideration for regulatory determinations. HRLs are not final determinations about the level of a contaminant in drinking water that must not be exceeded to protect any particular population. HRLs are derived prior to the development of a complete exposure assessment. HRLs are risk derived concentrations against which to evaluate the occurrence data to determine if contaminants occur at levels of potential public health concern. More specific information about the potential for adverse health effects for each contaminant is presented in section IV.B of this action.

In evaluating contaminants for regulatory determination, Section 1412 (b)(1)(C) of SDWA also requires the agency to consider among other factors of public health concern, the effect of such contaminants upon subgroups that comprise a meaningful portion of the general population ''such as infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations'' that are identifiable as being at greater risk of adverse health effects compared to the general population. If appropriate and if available, the agency quantitatively takes into account data from sensitive populations and lifestages when deriving HRLs for regulatory determinations.

There are two general approaches to the derivation of an HRL. One approach is used for chemicals that cause cancer and exhibit a linear response to dose and the other applies to non-carcinogens and carcinogens evaluated using a non-linear approach. The derivation of HRLs for carcinogens and non-carcinogens are described below.

a. Derivation of an HRL for Carcinogens

For those contaminants that are considered to be likely or probable human carcinogens by a mutagenic or unknown mode of action (MOA), the agency calculates a toxicity value that defines the relationship between dose and response (i.e., the cancer slope factor or CSF).

(1) MOA: Unknown

In cases where the data on the mode of action are lacking, EPA typically uses a default low dose linear extrapolation to calculate a CSF. The unit risk is the estimated upper-bound excess lifetime cancer risk from a continuous exposure to a chemical at a concentration of 0.001 mg/L in drinking water. The exposure estimate assumes an adult body weight of 70 kg and the 90th percentile adult drinking water intake of 2 L/day.

$$\text{Unit Risk } (\mu g/L)^{-1} = CSF \times [(DWI \times CW)/BW]$$

Where:

CSF = Cancer Slope Factor $(mg/kg/day)^{-1}$
DWI = Drinking Water Intake for an adult, assumed to be 2 L/day (90th percentile)
CW = Unit risk concentration in drinking water of 0.001 mg/L (1 µg/L)
BW = Body Weight for an adult, assumed to be 70 kilograms (kg)

The cancer HRL is the concentration of a contaminant in drinking water corresponding to an excess estimated lifetime cancer risk of one-in-a-million (1×10^{-6}), calculated as follows:

$$\text{HRL } (\mu g/L) = \text{Risk Level of } 10^{-6} \div \text{Unit Risk } (\mu g/L)^{-1}$$

As noted above, HRLs are not final determinations about the level of a contaminant in drinking water that must not be exceeded to protect any particular population. Rather, HRLs are risk derived concentrations against which to evaluate the occurrence data during the RD process to determine if contaminants occur at levels of *potential* public health concern.

(2) MOA: Mutagenic

If the chemical has a mutagenic mode of action, low dose linear extrapolation is used to calculate the CSF as described in the preceding paragraph. The U.S. EPA's 2005 Guidelines for Carcinogen Risk Assessment (USEPA, 2005b) requires that the potential increased cancer risk due to early-life exposure be taken into account for chemicals with a mutagenic mode of action. When chemical-specific data to quantify the increased risk are lacking, Age Dependent Adjustment Factors (ADAFs) are applied to estimate age-adjusted unit risks. The age-adjusted unit risk is determined by using the sum of the unit risks for each of the three ADAF developmental groups (birth to <2 yrs; 2 yrs to <16 yrs; 16 yrs to 70 yrs). The age-adjusted unit risks include a ten-fold adjustment for early life (birth to <2 yrs) exposures, a three-fold adjustment for childhood/adolescent (2 yrs to <16 yrs) exposures, and no additional adjustment for exposures later in life (16 yrs to 70 yrs), in conjunction with age-

specific drinking water intake values derived from the U.S. EPA's 2011 Exposure Factors Handbook (USEPA, 2011e), and the fraction of a 70 year lifetime applicable to each age period. The increase in risk during early life results from active tissue growth resulting in limited time for repair of DNA replication errors. The age-adjusted unit risk is the upper-bound excess lifetime cancer risk estimated to result from continuous postnatal exposure to a chemical at a concentration of 0.001 mg/L in drinking water.

$$\text{Age-Adjusted Unit Risk } (\mu g/L)^{-1} = \Sigma(CSF \times ADAF \times DWI/BWR \times CW \times F)$$

Where:

CSF = Cancer Slope Factor $(mg/kg/day)^{-1}$

ADAF = The Age Dependent Adjustment Factor for the age group birth to two-years (ADAF = 10), two years to sixteen years (ADAF = 3), and sixteen to seventy years (ADAF = 1)

DWI/BWR = Drinking Water Intake Body Weight Ratio (DWI/BWR) expressed as liters per kg body weight for the age-specific group (90th percentile, consumers only)[20]

CW = Unit risk concentration in drinking water of 0.001 mg/L (1 µg/L)

F = The fraction of a 70 year lifetime applicable to the age period: 2/70 for birth to two years, 14/70 for two years to sixteen years and 54/70 for sixteen years to seventy years

The cancer HRL is the concentration of a contaminant in drinking water corresponding to an excess estimated lifetime cancer risk of one-in-a-million (1×10^{-6}), calculated as follows:

$$\text{HRL } (\mu g/L) = \text{Risk Level of } 10^{-6} \div \text{Age-Adjusted Unit Risk } (\mu g/L)^{-1}$$

The six nitrosamines discussed in section V had data available to classify them as known or likely human carcinogens with a mutagenic mode of action. Low-dose linear extrapolations and ADAFs were applied to all four of the CCL 3 nitrosamines: NDMA, NDPA, NDEA and NYPR, as well as the two non-CCL 3 nitrosamines, NMEA and NDBA. The five contaminants for which the agency is making preliminary regulatory determinations (dimethoate, 1,3-dinitrobenzene, strontium, terbufos and terbufos sulfone) are non-carcinogens and were therefore evaluated using the RfD approach (discussed in the following section).

[20] The drinking water intake values were derived from the data in the U.S. EPA's Exposure Factors Handbook (USEPA, 2011e). The procedure used for the data normalization is described in the OW Policy paper for determining lifetime cancer risks involving early life exposures (USEPA, 2012c).

b. Derivation of an HRL for Non-Carcinogens

EPA generally calculates a reference dose (RfD) for those chemicals considered to be non-carcinogenic or not likely to be carcinogenic to humans. An RfD is an estimate of a daily oral exposure to the human population (including sensitive populations or lifestages) that is likely to be without an appreciable risk of deleterious effects during a lifetime. The RfD can be derived from either a no-observed-adverse-effect level (NOAEL), a lowest-observed-adverse-effect level (LOAEL), or the 95% lower confidence bound on a benchmark dose (BMD), known as a BMDL, with uncertainty factors applied to reflect limitations of the data used. In addition, if the critical health endpoint has high quality data associated with exposure for a specific developmental group or period of sensitivity, age-specific drinking water intake to body weight ratio values from the Exposure Factors Handbook (USEPA, 2011e) may be included in deriving an HRL from the RfD.

The agency uses uncertainty factors (UFs) to address uncertainty resulting from incompleteness of the toxicological database (e.g., lacking sensitive population data). The individual UFs (usually applied as integers of one, three, or ten) are multiplied together and used to derive the RfD from experimental data. Individual UFs are intended to account for:

(1) Variation in sensitivity among the members of the human population (i.e., intraspecies variability);

(2) uncertainty in extrapolating animal data to humans (i.e., interspecies variability);

(3) uncertainty in extrapolating from data obtained in a study with less-than-lifetime exposure to lifetime exposure (i.e., extrapolating from subchronic to chronic exposure);

(4) uncertainty in extrapolating from an LOAEL rather than from an NOAEL; and/or

(5) uncertainty associated with an incomplete database.

For chlorate, dimethoate, 1,3-dinitrobenzene, strontium,[21] terbufos, and terbufos sulfone, EPA derived the HRLs using the RfD approach as follows:

$$\text{HRL } (mg/L) = [(RfD \times BW)/DWI] \times RSC$$

Where:

RfD = Reference Dose (mg/kg-day)

BW = Body Weight for an adult, assumed to be 70 kilograms (kg); for a child, assumed to be 10 kg

DWI = Drinking Water Intake for an adult, assumed to be 2 L/day (90th percentile); for child, assumed to be 1L/day (90th percentile)

RSC = Relative Source Contribution, or the level of exposure believed to result from drinking water when compared to other sources (e.g., food, ambient air). In all cases, a 20% RSC is used for HRL derivation because (1) HRLs are developed prior to a complete exposure assessment and (2) 20% is the most conservative RSC used in the derivation of an MCLG for drinking water.

[21] Because the critical health endpoint had dose-response data associated with exposure during a specific period of sensitivity (i.e., sensitive population), EPA used age-specific drinking water intake to body weight ratio values (DWI/BWR) from the Exposure Factors Handbook (USEPA, 2011e) to derive the HRL for strontium.

c. Sources of Data/Information for Health Effects

EPA uses the best available peer-reviewed data and analyses in evaluating adverse health effects. Peer-reviewed health-risk assessments are available for all chemicals considered for regulatory determinations from the agency's Integrated Risk Information System (IRIS) Program, [22] the agency's Office of Pesticide Programs (OPP),[23] the National Academy of Sciences (NAS), the Agency for Toxic Substances and Disease Registry (ATSDR),[24] and/or the World Health Organization (WHO).[25] For a non-EPA health

[22] IRIS is an electronic EPA data base (*www.epa.gov/iris/index.html*) containing peer-reviewed information on human health effects that may result from exposure to various chemicals in the environment. These chemical files contain descriptive and quantitative information on hazard identification and dose response, RfDs for chronic noncarcinogenic health effects, as well as slope factors and unit risks for carcinogenic effects.

[23] The OPP is required under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) to periodically review the health effects data on all registered pesticides and reregister them for continued use. The results of the reregistration analysis are published in the Reregistration Eligibility Decision (RED) documents. Copies of the REDs are located at the following EPA Web site (*http://www.epa.gov/oppsrrd1/reregistration/status.htm*).

[24] ATSDR establishes oral minimal risk levels for non-neoplastic endpoints for acute (14 days or less), intermediate (15—364 days), and chronic (365 days or more) exposure durations. Minimal risk levels for oral chronic exposure are similar to EPA's RfDs. However, ATSDR and EPA use different approaches when the database is limited to subchronic studies and no adequate chronic study is available. ATSDR derives an intermediate duration minimal risk level that protects against exposures up to 10% of a lifetime, and it does not incorporate an uncertainty factor to account for using a less-than-lifetime study. ATSDR does not perform quantitative cancer assessments or assign formal cancer classifications or descriptors.

[25] WHO establishes a ''guideline value'', a drinking water concentration that uses different default assumptions than EPA for estimating water concentration from doses, including a 60 kg adult body weight, daily water consumption of 2 L/day, and a data derived or default RSC of 10%. WHO develops one guideline value that is based either on cancer or non cancer.

assessment (i.e., NAS, ATSDR, WHO) to be considered for regulatory determinations, the health assessment must use comparable methods, standards, and guidelines to an EPA health assessment. Table 6 summarizes the sources of the health assessment data for each chemical under consideration for RD 3.

The agency performs a literature search for studies published after the available health assessment is completed to determine if new information suggests a different outcome. The agency collects and evaluates any peer-reviewed publications identified through the literature search for their impact on the RfD and/or cancer assessment. In cases where the recent data indicate that a change to the existing RfD or cancer assessment is needed, the EPA Office of Water prepares and independently peer-reviews an ''OW Assessment'' of the data. EPA updates all quantitative cancer assessments conducted under the Guidelines for Carcinogen Risk Assessment (USEPA, 1986) using the Guidelines for Carcinogen Risk Assessment (USEPA, 2005b), the Supplemental Guidance for Assessing Susceptibility from Early-life Exposures to Carcinogens (USEPA, 2005c), and the Exposure Factors Handbook (USEPA, 2011e). These guidelines include considerations for contaminants with a mutagenic mode of action and potential risks due to early childhood exposure.

TABLE 6—SOURCES AND DATES OF EPA HEALTH RISK ASSESSMENTS

Chemical	IRIS (date)	OPP RED (date)	OW Assessment (date)
Dimethoate	.....	2007	.....
1,3-Dinitrobenzene [1]	1988	.....	.....
Strontium	1992	.....	2012
Terbufos	.....	2006	.....
Terbufos Sulfone [2]	.....	2006	.....

[1] The agency also reviewed a non-EPA source (ATSDR, 1995) for 1,3-dinitrobenzene to corroborate the IRIS assessment.
[2] The OPP RED for the parent compound (terbufos) was used.

As noted in section III.B, EPA prepared a technical Health Effects Support Document for strontium (USEPA, 2014c). This document addresses the exposure from drinking water and other media, toxicokinetics, hazard identification, and dose-response assessment, and provides an overall characterization of risk from drinking water. For the contaminants with a preliminary negative determination (i.e., a decision not to regulate), refer to the EPA health risk assessments online from OPP or IRIS for additional health effect information.

2. Evaluation of Contaminant Occurrence and Exposure

EPA uses data from many sources to evaluate occurrence and exposure from drinking water contaminants. The following comprise the primary sources of finished drinking water occurrence data discussed in this **Federal Register** notice:

- the Unregulated Contaminant Monitoring Regulation (UCMR 1 and 2),
- the National Inorganic and Radionuclide Survey (NIRS), and
- Disinfection Byproducts Information Collection Rule (DBP ICR).

Several of the primary sources of finished water occurrence data are designed to be statistically representative of the nation. These data sources include UCMR 1, UCMR 2, and NIRS.[26] The DBP ICR is geographically distributed across the country and national in scope but is not intended to be statistically representative of the nation.

The agency also evaluates supplemental sources of information on occurrence in drinking water, occurrence in ambient and source water, and information on contaminant use and release to augment and compliment these primary sources of drinking water occurrence data. Section III.C.2.a. of this action provides a brief summary of the primary sources of finished water occurrence data, and sections III.C.2.b and II.C.2.c provide brief summary descriptions of some of the supplemental sources of occurrence information and/or data. These descriptions do not cover all the reports that EPA reviews and evaluates. For individual contaminants EPA reviews additional published reports and peer-reviewed studies that may provide the results of monitoring efforts in limited geographic areas. A summary of the occurrence data and the results or findings for each of the contaminants considered for regulatory determination is presented in section IV.B, the contaminant profiles section, and the data are described in further detail in the support documents for the RD 3 process (see USEPA, 2014a, b, c and d).

a. Primary Sources of Finished Drinking Water Occurrence Data

As previously mentioned, the primary national sources of the drinking water occurrence data discussed in this **Federal Register** notice are UCMR 1, UCMR 2, NIRS, and the DBP ICR. The following sections provide a brief summary of these data sources. Table 7 in section IV lists the primary data source/finding used to evaluate each of the five contaminants considered for regulatory determinations. The contaminant-specific discussions in section IV provide more detailed information about the primary data source findings as well as any supplemental occurrence information.

(1) The Unregulated Contaminant Monitoring Regulation (UCMR 1 and UCMR 2)

The UCMR is currently EPA's primary vehicle for collecting monitoring data on the occurrence of unregulated contaminants in PWSs. The UCMR is designed to collect nationally representative occurrence data and is developed in coordination with the CCL and Regulatory Determination process and the National Drinking Water Contaminant Occurrence Database (NCOD). The UCMR sampling is limited by statute to 30 contaminants during any five year cycle (SDWA section 1445(a)(2)) and the PWSs and State primacy agencies are required to report the data to EPA. EPA published the list and requirements for the first Unregulated Contaminant Monitoring Regulation cycle (i.e., UCMR 1) in September 17, 1999 (64 FR 50556, September 17, 1999, USEPA, 1999; see also 65 FR 11372, March 2, 2000, USEPA, 2000a; and 66 FR 2273, January 11, 2001, USEPA, 2001a), and the monitoring was conducted primarily during 2001–2003. UCMR 2 was published on January 4, 2007 (72 FR 367; USEPA, 2007a), with monitoring

[26] NIRS is designed to be statistically representative of groundwater systems and does not include surface water systems.

conducted during 2008–2010. (The complete analytical monitoring lists are available at: *http://water.epa.gov/lawsregs/rulesregs/sdwa/ucmr/*.)

The UCMR was designed as a three-tiered approach for monitoring contaminants related to the availability of analytical methods and related analytical laboratory capacity. Assessment Monitoring (AM), the largest sampling tier, typically relies on analytical methods that are in common use in drinking water laboratories. The Screening Survey (SS), the second tier, uses newly developed analytical methods that may not be as commonly used in drinking water laboratories. The SS has involved a smaller number of PWSs because laboratory capacity is expected to be limited. The third tier, Pre-Screen Testing was designed to address contaminants with analytical methods that are in an early stage of development and the analyses would be limited to a few special laboratories. The expectation was that it would only involve the limited number of systems determined to be most vulnerable to the targeted contaminants. No Pre-Screen Testing was conducted during UCMR 1 or UCMR 2.

EPA designed the AM sampling frame to ensure that sample results would support a high level of confidence and a low margin of error (see USEPA, 1999 and 2001b, for UCMR design details). AM is required for all large PWSs, those serving more than 10,000 people (i.e., a census of all large systems) and a national statistically representative sample of 800 small PWSs, those serving 10,000 or fewer people (for a total sample of approximately 4,000 systems). PWSs that purchase 100% of their water were not required to participate.

Each system conducts UCMR assessment monitoring for one year (during the three-year monitoring period). The rules require quarterly monitoring for surface water systems and twice-a-year, six-month interval monitoring for ground water systems. At least one sampling event must occur during a specified vulnerable period. Differing sampling points within the PWS may be specified for each contaminant related to the contaminants source(s).

The objective of the UCMR sampling approach for small systems was to collect contaminant occurrence data from a statistically selected, nationally representative sample of small systems. The small system sample was stratified and population-weighted, and included some other sampling adjustments such as allocating a selection of at least two systems from each State for spatial coverage. The UCMR AM program includes systems from all 50 States, the District of Columbia, four U.S. Territories, and Tribal lands in five EPA Regions. With contaminant monitoring data from all large PWSs—a census of large systems—and a statistical, nationally representative sample of small PWSs, the UCMR AM program provides a robust dataset for evaluating national drinking water contaminant occurrence.

UCMR 1 AM was conducted by approximately 3,090 large systems and 797 small systems. Approximately 33,800 samples were collected for each contaminant. In UCMR 2, sampling was conducted by over 3,300 large systems and 800 small systems, and resulted in over 32,000 sample results for each contaminant.

As noted, in addition to AM, SS monitoring was required for contaminants. For UCMR 1, the SS was conducted at 300 PWSs (120 large and 180 small systems) selected at random from the pool of systems required to conduct AM. Samples from the 300 PWSs from throughout the nation provided approximately 2,300 analyses for each contaminant. While the statistical design of the SS is national in scope, the uncertainty in the results for contaminants that have low occurrence is relatively high. Therefore, EPA looked for additional data to supplement the SS data for regulatory determinations.

For the UCMR 2 SS, EPA improved the design to include a census of all systems serving more than 100,000 people (approximately 400 PWSs—but the largest portion of the national population served by PWSs) and a nationally representative, statistically selected sample of 320 PWSs serving between 10,001 and 100,000 people, and 480 small PWSs serving 10,000 or fewer people (72 FR 367, January 4, 2007, USEPA, 2007a). With approximately 1,200 systems participating in the SS, sufficient data were generated to provide a confident national estimate of contaminant occurrence and population exposure. In UCMR 2, the 1,200 PWSs provided more than 11,000 to 18,000 analyses (depending on the sampling design for the different contaminants).

As previously noted, the details of the occurrence data and the results or findings for each of the contaminants considered for regulatory determination is presented in Section IV.B, the contaminant profiles section, and is described in further detail in the support documents for the RD 3 process (USEPA, 2014a and 2014b). The national design, statistical sampling frame, any new analytical methods, and the data analysis approach for the UCMR program has been peer-reviewed at different stages of development (see, USEPA, 2001b, 2008c, 2014d, for example.)

(2) National Inorganics and Radionuclides Survey (NIRS)

EPA conducted the NIRS to provide a statistically representative sample of the national occurrence of 36 selected inorganic compounds (IOCs) and radionuclides in CWSs served by ground water. The sample was stratified by system size and 989 ground water CWSs were selected at random representing 49 States (all except Hawaii) as well as Puerto Rico. The survey focused on ground water systems, in part because IOCs tend to occur more frequently and at higher concentrations in ground water than in surface water. Each of the selected CWSs was sampled at a single time between 1984 and 1986.

One limitation of the NIRS is a lack of occurrence data for surface water systems. EPA also reviews additional finished water data from State datasets and other sources, as well as data from ambient and source surface waters, to augment the NIRS data. Information about NIRS monitoring and data analysis is available in The Analysis of Occurrence Data from the Unregulated Contaminant Monitoring (UCM) Program and National Inorganics and Radionuclides Survey (NIRS) in Support of Regulatory Determinations for the Second Drinking Water Contaminant Candidate List (USEPA, 2008b).

(3) Disinfection Byproducts Information Collection Rule (DBP ICR)

The DBP ICR (61 FR 24353, May 14, 1996 (USEPA, 1996)) required PWSs serving at least 100,000 people to monitor and collect data on DBPs from July 1997 to December 1998. The DBP ICR data were collected from 296 water systems that provided extensive information on the occurrence of DBPs and on water treatment methods. The DBP ICR data were collected as part of a national project to support development of national disinfection by-products and microbial drinking water standards. EPA used the data to identify national and regional patterns and overall water quality, not to reach system-by-system or treatment plant-by-treatment plant conclusions. Additional details on the data collection process for the DBP ICR, along with an independent analysis of the data, can be found in a report sponsored by the Microbial/Disinfection Products Council (McGuire et al., 2002).

The DBP ICR provided a census of the largest systems that serve the largest proportion of the population served by PWSs at that time. It has previously been vetted for use in regulatory development, and EPA determined it can be used in the regulatory determination process.

b. Supplemental Sources of Finished Drinking and Ambient Water Occurrence Data

The agency evaluates several sources of supplemental information related to contaminant occurrence in finished water and ambient and source waters to augment the primary drinking water occurrence data. Some of these sources were part of other agency information gathering efforts or submitted to the agency in public comment or suggested by stakeholders during previous CCL and Regulatory Determination efforts. These supplemental data are useful to evaluate the likelihood of contaminant occurrence in drinking water and/or to more fully characterize a contaminant's presence in the environment and potentially in source water, and to evaluate any possible trends or spatial patterns that may need further review. The descriptions that follow do not cover all the reports that EPA used. For individual contaminants EPA reviewed additional published reports and peer-reviewed studies that may have provided the results of monitoring efforts in limited geographic areas. A more detailed discussion of the supplemental sources of information/data that EPA evaluated and the occurrence data for each contaminant can be found in the comprehensive regulatory determination support documents (USEPA, 2014a and 2014b).

(1) Individual States' Data

To support the second Six-Year Review of regulated contaminants (see USEPA, 2009b), EPA issued an ICR to collect compliance monitoring data from PWSs for the time period covering 1998–2005. After issuing the ICR, EPA received monitoring data from 45 States plus Region 8 and Region 9 Tribes. Six States and Region 9 Tribes also provided monitoring data for unregulated contaminants along with their compliance monitoring data. EPA further collected additional unregulated contaminant data from two additional States that provide monitoring data through their Web sites. EPA reviews these datasets during the RD 3 process. These datasets vary from State to State in the contaminants included, the number of samples, and the completeness of monitoring. They are reviewed and used to augment the national data and assess if they provide supportive observations or any unique occurrence results that might warrant further review.

(2) Community Water System Survey (CWSS)

EPA periodically conducts the CWSS to collect data on the financial and operating characteristics from a nationally representative sample of CWSs. As part of the CWSS, all systems serving more than 500,000 people receive the survey. In the 2000 and 2006 CWSS, these very large systems were asked questions about the occurrence and concentration of unregulated contaminants in their raw and finished water. The 2000 CWSS (USEPA, 2002a, 2002b) requested data from 83 very large CWSs and the 2006 CWSS (USEPA, 2009c, 2009d) requested data from 94 very large CWSs. Not all systems answered every question or provided complete information on the unregulated contaminants. Because reported results are incomplete, they are illustrative, not representative, and are only used as supplemental information.

(3) United States Department of Agriculture (USDA) Pesticide Data Program (PDP)

Since 1991, the USDA PDP has gathered data on pesticide residues in food. In 2001 the program expanded to include sampling of pesticide residues in treated drinking water, and in 2004 some sampling of raw water was incorporated as well (USDA, 2004). The CWSs selected for sampling tend to be small and medium-sized water surface water systems (serving under 50,000 people) located in regions of heavy agriculture. The sampling frame is designed to monitor in regions of interest for at least two years to reflect the seasonal and climatic variability during growing seasons. PDP works with EPA and the American Water Works Association (AWWA) to identify specific water treatment facilities where monitoring data are collected. The number of sites and samples have varied among different sampling periods. EPA reviewed the PDP data on the occurrence of select contaminants in untreated and treated water (USDA, 2004).

(4) United States Geological Survey (USGS) Pilot Monitoring Program (PMP)

In 1999, USGS and EPA conducted the PMP to provide information on pesticide concentrations in small drinking water supply reservoirs in areas with high pesticide use (Blomquist et al., 2001). The study was undertaken, in part, to test and refine the sampling approach for pesticides in such reservoirs and related drinking water sources. Sampling sites represent a variety of geographic regions, as well as different cropping patterns. Twelve water supply reservoirs considered vulnerable to pesticide contamination were included in the study. Samples were collected quarterly throughout the year and at weekly or biweekly intervals following the primary pesticide-application periods. Water samples were collected from the raw water intake and from the finished drinking water prior to entering the distribution system. At some sites, samples were also collected at the reservoir outflow.

(5) United States Geological Survey (USGS) National Water Quality Assessment (NAWQA)

The USGS instituted the National Water Quality Assessment (NAWQA) program in 1991 to examine ambient water quality status and trends in the United States. The NAWQA program is designed to apply nationally consistent methods to provide a consistent basis for comparisons over time nationally and among significant watersheds and aquifers across the country. These occurrence assessments serve to facilitate interpretation of natural and anthropogenic factors affecting national water quality. The NAWQA program monitors the occurrence of chemicals such as pesticides, nutrients, VOCs, trace elements, and radionuclides, and the condition of aquatic habitats and fish, insects, and algal communities. For more detailed information on the NAWQA program design and implementation, please refer to Leahy and Thompson (1994), Hamilton et al. (2004), and NRC (2002).

The NAWQA program has been designed in ten-year cycles to enable national coverage that can be used for trends and causal assessments. In the Cycle 1 monitoring period, which was conducted from 1991 through 2001, NAWQA collected data from over 6,400 surface water and 7,000 ground water sampling points. Cycle 2 monitoring covers the period from 2002 through 2012, with various design changes from Cycle 1 (see Hamilton et al., 2004).

EPA, with the cooperation of USGS, performed a summary analysis of all Cycle 1 water monitoring data for the CCL 3 and Regulatory Determination process. The surface water data consisted of stream samples; all surface water data were included in the EPA summary analysis. For ground water, all well data were used and data from springs and drainage systems were excluded.

For RD 3, EPA used and evaluated many USGS NAWQA reports to review causal or spatial factors that USGS may have presented in their interpretations. In particular, EPA evaluated many reports from the Pesticide National Synthesis Programs (e.g., Gilliom et al., 2007) and the VOC National Synthesis (e.g., Delzer and Ivahnenko, 2003). While there is overlap in the data used in the USGS reports and the EPA analysis, the USGS reports can provide unique observations related to their synthesis of additional data.

For RD 3, EPA also supplemented these data with information from recent special USGS reports that also used additional data from other programs, particularly reports that focused on contaminant occurrence in source waters for PWSs, such as: Organic Compounds in Source Water of Selected Community Water Systems (Hopple et al., 2009 and Kingsbury et al., 2008), and Water Quality in Public-Supply Wells (Toccalino et al., 2010).

(6) Storage and Retrieval (STORET) Data System

EPA's STORET database contains raw biological, chemical, and physical data from surface and ground water sampling conducted by Federal, State and local agencies, Indian Tribes, volunteer groups, academics, and others. A wide variety of data relating to water quality from all 50 States as well as multiple territories and jurisdictions of the United States are represented in this data system. These are primarily ambient water data, but in some cases they include finished drinking water data. STORET data have quality limitations. There are few restrictions on submission of data based on analytical methods, quality assurance (QA) practices, etc. For more general STORET data information, please refer to: *http://www.epa.gov/storet/index.html*. EPA reviewed STORET ground water data from wells and surface water data from lakes, rivers/streams, and reservoirs.

c. Supplemental Production, Use and Release Data

The agency reviews various sources of information to assess if there are changes or trends in a contaminant's production, use, and release that may affect its presence in the environment and potential occurrence in drinking water. The cancellation of a pesticide or a clear increase in production and use of a contaminant are trends that can inform the regulatory determination process. A more detailed discussion of the supplemental sources of information/data that EPA evaluated and the occurrence data for each contaminant can be found in the comprehensive regulatory determination support documents (USEPA, 2014a and 2014b). Several sources are described in more detail below.

(1) Chemical Update System/Inventory Update Rule (CUS IUR)

The IUR regulation requires manufacturers and importers of certain chemical substances, included on the Toxic Substances Control Act (TSCA) Chemical Substance Inventory, to report site and manufacturing information and the amount of chemicals produced or imported in amounts of 25,000 pounds or more at a single site. Additional information on domestic processing and use must be reported for chemicals produced or imported in amounts of 300,000 pounds or more at a single site. Prior to the 2003 TSCA Amendments (i.e., reporting from 2002 or earlier), information was collected for only organic chemicals that were produced or imported in amounts of 10,000 pounds or more, and was limited to more basic manufacturing information such as production volume. Because of changes in reporting rules, contaminants may have reports for some years but not others (USEPA, 2010a).

(2) Toxic Release Inventory (TRI)

EPA established the Toxics Release Inventory (TRI) in 1987 in response to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). EPCRA Section 313 requires facilities to report to both EPA and the States annual information on toxic chemical releases from facilities that meet reporting criteria. The TRI database details not only the types and quantities of toxic chemicals released to the air, water, and land by facilities, but also provides information on the quantities of chemicals sent to other facilities for further management (USEPA, 2002c, 2003b). Currently, for most chemicals the reporting thresholds are 25,000 pounds for manufacturing and processing and 10,000 pounds for use. Both the number and type of facilities required to report has increased over time.

Although TRI can provide a general idea of release trends, it has limitations because of the reporting changes over time. Finally, TRI data are meant to reflect ''releases'' and should not be used to estimate general public exposure to a chemical (USEPA, 2002c).

(3) Pesticide Usage Estimates

For the regulatory determinations process, the agency reviews various sources of information about pesticide usage. SDWA directs EPA to consider pesticides in the CCL process. Pesticide use and manufacturing information is considered confidential business information and therefore, accurate measures of production and use are not publically available. As a result, the agency reviews various estimates of use as supplemental information in the deliberative process.

Occasionally, EPA presents estimations of annual U.S. usage of individual pesticides in its pesticide reregistration documents (e.g., Reregistration Eligibility Decisions or (REDs), Interim Reregistration Eligibility Decisions (IREDs), Tolerance Reassessment Progress and Risk Management Decisions (TREDs)). EPA also periodically issues Pesticides Industry Sales and Usage reports. The reports provide contemporary and historical information on U.S. pesticide production, imports, exports, usage, and sales, particularly with respect to dollar values and quantities of active ingredient. The most recent report presents data from the years 2000 and 2001 (USEPA, 2004).

The National Center for Food and Agricultural Policy (NCFAP), a private non-profit institution, has also produced national pesticide use estimates based on USDA State-level statistics and surveys for commercial agriculture usage patterns and State-level crop acreage. The database contains estimates of pounds applied and acres treated in each State for 220 active (pesticide) ingredients and 87 crops. The majority of the chemicals monitored are herbicides, but the database also follows significant numbers of fungicides and insecticides (NCFAP, 2000).

The USGS produced usage estimates and maps for over 200 pesticides used in United States crop production, providing spatial insight to the regional use of many pesticides (USGS, 2007). These pesticide use estimates were generated by the USGS through State-level estimates of pesticide usage rates for individual crops that were compiled by the CropLife Foundation and the Crop Protection Research Institute, combined with county-level data on harvested crop acreage obtained from the 2002 Census of Agriculture.

IV. Contaminant-Specific Discussions for the RD 3 Preliminary Regulatory Determinations

A. Summary of the Preliminary Regulatory Determination

Based on EPA's evaluation of the three SDWA criteria (discussed in section II.B.1), the agency is making

preliminary determinations to regulate one contaminant and to not regulate four contaminants. Table 7 summarizes the primary health and occurrence information used to make these preliminary regulatory determinations. Section IV.B of this notice provides a more detailed summary of the information and the rationale used by the agency to reach its preliminary decisions for these five contaminants.

TABLE 7—SUMMARY OF THE HEALTH AND OCCURRENCE INFORMATION AND THE PRELIMINARY DETERMINATIONS FOR THE FIVE CONTAMINANTS CONSIDERED FOR REGULATORY DETERMINATIONS 3

No.	RD 3 contaminants	Health reference level (HRL)	Occurrence findings from primary data sources					Preliminary determination
			Primary database	PWSs with at least 1 detection ≥½ HRL	Population served by PWSs with at least 1 detection ≥½ HRL	PWSs with at least 1 detection ≥HRL	Population served by PWSs with at least 1 detection ≥HRL	
1	Dimethoate	15.4 µg/L	UCMR 2	0% (0 of 4138).	0% (0 of 229M).	0% (0 of 4138).	0% (0 of 229M).	Do not regulate.
2	1,3-Dinitrobenzene.	0.7 µg/L	UCMR 2	0% (0 of 4137).	0% (0 of 229M).	0% (0 of 4137).	0% (0 of 229M).	Do not regulate.
3	Strontium	1,500 µg/L	NIRS	14.3% (141 of 989).	16.6% (246K of 1.5M).	7.0% (69 of 989).	10.7% (158.5K of 1.5M).	Regulate.
4	Terbufos	0.35 µg/L	UCMR 1	0% (0 of 295)	0% (0 of 41M)	0% (0 of 295)	0% (0 of 41M)	Do not regulate.
5	Terbufos Sulfone.	0.35 µg/L	UCMR 2	0.02% (1 of 4138).	0.01% (44.6K of 229M).	0.02% (1 of 4138).	0.01% (44.6K of 229M).	Do not regulate.

B. Contaminant Profiles

This section provides further information on the background, health, and occurrence data that the agency uses to evaluate each of the five candidate contaminants considered for regulatory determinations. For each candidate, the agency evaluates the available human and toxicological data, derives a health reference level, and evaluates the potential and/or likely occurrence and exposed population for the contaminant in public water systems. The agency also considers whether information is available on sensitive populations. The agency uses the findings from these evaluations to determine whether the three SDWA statutory criteria are satisfied. The agency also prepares a regulatory support document (USEPA, 2014b) that provides more details on the background, health, and occurrence information/analyses used to evaluate and make preliminary determinations for these five contaminants.

1. Dimethoate

a. Background

Dimethoate is an organophosphate pesticide, commonly used as an insecticide on field crops (e.g., wheat, alfalfa, corn, and cotton), orchard crops, vegetable crops, and in forestry. Synonyms for dimethoate include dimethogen, dimeton, dimevur, and cygon (HSDB, 2009; USEPA, 2007b). EPA has estimated that the total annual average domestic use of dimethoate is approximately 1.8 million pounds (USEPA, 2007b). EPA's most recent Pesticide Industry Sales and Usage reports indicate that the amount of dimethoate active ingredient (a.i.) used in the United States was between 1 and 2 million pounds in 1999 and 2001, and less than 1 million pounds in 2005 and 2007 (USEPA, 2004: USEPA, 2011f). TRI data from the years 1997 to 2010 show that annual releases to various sources range from tens of pounds to tens of thousands of pounds, with the larger releases occurring only occasionally and in no clear pattern (USEPA, 2012a). For example, reported on-site air emissions were in the range of tens of pounds for 1997–2005 but increased to the range of thousands of pounds in 2006–2010. The only reported non-zero release by underground injection was in 2004 and was over 28,000 pounds. Reported on-site releases to surface water and land were low or non-existent in most years, but peaked suddenly at nearly 20,000 pounds in 1998 (land) and over 2,000 pounds in 2004 (surface water). Dimethoate is considered highly mobile and relatively non-persistent in the environment (USEPA, 2007b).

b. Statutory Criterion #1 (Adverse Health Effects)

Dimethoate meets the SDWA statutory criterion #1 for regulatory determinations; it may have an adverse effect on the health of persons. Dimethoate belongs to a group of pesticides called organophosphates, which share a common MOA. Organophosphates affect the proper function of the nervous system by inhibiting cholinesterase (ChE), an important enzyme involved in neurotransmission. Inhibition of ChE in the brain, plasma, and red blood cells is the most sensitive endpoint described in numerous studies with adult and juvenile animals, following oral, dermal, or inhalation exposures of dimethoate or its primary toxic metabolite omethoate (USEPA, 2007b). As discussed in the 2007 OPP assessment, the U.S. EPA's Cancer Assessment Review Committee (CARC) classified dimethoate as a Group C carcinogen (a possible human carcinogen) in 1991, with concurrence from the FIFRA Scientific Advisory Panel (SAP) on the agency's classification in 1992 (USEPA, 2007b).

The 2007 OPP assessment established a chronic oral RfD for dimethoate of 0.0022 mg/kg/day based on a 2-year feeding study in rats with inhibition of brain ChE as the critical effect (USEPA, 2007b). The RfD was derived using the BMD method and based on the lower 95% confidence limit (BMDL) of 0.22 mg/kg/day, with application of a composite UF of 100 (i.e., intraspecies and interspecies variability). EPA calculated a non-cancer HRL of 15.4 µg/L for dimethoate using the RfD of 0.0022 mg/kg/day for a 70 kg adult ingesting 2 L of drinking water per day and an RSC of 20%. The chronic RfD and subsequent HRL of 15.4 µg/L for dimethoate are considered to be protective of any potential cancer risk or acute ChE effects (USEPA, 1990a, 2007b). The OPP RED (USEPA, 2007b) presents more detailed information

about the potential health effects for dimethoate.

c. Statutory Criterion #2 (Occurrence at Frequency and Levels of Public Health Concern)

Dimethoate does not meet the SDWA statutory criterion #2 for regulatory determinations; it does not occur with a frequency and at levels of public health concern in public water systems based on EPA's evaluation of the following occurrence information.

The primary data for dimethoate are recent (2008–2010) nationally-representative drinking water monitoring data, generated through EPA's UCMR 2. Dimethoate was not detected in any of the 32,013 UCMR 2 samples collected by 4,138 PWSs (serving ~ 230 million people) at levels greater than the ½ HRL (7.7 µg/L), the HRL (15.4 µg/L), or the MRL (0.7 µg/L) (USEPA, 2014d).

The State of California reported results from testing more than 20,000 finished drinking water samples from over 2,000 PWSs and dimethoate was detected in two samples from two different PWSs. The detected concentrations (1 µg/L and 2 µg/L) were less than the ½ HRL (7.7 µg/L) and the HRL (15.4 µg/L) (see USEPA, 2014b). The USDA PDP monitored for dimethoate in finished water from 2001 to 2009 and had only two detections in 3,555 samples; both detected concentrations were less than the ½ HRL and the HRL (USDA, 2012). The USGS PMP monitored for dimethoate in finished water in 1999 and had no detections greater than ½ the HRL or the HRL in any of the 221 samples (Blomquist et al., 2001).

Dimethoate occurrence data for ambient water are consistent with those for finished drinking water. The USGS PMP also monitored for dimethoate in ambient water in 1999 and had no detections greater than the ½ HRL (7.7 µg/L) or the HRL (15.4 µg/L) in any of the 317 samples (Blomquist et al., 2001). Ambient water data from a two-phase USGS study conducted between 2002 and 2005 by Hopple et al. (2009) and Kingsbury et al. (2008) reported no detections in the 221 Phase 1 groundwater samples. Only two detections were reported from 146 Phase 1 surface water samples at nine PWSs. The highest concentration detected was 0.009 µg/L, which is less than the ½ HRL and the HRL. In Phase 2, there were no detections of dimethoate from 48 raw and finished water groundwater samples (Hopple et al., 2009; Kingsbury et al., 2008). Ambient water data in STORET included no measured results above 0.44 µg/L in 5,299 samples from 798 sites (USEPA, 2012b). Ambient water data reported by the California Department of Pesticide Regulation included no measured results above 2.4 µg/L (USEPA, 2007b).

d. Statutory Criterion #3 (Meaningful Opportunity)

EPA finds that dimethoate does not meet the SDWA statutory criterion #3 for regulatory determinations; regulation of dimethoate does not present a meaningful opportunity health risk reduction for persons served by PWSs based on the estimated exposed population, including sensitive populations. The estimated population exposed to dimethoate at levels of public health concern is 0%; it was not found to occur at levels above the HRL (or the ½ HRL) in 4,138 PWSs and 32,013 samples from the UCMR 2 monitoring. In addition, other supplementary sources of finished water and ambient water data indicate that the occurrence of dimethoate in PWSs is likely to be low to non-existent. As a result, the agency finds that an NPDWR for dimethoate does not present a meaningful opportunity for health risk reduction.

EPA also evaluated whether health information is available regarding the potential health effects on children and other sensitive populations. The database for dimethoate includes a 3-generation reproductive study in mice, developmental (teratology) studies in rats and rabbits, and a neurodevelopmental toxicity study (USEPA, 1990a, 2007b). The critical effect of ChE inhibition is a more sensitive endpoint compared to the reproductive and developmental endpoints (USEPA, 2007b); therefore no sensitive populations were identified or characterized. The OPP RED (USEPA, 2007b) presents more detailed information about the potential health effects and sensitive populations for dimethoate.

e. Preliminary Regulatory Determination

The agency is making a preliminary determination to not regulate dimethoate with an NPDWR after evaluating health, occurrence, and other related information against the three SDWA statutory criteria. While data suggests that dimethoate may have an adverse effect on human health, the occurrence data indicate that dimethoate is not occurring or not likely to occur in PWSs with a frequency and at levels of public health concern. Therefore, the agency finds that an NPDWR would not present a meaningful opportunity to reduce health risk for persons served by PWSs. The Regulatory Determinations 3 Support Document (USEPA, 2014d) and the Occurrence Data from the Second Unregulated Contaminant Monitoring Regulation (UCMR 2) (USEPA, 2014a) present additional information and/or analyses supporting the agency's evaluation of dimethoate.

2. 1,3-Dinitrobenzene

a. Background

1,3-Dinitrobenzene is a nitro aromatic compound that is used as an industrial chemical and formed as a by-product in the manufacture of munitions as well as in the production of other substances (HSDB, 2009). There are no known natural sources of 1,3-dinitrobenzene. Annual production and importation of 1,3-dinitrobenzene in the United States was last reported by CUS–IUR in 1986 to be between 10–50 million pounds (USEPA, 2010b). TRI data indicate 19,858 pounds were released to the environment by industry in 2008 and 10,595 pounds in 2010 (USEPA, 2012a). 1,3-dinitrobenzene appears to be moderately persistent in environmental media and moderately mobile in soil and water, though in soils with high clay content it will be less mobile (USEPA, 2014b).

b. Statutory Criterion #1 (Adverse Health Effects)

1,3-dinitrobenzene meets the SDWA statutory criterion #1 for regulatory determinations; it may cause adverse effect on the health of persons. 1,3-dinitrobenzene has demonstrated adverse health effects in many rodent and occupational studies. Occupational studies indicate that methemoglobinemia, hemolytic anemia, and cyanosis are seen in workers who experience an acute reaction to 1,3-dinitrobenzene (Hajjar et al., 1992). The EPA IRIS assessment (USEPA, 1990b) of the carcinogenicity of 1,3-dinitrobenzene currently lists it as Group D (not classifiable as to human carcinogenicity).

The primary adverse biological effects from exposure to 1,3-dinitrobenzene are on red blood cells, spleen, and testes. The RfD for 1,3-dinitrobenzene is 0.0001 mg/kg/day (Cody et al., 1981). The RfD was derived from a NOAEL of 0.4 mg/kg/day in a subchronic oral study in rats where increased spleen weight was identified as the critical effect (Cody et al., 1981). A composite UF of 3,000 (intraspecies variability, interspecies variability, subchronic to chronic duration, and lack of chronic, developmental, and multigenerational reproductive toxicity studies) was

applied to the NOAEL to obtain the RfD. EPA calculated a non-cancer HRL of 0.7 µg/L for 1,3-dinitrobenzene using the RfD of 0.0001 mg/kg/day for a 70 kg adult ingesting 2 L of drinking water per day and an RSC of 20%.

The current EPA oral RfD value is supported by a more recent 1,3-dinitrobenzene assessment that was conducted by ATSDR, in which an oral intermediate duration minimal risk level of 0.0005 mg/kg/day for splenic hemosiderosis in male rats was established using a LOAEL of 0.54 mg/kg/day (Linder et al., 1986; dose adjusted for a 7-day/week exposure) and a composite UF of 1,000 (intraspecies variability and interspecies variability, LOAEL to NOAEL). Based on EPA assumptions and a composite UF of 3,000 (intraspecies variability, interspecies variability, LOAEL to NOAEL and subchronic to chronic duration) applied to the LOAEL of 0.54 mg/kg/day, the resultant HRL value of 1 µg/L supports the HRL value of 0.7 µg/L derived from the IRIS RfD (ATSDR, 1995). The IRIS assessment (USEPA, 1990b) presents more detailed information about the potential health effects for 1,3-dinitrobenzene.

c. Statutory Criterion #2 (Occurrence at Frequency and Levels of Public Health Concern)

1,3-dinitrobenzene does not meet the SDWA statutory criterion #2 for regulatory determinations; it does not occur with a frequency and at levels of public health concern in public water systems based on EPA's evaluation of the following occurrence information.

The primary data for 1,3-dinitrobenzene are recent (2008–2010) nationally-representative drinking water monitoring data generated through EPA's UCMR 2 (USEPA, 2014d). UCMR 2 is the only dataset with finished water data for this contaminant. UCMR 2 collected 32,017 samples from 4,137 PWSs and 1,3-dinitrobenzene was not detected above the MRL (0.8 µg/L), which is only slightly higher than the HRL (0.7 µg/L).

Findings from the available ambient water data for 1,3-dinitrobenzene are consistent with the results in finished water. Ambient water data in STORET included no measured results above 0.33 µg/L in 143 samples from 70 sites (USEPA, 2012b). It should be noted that some occurrence above the HRL may have gone undetected since reporting levels are not documented.

d. Statutory Criterion #3 (Meaningful Opportunity)

EPA finds that 1,3-dinitrobenzene does not meet the SDWA statutory criterion for regulatory determinations; regulation of 1,3-dinitrobenzene does not present a meaningful opportunity for health risk reduction for persons served by PWSs based on the estimated exposed population, including sensitive populations. The estimated population exposed to 1,3-dinitrobenzene at or above the MRL is 0%; it was not found to occur in finished drinking water at levels > MRL (0.8 µg/L), which is only slightly higher than the HRL (0.7 µg/L), in 32,017 samples and 4,137 PWSs from the UCMR 2 monitoring. As a result, the agency finds that an NPDWR for 1,3-dinitrobenzene does not present a meaningful opportunity for health risk reduction.

EPA also evaluated whether information is available regarding the potential health effects on children and other sensitive populations. Individuals with a genetic predisposition to methemoglobinemia (estimated prevalence in the general population = 1% or 1 per 100) and/or hemosiderosis, neonates, and those co-exposed to other hemolytic agents, could be more sensitive to exposure to 1,3-dinitrobenzene (ATSDR, 1995; Jaffe and Hultquist, 1989). Males having sperm production complications could also have increased sensitivity to 1,3-dinitrobenzene exposure (Hajjar et al., 1992). There is currently no multigenerational animal study available for 1,3-dinitrobenzene, and no data available from studies of 1,3-dinitrobenzene developmental toxicity (Hajjar et al., 1992). However, the RfD incorporated a UF for this database deficiency. The IRIS assessment (USEPA, 1990b) presents more detailed information about the potential health effects and sensitive populations for 1,3-dinitrobenzene.

e. Preliminary Regulatory Determination for 1,3-dinitrobenzene

The agency is making a preliminary determination to not regulate 1,3-dinitrobenzene with an NPDWR after evaluating health, occurrence, and other related information against the three SDWA statutory criteria. While data suggest that 1,3-dinitrobenzene may have an adverse effect on human health, the occurrence data indicate that 1,3-dinitrobenzene is not occurring or not likely to occur in PWSs with a frequency and at levels of public health concern. Therefore, the agency has determined that an NPDWR for 1,3-dinitrobenzene would not present a meaningful opportunity to reduce health risk for persons served by PWSs. The Regulatory Determinations 3 Support Document (USEPA, 2014b) and the Occurrence Data from the Second Unregulated Contaminant Monitoring Regulation (UCMR 2) (USEPA, 2014d) present additional information and analyses supporting the agency's evaluation of 1,3-dinitrobenzene.

3. Strontium

a. Background

Strontium is a naturally occurring element (atomic number 38) and a member of the alkaline earth metals (ANL, 2007). There are several radioactive strontium isotopes formed by nuclear fission of uranium or plutonium. The best known is ^{90}Sr, a legacy from above ground testing of the atomic bomb (half-life 29 years). Since drinking water contamination by radioactive isotopes, including beta particle emitters, is covered under the existing radionuclides rule, this FR notice deals primarily with the stable ^{88}Sr isotope which represents 83% of total environmental strontium (ATSDR, 2004).

Strontium mineral mining ceased in the United States in 1959. The United States imports both strontium minerals for refining and refined strontium containing compounds (USGS, 2009). Imports of strontium minerals and compounds were approximately 31,000 to 38,500 metric tons from 1994 to 2001 and have declined since 2001 (ATSDR, 2004; USGS, 2009). In the United States, total consumption of strontium minerals and compounds was 16,700 metric tons of strontium content in 2004 and approximately 7,750 metric tons in 2008 (USGS, 2009).

Historically, the most important commercial use of strontium has been in the faceplate glass of cathode-ray tube televisions to block x-ray emissions (ATSDR, 2004). Conversely, flat panel televisions incorporating LCD or Plasma displays are not capable of emitting x-radiation; therefore, they do not require strontium (FDA, 2011). As flat panel technology has become widespread in the United States in the last decade, demand for strontium for this application has fallen (USGS, 2009). In 2008, approximately 30% of commercial strontium consumption was in pyrotechnics and signals (as strontium nitrate and other compounds), 30% in ferrite ceramic magnets (as strontium ferrite), 10% in master alloys (as strontium metal), 10% in pigments and fillers (as strontium chromate), 10% in electrolytic production of zinc (as strontium carbonate), and 10% in other applications such as fluorescent lights (strontium phosphate), toothpaste (strontium chloride), and medicines (strontium chloride and strontium peroxide). The feed material for most

applications is strontium carbonate (ATSDR, 2004; HSDB, 2010; USGS, 2009). Strontium can exist in oxidation states 0 and +2; under normal environmental conditions it is found in the +2 oxidation state in various ionic or salt forms. Strontium is considered to have moderate or moderate-to-low mobility in soils. The mobility of strontium in water can increase with increased salt concentrations due to a decrease in sorption to sediments (USEPA, 20104b). The Regulatory Determination 3 Support Document (USEPA, 2014b) for this notice presents more detailed background information on strontium.

b. Statutory Criterion #1 (Adverse Health Effects)

Strontium meets the SDWA statutory criterion #1 for regulatory determinations; it may have an adverse effect on the health of persons. The primary target of strontium exposure is the bone. The chemical similarity of strontium to calcium allows it to exchange imperfectly for calcium in a variety of biological processes; the most important of these is the substitution of calcium in bone, affecting skeletal development. Due to the MOA for strontium toxicity, strontium uptake into bone is affected by the intake of nutrients related to bone formation, such as calcium, phosphorous, and vitamin D (Clarke, 2008; Grynpas and Marie, 1990; Marie et al., 1985). The decreased calcification in bones results in increased width of the epiphyseal cartilage, changes in the pattern of calcification, abnormally long metaphyses, reduction in bone mineralization, and active osteoclasts in young rats (Marie and Hott, 1986; Matsumoto, 1976; Neufeld and Boskey, 1994; Storey, 1961). Due to this effect on growing bones, infants, children, and adolescents are of particular concern as a sensitive population.

A study based on decreased bone calcification rate in male weanling rats (i.e., comparable to the sensitive time period in humans), which administered strontium chloride in drinking water for nine weeks (Marie et al., 1985), was identified by EPA as the critical study for RfD determination. The RfD was established by using the BMD method and based on the lower 95% confidence limit (BMDL) of 328 mg/kg/day for a one standard deviation decrease in bone calcification compared to control. Using a composite UF of 1000 (10 for intraspecies variability, 10 for interspecies variability, and 10 for database uncertainties) the RfD for strontium is calculated to be 0.3 mg/kg/day. This RfD is supported by additional studies reporting bone effects on weanling rats at similar dose levels (Grynpas and Marie, 1990; Storey, 1961). EPA calculated a non-cancer HRL of 1500 µg/L for strontium using the RfD of 0.3 mg/kg/day, a default RSC of 20% and age-specific exposure factors (i.e., drinking water intake expressed as liters per kg of body weight) for the sensitive population of birth through 18 years to reflect the most active period of bone growth and development (see section IV.B.10.d.3).

EPA released an IRIS assessment for strontium in 1992 and developed an RfD of 0.6 mg/kg/day based on the Storey, 1961 study. The IRIS assessment was completed before the 1998 changes to the IRIS program wherein the agency develops and peer reviews a detailed Toxicological Review before posting an IRIS summary. The point of departure for the 1992 IRIS RfD of 0.6 mg/kg/day is a NOAEL of 190 mg Sr/kg-day with a composite UF of 300 (10 for interspecies variability, 3 for intraspecies variability, and 10 for database uncertainties). This would yield an HRL of 3000 µg/L, using the same age-specific exposure adjustment factors described above. If the age-specific exposure adjustment factors were not used, the HRL would be 2000 µg/L based on the OW assessment, or 4000 µg/L based on the IRIS assessment. As noted in section III.C.1.c, EPA evaluates the existing data and performs a literature search for studies published after the available health assessment is completed to determine if new information suggests a different outcome. In cases where the review suggests that a change the existing RfD or cancer assessment is needed, the EPA Office of Water prepares and independently peer-reviews an OW Assessment of the data. In the case of strontium and because newer information provided additional support for the 1985 Marie et al. study, EPA chose to use the BMDL of 328 mg/kg/day from Marie et al., (over the 1961 Storey study) for the following reasons: (a) Marie et al., (1985) reported the doses rather than estimated the doses; (b) the study duration was longer (63 days for Marie as compared to 20 days for Storey); (c) the monitoring of the bone effects for Marie et al., (1985) was more quantitative than the photomicrographs evaluated by Storey (1961); (d) dosing was provided via drinking water, the medium of interest (rather than a weakly soluble SrCO3 in the diet); (e) Marie et al., (1985) reported the strain of rats and the age of the animals, at the time that dosing was initiated and completed; (f) the data were amenable to dose-response modeling to identify the BMD and BMDL; and (g) the dietary calcium provided in the Storey study was three times higher than that in the Marie study, making those rats less at risk due to the calcium and strontium competition for uptake, as verified by a comparison of serum data from the two studies. The OW assessment uses a 10x uncertainty factor for intraspecies variability, rather than the 3x factor used in the 1992 IRIS assessment because it is not clear if the window of vulnerability was adequately captured, since the weanling rats were exposed only for 28–63 days, a period that did not include exposure during gestation, lactation, and through young adulthood. EPA requests comment on its revised RfD calculation and on its proposal to use the OW assessment in lieu of the RfD from the 1992 IRIS assessment.

There is inadequate information to assess the carcinogenic potential of strontium due to the lack of adequate studies of chronic duration. The Health Effects Support Document (USEPA, 2014c) for this determination presents more detailed analysis of the health effects of strontium.

c. Statutory Criterion #2 (Occurrence at Frequency and Levels of Public Health Concern?)

Strontium meets the SDWA statutory criterion #2 for regulatory determinations; it does occur with a frequency and at levels of public health concern in public water systems based on EPA's evaluation of the following occurrence information.

EPA used the National Inorganics and Radionuclides Survey (NIRS) (USEPA, 2008b) as the primary data source to evaluate the occurrence of strontium in PWSs. It provides contaminant occurrence data from 989 CWSs served by ground water sources. Each of these randomly selected PWSs was sampled a single time between 1984 and 1986. Of the 989 systems in NIRS, 980 (99%) had detectable levels of strontium ranging from 1.53 to 43,550 µg/L. The mean concentration was 603 µg/L. Approximately 7.0% (69 of 989) of the NIRS PWSs detected strontium at a level greater than the HRL (1500 µg/L) and 14.3% (141 of 989) detected strontium at a level greater than ½ HRL (750 µg/L). Extrapolated by the total number of ground water CWSs found nationally, this represents 2,798 and 5,718 groundwater CWSs that could have strontium at a level greater than the HRL and the ½ HRL, respectively. These figures are summarized in Table 8 (USEPA, 2014b).

TABLE 8—ESTIMATES OF POPULATION EXPOSED TO STRONTIUM, OBSERVED AND EXTRAPOLATED FROM NIRS

Threshold	National Inorganics and Radionuclides Survey (NIRS)		Extrapolation of NIRS data to groundwater systems nationwide	
	Systems	Population	Systems	Population
Systems with Detectable Concentrations	99.1% (980 of 989)	99.9% (1.481M of 1.482M)	99.1% (39.7K of 40.1K)	99.9% (93.0M of 93.1M)
Systems detecting strontium above one half the HRL (>750 µg/L)	14.3% (141 of 989)	16.6% (246K of 1.5M)	14.3% (5.7K of 40.1K)	16.6% (15.4M of 93.1M)
Systems detecting strontium above the HRL (>1500 µg/L)	7.0% (69 of 989)	10.7% (159K of 1.5M)	7.0% (2.8K of 40.1K)	10.7% (10.0M of 93.1M)

As a point of reference to the earlier IRIS assessment, if EPA used the HRL derived from this assessment of 3000 µg/L, 30/989 systems (3%) would have finished water samples that exceed the HRL using the NIRS data, compared to 69/989 (7%) using the HRL of 1500 µg/L derived from the more recent OW assessment.

Finished water data, analyzed between 1998 and 2005, from Ohio and Illinois are also consistent with the NIRS data. The State of Illinois reported results from testing 21 drinking water samples from 19 PWSs and strontium was detected in all 21 samples (100%) from all 19 systems (100%). Approximately 23.8% (5 of 21) of samples from five systems (26.3%) had strontium at levels greater than the ½ HRL (750 µg/L) and approximately 23.8% (5 of 21) of samples from five systems (26.3%) had strontium at levels greater than the HRL (1500 µg/L) (USEPA, 2012b). The State of Ohio reported results from testing 77 samples from 32 PWSs and strontium was detected in 75 samples (97.4%) from 30 different systems (93.8%). Approximately 27.3% (21 of 77) of samples from 10 systems (31.3%) had strontium at levels greater than the ½ HRL and approximately 23.4% (18 of 77) of samples from seven systems (21.9%) had strontium at levels greater than the HRL (USEPA, 2014b).

Although there are limited surface water data available for strontium, the available data are consistent and demonstrate high occurrence in surface waters. Ambient water data for strontium are also consistent with high occurrence in finished water, which is expected since it is a naturally occurring element. The NAWQA Quality of Public Supply Wells (Toccalino et al., 2010) study collected water samples from source (untreated) groundwater public supply wells in 41 states. Each well was sampled once from 1993–2007 and 100% of samples (503 of 503) had a strontium detection. Of the detections, 25.1% (126 of 503) were above the ½ HRL (750 µg/L) and 12.1% (61 of 503) were above the HRL (1500 µg/L). Additional occurrence information on strontium can be found in the Regulatory Determinations 3 Support Document (USEPA, 2014b).

d. Statutory Criterion #3 (Meaningful Opportunity?)

EPA makes a preliminary finding that strontium meets the SDWA statutory criterion #3 for regulatory determinations; regulation of strontium in drinking water presents a meaningful opportunity for health risk reduction based on the estimated exposed population, potential impacts on sensitive populations and estimated exposure from other sources (e.g., food).

1. National Population Exposed: In the NIRS dataset 989 ground water systems were sampled serving a population of 1.48 million. The NIRS data indicates that the population exposed to strontium at a level greater than the HRL (1500 µg/L) is 158,557 (11%) and the ½ HRL (750 µg/L) is 245,870 (17%) (USEPA, 2012b). EPA also performed national extrapolations generated by multiplying the NIRS findings of system/population percentages and the national system/population inventory numbers for PWSs developed from EPA's Safe Drinking Water Information System, the CWSS, and UCMR. Out of the 93.1 million people served by 40,106 ground water CWSs in the nation, the national extrapolation indicates that 10.0 million may be exposed to concentrations greater than the HRL (1500 ug/L) and 15.4 million may be exposed to concentrations greater than the ½ HRL (750 ug/L). The system and population estimates are summarized in Table 8.

Strontium occurs naturally and is abundant in the environment. Its occurrence in water at concentrations >HRL may be a reflection of the geologic and geochemical setting of the source waters for PWSs. The NIRS drinking water data showed that strontium was detected in one or more systems sampled in all 48 continuous states, Alaska and Puerto Rico (Hawaii was not included in NIRS). The occurrence data (e.g., NIRS) show that PWSs with strontium at concentrations greater than the HRL and the ½ HRL occur in 26 states and 34 states, respectively (USEPA, 2014b).

2. Exposure from media other than water: EPA has determined that there is a meaningful opportunity to regulate strontium in drinking water to reduce the public's overall exposure after evaluating the available exposure data from media other than water. Although strontium is known to occur in food, air, and soil, data on levels in those media are limited as are estimates of intake from those sources. Therefore, EPA used the default 20% RSC to calculate the HRL. This section provides a summary of the available exposure data.

An FDA Total Diet Study by Pennington and Jones (1987) collected 234 individual foods in 1984 from three cities in one region of the country and indicated dietary intakes of 493 µg/day for young children (6 to 11 months), 928 to 1,388 µg/day for 14 to 16 year old adolescents, and 979–1,489 µg/day for adults. The FDA Total Diet Study foods are prepared with distilled water and do not reflect any contributions from the cooking water during preparation of foods that absorb water such as rice and pasta. Thus, the strontium in many foods will be impacted by the strontium levels in the local water supply. Using the mean of the detected water concentrations from the NIRS dataset (603 µg/L), the estimated water intake for young children (90th percentile water intake of 1L/day) is 603 µg/day and 1,206 µg/day for adults (90th percentile water intake of 2L/day). The estimated strontium intakes from air and soil are very low compared with those from food and drinking water. The estimated air exposure for children is 0.1 µg/day and for adults is 0.3 µg/day (Dzubay and Stevens, 1975). The estimated exposure from soil is 24 µg/day for children and 12 µg/day for

adults (Shacklette and Boerngen, 1984). No data were identified on consumer products, such as toothpaste that contain strontium as an ingredient or impurity.

3. Sensitive populations: Children are expected to be a sensitive population, since they are actively growing and strontium can substitute for calcium in growing bone. This means that changes in bone structure and homeostasis may have more severe and/or a long-term impact than similar changes in adults. These effects would be expected to have the greatest impact during periods of rapid growth in the developing fetus, during childhood and adolescence, particularly if their calcium intake is insufficient (Abrams et al., 2000; Lee et al., 1996; Matkovic et al., 2005; Storey, 1961). The estimated populations of pregnant women (and thus fetuses) and of children (<17 years old) are 6 and 75 million, respectively (O'Day et al., 1998). The RfD was based on changes in bone growth in weanling rats (i.e., the sensitive population). As a result, the data do not include the risk during prenatal development and lactation so these factors were considered when selecting the UFs used to derive the RfD. Age-specific exposure factors (USEPA, 2012c) were also used to reflect the sensitive population (birth through 18 years) in derivation of the HRL. Exposures from drinking water at or below the HRL (1500 µg/L) are expected to be protective of the sensitive population, assuming that 80% of exposure comes from other sources such as air, soil and food.

The toxic effects of strontium result from strontium ions substituting for calcium ions, therefore calcium deficiency would be expected to result in increased risk among sensitive populations. In this respect, it is important to note that recent NHANES data indicate that about 50% of females, nine years and older, fail to receive adequate calcium from diet and supplements on a daily basis (IOM, 2010). Groups with higher risks of becoming calcium deficient include: Adolescent girls, postmenopausal women, amenorrheic women, female athletes, vegans, and individuals with lactose intolerance or cow's milk allergies (IOM, 2010; NIH, 2011a).

The major route of elimination of strontium is via the kidneys, therefore individuals with impaired renal function are another sensitive population. This population may potentially have impaired strontium clearance, as has been shown in renal failure patients. There are approximately 20 million people (10%) above the age of 20 with chronic kidney disease (CDC, 2010) and 548,000 people with kidney end-stage renal disease (USRDS, 2010), who may be at an increased risk. People with disorders affecting the normal equilibrium between the breakdown of old bone and the formation of new bone (such as Paget's disease) might also be sensitive to strontium exposure (D'Haese et al., 1999, 2000; Schrooten et al., 1998, 2003; Tothill et al., 1983). According to the National Institute of Arthritis and Musculoskeletal and Skin Diseases, there are approximately 1 million people (1.2 people per 100 men and women age 45 to 74) diagnosed with Paget's disease of the bone (NIH, 2011b). The Health Effects Support Document (USEPA, 2014c) for strontium presents more detailed information about the potential health effects and sensitive populations. Because the RfD includes an uncertainty factor of 10 for intraspecies variability, the RfD is also expected to be protective of these sensitive populations.

d. Preliminary Regulatory Determination

At this time, the agency is making a preliminary determination to regulate strontium with an NPDWR after evaluating the available health, occurrence, and other related information against the three SDWA statutory criteria. Specifically, it is EPA's preliminary determination that (a) strontium may have an adverse effect on the health of persons, (b) it is known to occur or there is substantial likelihood that strontium will occur in public water systems with a frequency and at levels of public health concern, (c) regulation of strontium with an NPDWR presents a meaningful opportunity to reduce health risks for persons served by PWSs.

It is important to note that the agency included strontium in UCMR 3. As of January 2014, a preliminary analysis (USEPA, 2014e) of the first nine months of the UCMR 3 monitoring data indicate that 4.9% (70 of 1,423) of systems, 3.8% (175 of 4,547) of entry points, and 3.9% (274 of 7,061) of samples have detects of strontium at levels greater than the HRL of 1500 µg/L. While EPA believes the occurrence data from NIRS (in concert with the supplemental information discussed earlier) are sufficient to make the regulatory determination, the agency believes the additional monitoring results from UCMR 3 will assist EPA in making the final regulatory determination for strontium and in developing the proposed NPDWR. As noted in section III.A.3, this regulatory determination process is distinct from the more detailed analyses needed to develop a national primary drinking water regulation. To inform the agency, the EPA plans to conduct more extensive field testing of treatment technologies to assess the effectiveness of strontium removal in PWSs prior to promulgating a national primary drinking water regulation. Thus a decision to regulate is the beginning of the agency's regulatory development process, not the end. As the agency collects additional information about drinking water and other sources of exposure (and performs more detailed analyses), this information will inform the agency's opinion as to whether strontium should be regulated. The agency asks the public to submit any data or information that may be useful in evaluating drinking water and other sources of exposure (e.g., food, food prepared in drinking water, air, soil, etc.).

4 and 5. Terbufos and Terbufos Sulfone

a. Background

Terbufos is a phosphorodithioate pesticide (i.e., an organophosphate) used as an insecticide-nematicide to control a variety of insect pests, primarily used on corn and sugar beets (USEPA, 2006c). Terbufos sulfone is a degradate of terbufos. EPA's most recent Pesticide Industry Sales and Usage report states that between 5 and 7 million pounds of terbufos active ingredient were used in 1999 and between 3 and 5 million pounds of active ingredient were used in 2001 (USEPA, 2004). There are no industrial release data available for terbufos from TRI. As a pesticide degradate, terbufos sulfone is neither produced nor used commercially. Total toxic residues of terbufos and degradates are highly mobile and persistent in the environment, with terbufos sulfone being more mobile and substantially more persistent than terbufos (USEPA, 2006c).

b. Statutory Criterion #1 (Adverse Health Effects?)

Terbufos and its degradate, terbufos sulfone, meet the SDWA statutory criterion #1 for regulatory determinations; they may cause an adverse effect on the health of persons. Terbufos and terbufos sulfone belong to a group of pesticides called organophosphates, which share a common mechanism of toxicity. Organophosphates affect the proper function of the nervous system by inhibiting ChE, an essential enzyme in neurotransmission. There has been no evidence that terbufos is carcinogenic in animal studies (Rapp, 1974; Silverman

et al., 1986) and it is classified as a class D carcinogen (inadequate evidence of carcinogenicity) (USEPA, 1988). Overall, health effects information for the terbufos sulfone degradate is lacking; there are no long-term studies or cancer classification for terbufos sulfone.

The 2006 OPP RED assessment (USEPA, 2006c) established an oral RfD for terbufos of 0.00005 mg/kg/day, derived from the NOAEL of 0.005 mg/kg/day for ChE inhibition in the 28-day and 1-year dog studies by Shellenberger (1984) and Shellenberger and Billups (1986). A composite UF of 100 (interspecies and intraspecies variability) was applied to the NOAEL to obtain the RfD. EPA calculated a non-cancer HRL of 0.35 µg/L for terbufos using the RfD of 0.00005 mg/kg/day for a 70 kg adult ingesting 2 L of drinking water per day and an RSC of 20%. The agency has not developed an RfD for terbufos sulfone because subchronic and chronic studies are not available. However, Bailey (1988) conducted a 14-day study of both terbufos and its sulfone degradate in dogs. The NOAEL based on ChE activity for terbufos sulfone was greater than the LOAEL of 2.5 mg/kg/day for the same endpoint following 14-day dosing with the parent compound terbufos. This suggests that the terbufos sulfone degradate is less toxic than its parent, and that the use of the terbufos HRL of 0.35 µg/L for the degradate, terbufos sulfone, is acceptable. The OPP RED (USEPA, 2006c) presents more detailed information about the health effects for terbufos and terbufos sulfone.

c. Statutory Criterion #2 (Occurrence at frequency and levels of public health concern?)

Terbufos and terbufos sulfone do not meet the SDWA statutory criterion #2 for regulatory determinations; they do not occur with a frequency and at levels of public health concern in public water systems based on EPA's evaluation of the following occurrence information.

The primary data for terbufos sulfone are nationally-representative finished water monitoring data generated through EPA's UCMR 2 (2008–2010) (USEPA, 2014d). UCMR 2 collected 32,012 finished water samples from 4,138 PWSs (serving ~ 230 million people) and terbufos sulfone was detected in only one sample, at a concentration of 0.42 µg/L. The MRL was 0.4 µg/L, which is slightly higher than the HRL (0.35 µg/L) (USEPA, 2012d). The primary data for terbufos are from the UCMR 1 screening survey (2001–2003) (USEPA, 2008c). The UCMR 1 screening survey collected 2,301 finished water samples from 295 PWSs. Terbufos was not detected at levels at or above the MRL (0.5 µg/L), which is slightly higher than the HRL (0.35 µg/L) (USEPA, 2008c). Finished water data for terbufos and terbufos sulfone from California, Iowa, USDA, and USGS are also consistent with the UCMR 1 and UCMR 2 data. The State of California reported no detections of terbufos in 191 samples from 23 PWSs (see USEPA, 2014b). The State of Iowa reported no detections of terbufos sulfone from 13 wells (see USEPA, 2014b). The USDA PDP monitored for terbufos (2,597 samples) and terbufos sulfone (2,923 samples) in finished water from 2001 to 2009 and reported no detections at or above method reporting levels ranging from 0.005 µg/L to 0.1 µg/L (USDA, 2012: USEPA, 2014b). The USGS PMP monitored for terbufos in finished water in 1999 and reported no detections, at or above their method reporting level of 0.013 µg/L (Blomquist et al., 2001).

Terbufos and (very limited) terbufos sulfone occurrence data for ambient water from EPA, STORET, and several USGS programs or studies are consistent with those for finished water. The USGS NAWQA Program (1992–2001) reported no groundwater detections above the ½ HRL (0.175 µg/L) or the HRL (0.35 µg/L) for terbufos in 20,960 samples at 7,118 sites. NAWQA reported surface water detections for terbufos in 28 of 14,480 samples (0.19%) at 20 of 1,907 sites (1.05%). Of the 28 surface water detections for terbufos, only four samples (0.03%) at four sites (0.21%) were above the ½ HRL and only one sample (0.01%) at one site (0.05%) was above the HRL (Gilliom et al., 2007). The NAWQA Carbonate Aquifer Study (1993–2005; Lindsey et al., 2008) and the NAWQA Domestic Well Water Quality Study (1991–2004; DeSimone, 2009) reported no detections for terbufos above the ½ HRL or the HRL in 1,027 and 2,539 samples, respectively. The NAWQA National Synthesis Program (1992–2001) reported no groundwater detections for terbufos above the ½ HRL or the HRL and one surface water detection (0.56 µg/L), from agricultural sites, above the HRL (Gilliom et al., 2007).

Ambient water data from a two phase USGS study conducted between 2002 and 2005 by Hopple et al. (2009) and Kingsbury et al. (2008) reported no terbufos detections in the 221 Phase 1 groundwater samples nor the 146 Phase 1 surface water samples. In Phase 2, there were no detections of terbufos from 48 raw and 48 finished groundwater samples. Ambient water data from a USGS study conducted between 1993 and 2007 by Toccalino et al. (2010) reported no terbufos detections in 898 groundwater samples.

Terbufos ambient data reported in EPA's OPP RED for Terbufos (USEPA, 2006c) document included 20 detections in 4,563 groundwater samples from 13 States. The detections ranged from 0.01 to 20 µg/L, a range that extends both above and below the ½ HRL (0.175 µg/L) and the HRL (0.35 µg/L). The USGS PMP monitored for terbufos in ambient water in 1999 and reported no detections (Blomquist et al., 2001).

Terbufos ambient data are reported in STORET from 17 States (USEPA, 2012b). No groundwater detections were reported in 699 samples at 441 sites. STORET reported surface water detections in 457 of 5,826 samples (7.84%) at 138 of 625 sites (22.1%). Of the 457 surface water detections, only 23 samples (0.39%) at 14 sites (2.24%) were above the ½ HRL and only two samples (0.03%) at two sites (0.32%) were above the HRL.

d. Statutory Criterion #3 (Meaningful Opportunity?)

Terbufos and terbufos sulfone do not meet the SDWA statutory criterion #3 for regulatory determinations; regulation of terbufos and terbufos sulfone do not present a meaningful opportunity for health risk reduction based on the estimated population exposed, including sensitive populations. The estimated population exposed to terbufos at or above the MRL is 0%; the compound was not found to occur in finished water at levels greater than or equal to the MRL (0.4 µg/L), which is slightly higher than the HRL (0.35 µg/L), in 2,301 samples from 295 PWSs in UCMR 1 (USEPA, 2008c). The estimated population exposed to terbufos sulfone at a level of public health concern (based on the HRL for terbufos) is 44,600 (0.02% of the population served by PWSs); there was only one detection greater than the HRL in 4,138 PWSs (1 of 32,012 samples in UCMR 2) (USEPA, 2014d). As a result, the agency finds that an NPDWR does not present a meaningful opportunity for health risk reduction.

EPA also evaluated whether health information is available regarding the potential health effects on children and other sensitive populations. Developmental studies with terbufos in rats and rabbits did not find any developmental effects (USEPA, 2003c). There are no data on reproductive and developmental effects for terbufos sulfone. No sensitive populations were identified or characterized. The OPP RED (USEPA, 2006c) presents more

detailed information about the potential health effects and sensitive populations for terbufos and terbufos sulfone.

e. Preliminary Regulatory Determination

The agency is making preliminary determinations to not regulate terbufos and terbufos sulfone with NPDWRs after evaluating health, occurrence, and other related information against the three SDWA statutory criteria. While the data suggests that terbufos and terbufos sulfone may have adverse effects on human health, the occurrence data indicate there is no substantial likelihood that terbufos or terbufos sulfone will occur in PWSs with a frequency and at levels of public health concern. Therefore, the agency finds that NPDWRs for terbufos and terbufos sulfone would not present meaningful opportunities to reduce health risk for persons served by PWSs. The Regulatory Determinations 3 Support Document (USEPA, 2014b) presents additional information and/or analyses supporting the agency's evaluation of terbufos and terbufos sulfone.

V. What is the Status of the Agency's Evaluation of Chlorate and Nitrosamines?

The agency will review the existing MDBP regulations as part of the SY3. Because chlorate and nitrosamines are DBPs that can be introduced or formed in public water systems partly because of disinfection practices, the agency believes it is important to evaluate these unregulated DBPs in the context of the review of the existing DBP regulations. DBPs need to be evaluated collectively, because the potential exists that the chemical disinfection used to control a specific DBP could affect the concentrations of other DBPs. Therefore, the agency is not making a regulatory determination for chlorate and nitrosamines at this time. The agency expects to complete the review of these DBPs by the end of 2015.

A. Chlorate

The following sections provide the background, health and occurrence information/data that the agency has collected to date for chlorate. If the public has any additional health and occurrence information that may be useful as the agency evaluates chlorate in the context of the existing MDBP rules, please provide this information to the docket.

1. Background

The chlorate anion (ClO_3^-) forms a variety of salts (e.g., sodium chlorate, calcium chlorate, potassium chlorate, and magnesium chlorate) collectively known as chlorates, which are powerful oxidizers. Chlorate compounds (especially sodium chlorate) are used as herbicides and to generate chlorine dioxide (ClO_2) as a bleaching agent (USEPA, 2006a). Disinfection practices are the most important source of chlorate in drinking water; this includes formation as a DBP from use of chlorine dioxide and its presence in hypochlorite disinfectants as an impurity (USEPA, 2006a).

Chlorate can be formed during decomposition of hypochlorite (ClO^-) solutions, which are used as a disinfectant and/or oxidant in water treatment. Hypochlorite solutions that are more aged are generally less effective and require higher doses to achieve the treatment (disinfection) objectives, which can result in more chlorate to be introduced into the chlorinated water. In addition to being a DBP (along with chlorite) formed from the use of chlorine dioxide as a disinfectant, chlorate ion may also be present as an impurity in the chlorine dioxide (Gates et al., 2009; USEPA, 2006a). Chlorate can also form by the reaction of chlorite with free chlorine applied as a residual disinfectant in the distribution system (Gallagher et al., 1994). In addition, chlorite can be oxidized by a strong oxidant (such as ozone) to produce chlorate in the water (von Gunten, 2003). Chlorate salts readily dissolve in water and are highly mobile because of the absence. In the absence of redox reactions, the chlorate ion would be expected to partition predominantly into water and to be highly mobile in water. However, under most environmental conditions chlorate is subject to redox reactions, which are expected to reduce the concentration of chlorate in the water column (USEPA, 2006a).

2. Health Effects Information

Acute ingestion of high levels of sodium chlorate has resulted in acute kidney failure and hemolysis among other effects based on numerous case reports of individuals accidently ingesting high levels of chlorate compounds (USEPA, 2006b; WHO, 2005). A population-based case-control study of chlorate as a DBP at concentrations >200 µg/L identified significantly increased odds ratios for obstructive urinary defects, cleft palate, and spina bifida (Righi et al., 2012). The median chlorate exposure for the study population was 280 µg/L. In a case-control study of the same population in Italy, Aggazzotti et al. (2004) found no association between preterm births and exposure to chlorate.

The animal studies provide clear and consistent evidence that subchronic and chronic exposure to chlorate results in effects on blood and thyroid. Subchronic studies in rats have reported decreased hemoglobin, hematocrit, and red blood cell (RBC) counts (Abdel-Rahman et al., 1984; Barrett, 1987; McCauley et al., 1995) and thyroid colloid depletion, follicular cell hypertrophy and hyperplasia (Hooth et al., 2001).

A chronic study based on increased thyroid gland follicular cell hypertrophy in male rats (NTP, 2005a) was identified as the critical study for establishing an RfD of 0.03 mg/kg/day (USEPA, 2006b). The RfD was derived by using the BMD method and based on the lower 95% confidence limit (BMDL) of 28 mg/L as sodium chlorate (22 mg/L as chlorate), corresponding to 0.9 mg/kg/day (USEPA, 2006b), with a composite UF of 30 for intraspecies (i.e., sensitive populations) and interspecies variability (i.e., thyroid hormone differences between humans and rats). EPA calculated a non-cancer HRL of 210 µg/L for chlorate using the RfD of 0.03 mg/kg/day for a 70 kg adult ingesting 2 L of drinking water per day and an RSC of 20%.

A cancer risk assessment was not conducted for chlorate because sodium chlorate is classified as not likely to be carcinogenic to humans at doses that do not alter thyroid hormone homeostasis under the USEPA (2005b) Cancer Guidelines. The RfD is protective against acute alterations in thyroid homeostasis and therefore considered to also be protective of tumorigenicity as well as other chronic and subchronic adverse health effects discussed in the literature (Hooth et al., 2001; Khan et al., 2005; NTP, 2005a).

EPA also evaluated whether health information is available regarding sensitive populations. According to the OPP RED, there was no pre- or postnatal sensitivity or susceptibility observed in the submitted developmental studies in rats and rabbits or the 2-generation reproduction study in rats. However, there is a concern for developing offspring because of the effects of inorganic chlorate on thyroid function in rats (USEPA, 2006a). Chlorate is one of a number or inorganic ions that may interfere with iodine uptake by the thyroid, but chlorate is not highly potent in this respect (Van Sande et al., 2003).

Chlorate may also cause hemolysis, thus persons with low red blood cell counts such as those with anemia may be particularly sensitive to sodium chlorate. Data from the 1994 National Health Interview Survey (O'Day et al.,

1998) indicate that there were about 5 million people in the U.S. who suffered from some form of anemia. About 3 to 5% of the population may have an inherited glucose-6-phosphate dehydrogenase (G6PD) deficiency, with males more sensitive than females (Luzzatto and Mehta, 1989), and about 1% may have a form of hereditary methemoglobinemia (Jaffe and Hultquist, 1989). Each one of these conditions is a contributor to low red blood cell counts within the population. Individuals co-exposed to other ions that decrease iodine uptake by the thyroid or have low RBC counts may be more sensitive to chlorate exposure.

3. Occurrence Data and Information

a. Drinking Water

The 1997–1998 DBP ICR is currently the best available data source for characterizing the national occurrence baseline for chlorate. The DBP ICR, which included monitoring data for 296 water systems serving 100,000 people or more (representing a total population of 130 million), required water systems that use hypochlorite solutions or chlorine dioxide for disinfection to monitor for chlorate (USEPA, 1996). Subsequently, 82 water systems serving approximately 40 million people monitored and reported chlorate occurrence under the DBP ICR (using an MRL of 20 µg/L). Table 9 presents the number and percentage of samples and systems (along with the population served) that measured chlorate at levels exceeding the specified threshold concentrations (i.e., HRL and ½ HRL). These samples were associated with 41.5% (34 of 82) of the ICR systems using hypochlorite solutions or chlorine dioxide for disinfection and 11.5% (34 of 296) of all of the ICR systems. EPA assumes there was no occurrence of chlorate among the ICR systems that were not required to monitor for it, since they use disinfection techniques not expected to produce chlorate. Approximately 51.1% (878 of 1,719) of ICR samples from the finished water or distribution system of the systems required to monitor had chlorate at levels greater than the ½ HRL (105 µg/L) and 19.3% (332 of 1,719) had chlorate at levels greater than the HRL (210 µg/L). The samples greater than the ½ HRL were associated with 73.2% (60 of 82) of the ICR systems using hypochlorite solutions or chlorine dioxide for disinfection and 20.3% (60 of 296) of all ICR systems (including those that were not required to monitor for chlorate). The samples greater than the HRL were associated with 41.5% (34 of 82) of the ICR systems using hypochlorite solutions or chlorine dioxide for disinfection and 11.5% (34 of 296) of all ICR systems (including those that were not required to monitor for chlorate) (McGuire et al., 2002).

Since the DBP ICR was completed in 1998, these data likely underestimate current (2012) chlorate occurrence among the systems serving 100,000 people or more for the following two reasons: (1) Some of these systems may have changed the disinfectant type from chlorine gas to chlorine dioxide for compliance with the existing Stage 1 or Stage 2 DBP rules; and/or (2) some systems may have switched from chlorine gas to hypochlorite solution due to a security concern (i.e., a concern of safety of transportation and storage for chlorine gas). Disinfection surveys conducted by the AWWA Disinfection Systems Committee in 1998 and 2007 have confirmed that chlorine dioxide and hypochlorite use has increased (AWWA Disinfection Systems Committee, 2008a, 2008b; Connell et al., 2000a, 2000b).

TABLE 9—SUMMARY OF CHLORATE MONITORING RESULTS UNDER THE DBP ICR

Chlorate threshold	Of DBP ICR PWSs that monitored for chlorate, samples and PWSs with at least one detection > threshold *		Of all DBP ICR PWSs, PWSs with at least one detection > threshold and estimated population served **	
	Number (percentage) of DBP ICR samples with detection > threshold	Number (percentage) of DBP ICR PWSs with at least one detection > threshold	Number (percentage) of DBP ICR PWSs with at least one detection > threshold *	Population served by DBP ICR PWSs with at least one detection > threshold **
HRL (210 µg/L)	332 of 1,719 (19.3%)	34 of 82 (41.5%)	34 of 296 (11.5%)	11.8 of 130 million (9.1%)
½ HRL (105 µg/L)	878 of 1,719 (51.1%)	60 of 82 (73.2%)	60 of 296 (20.3%)	31.7 of 130 million (24.4%)

* 82 PWSs that used hypochlorite or chlorine dioxide were required to monitor for chlorate during the DBP ICR monitoring period, based on their potential to form chlorate. Number and percentage of samples and PWSs are based on those 82 PWSs that monitored for chlorate.

** The number and percentage of PWSs and population served > threshold is based on all 296 systems. EPA assumes that the 214 systems not required to monitor do not have chlorate concentrations above the thresholds.

Finished water data for chlorate from California collected between 2001 and 2007 show lower occurrence compared to the DBP ICR. The State of California reported results from testing more than 1,200 drinking water samples from 45 PWSs and chlorate was detected in 945 samples (78.4%) from 24 different systems (53.3%) (Ranalli, B., 2013). Approximately 41.6% (501 of 1,205) of samples from 17 systems (37.8%) had chlorate at levels greater than the ½ HRL (105 µg/L) and approximately 12.4% (149 of 1,205) of samples from 10 systems (22.2%) had chlorate at levels greater than the HRL (210 µg/L) (Ranalli, B., 2013).

It is important to note that the agency included chlorate in the UCMR 3, which is currently in process. UCMR 3 will provide a national dataset of chlorate occurrence in drinking water and will update the occurrence data provided by the DBP ICR.

Ambient water data for chlorate are limited, but chlorate could be present in areas where it is used as an herbicide or discharged from paper plants where it is used as a bleaching agent. Since chlorate is a DBP, higher concentrations are expected in finished water than in ambient water.

b. Exposure from media other than water

There is very little quantitative information available on the occurrence of chlorate in food, air, and soil or other products resulting in residential exposures. Without reliable estimates of intakes, it is not possible to estimate the contribution of drinking water to total exposure. However, based on modeling results, the agency estimated that the chlorate intake from food (as a result of sodium chlorate use as a pesticide) for the overall population is approximately 3 µg/kg-day, with somewhat higher intakes for children under five years old

of approximately 5 to 8 µg/kg-day (USEPA, 2006a). Additional food exposure from use of sanitizing solutions in food preparation plants (e.g., equipment and contact surfaces) and processing (e.g., bleaching agent) may also be a source of exposure (21 CFR section 178.1010). Intake for adults from dietary supplements containing chlorate may range from 0.001 to 0.29 µg/kg-day.

B. Nitrosamines Group (6 Nitrosamines)

The following sections provide the background, health and occurrence information/data that the agency has collected to date for nitrosamines. If you have any additional health and occurrence information that may be useful as the agency evaluates nitrosamines in the context of the regulatory review of existing MDBP rules, please provide this information to the docket.

1. Background

Nitrosamines are a class of nitrogen-containing organic compounds that share a common nitrosamino functional group (HSDB, 2010). EPA included five nitrosamine compounds on the CCL 3: N-nitrosodimethylamine (NDMA), N-nitrosodiethylamine (NDEA), N-nitrosodi-n-propylamine (NDPA), N-nitrosopyrrolidine (NPYR), and N-nitrosodiphenylamine (NDPhA). EPA monitored six nitrosamines under UCMR 2 using EPA Analytical Method 521, four of which are CCL 3 compounds (i.e., NDMA, NDEA, NDPA, NPYR), and two non-CCL 3 nitrosamines [i.e., N-nitrosomethylethylamine (NMEA) and N-nitrosodi-n-butylamine (NDBA)]. The fifth CCL 3 nitrosamine compound, NDPhA, was not monitored under UCMR 2 due to lack of a reliable analytical method. Although other nitrosamines (e.g., N-nitrosomorpholine, N-nitrosopiperidine) have been identified in finished water (Mitch et al., 2009), they were also not included in UCMR 2 for similar analytical reasons. The nitrosamines from the UCMR 2 thus comprise the list of six nitrosamines that moved forward to the data evaluation phase of regulatory determination and are the focus of the information that follows below.

All six nitrosamines may be produced in small quantities for research purposes, but only one (NDEA) is currently produced commercially in the United States. NDEA is used as an additive in gasoline and in lubricants, as an antioxidant, and as a stabilizer in plastics, though no data are available about quantities used (HSDB, 2010). NDMA was once used in the production of rocket fuel, as a solvent, and as a rubber accelerator. It was also used or proposed for use as an antioxidant, an additive for lubricants, and a softener for copolymers (ATSDR, 1989). There are no production data on any of the nitrosamine compounds from EPA's Inventory Update Reporting (IUR) program.

NDMA can be formed as an unintended byproduct of manufacturing processes that involve the use of nitrite or nitrate and amines, including tanneries, fish processing plants, foundries, and pesticide, dye, rubber or tire manufacturing plants (ATSDR, 1989). Nitrosamines have been found in tobacco products, cured meats, ham, bacon, beer, whiskey, fish, cheese, soybean oil, toiletries, household cleaners, pesticides, rubber baby bottle nipples and pacifiers (ATSDR, 1989; Drabik-Markiewicz et al., 2009; Fine et al., 1977; NTP, 2011; Pérez et al., 2008; Yurchenko and Mölder, 2007).

NDMA is commonly present in municipal sewage sludge (ATSDR, 1989). NPYR has also been detected in municipal sewage sludge (HSDB, 2010). ATSDR (1989) cites several studies indicating that nitrosamine formation in sewage sludge appears to be the result of biological and chemical transformation of alkylamines in the presence of nitrite. In addition, nitrosamines may form in air, soil, water, sewage, food, animal systems and other media where precursors (e.g., amines and nitrite) are present (HSDB, 2010). NDMA can be produced endogenously in humans from the interaction of nitrates and nitrites with amines in the stomach (Mirvish 1975, 1992; Tricker et al., 1994).

As described in the following occurrence section, nitrosamines in finished water are commonly considered as DBPs because most of the literature indicates that the main source of nitrosamines in finished water is associated with water treatment, particularly from disinfection with chloramines. NDMA is the predominant species of nitrosamines found in finished water; other nitrosamines are detected less frequently. Based on their physical and chemical properties, the nitrosamines appear to be moderately to very mobile in the environment (the exception being NDBA, which is of low mobility). The nitrosamines are subject to a variety of removal mechanisms when present in soil and water, including volatilization (particularly NDMA), photodegradation, and microbial degradation, although the rates and extent of biodegradation are highly variable (HSDB, 2010).

2. Health Effects Information

As the more thoroughly studied nitrosamine compared to the other nitrosamine compounds, NDMA provides epidemiological case-control and other evidence that human nitrosamine exposure is associated with an increased risk of several types of cancer, including cancer of the stomach, esophagus, oral cavity, and pharynx (La Vecchia et al., 1995; Larsson et al., 2006; Loh et al., 2011; Straif et al., 2000). In accordance with the most recent Guidelines for Carcinogen Risk Assessment (USEPA, 2005b), EPA has categorized the six nitrosamine compounds as likely to be carcinogenic to humans based on sufficient evidence of carcinogenicity in animal studies with multiple tumor types (predominately liver and esophageal) in multiple animal species (e.g., rats, mice, and hamsters) (Clapp et al., 1968, 1971; Druckrey et al., 1967; Lijinsky, 1987a, 1987b; Peto et al., 1991a, 1991b). All of the six nitrosamines have been determined to cause cancer through a mutagenic MOA because of DNA adduct formation leading to errors in DNA replication, altered cell proliferation and ultimately tumors (Diaz Gomez et al., 1986; Goto et al., 1999; Jarabek et al., 2009; Souliotis et al., 1998). The mutagenic MOA is supported by positive findings from mutagenicity and genotoxicity *in vitro* and *in vivo* studies (Gollapudi et al., 1998; Kushida et al., 2000; Martelli et al., 1988, Robbiano et al., 1996, Tinwell et al., 1994).

With a mutagenic MOA, Age Dependent Adjustment Factors (ADAFs) are used to account for the potential increased cancer risk due to early-life exposure for infants and children (USEPA, 2005c). The age-adjusted unit risk is determined by summing up each of the time-weighted unit risks for the three ADAF developmental groups. The age-adjusted unit risks include a ten-fold adjustment for birth to <2 years, a three-fold adjustment for 2 years to <16 years, and no additional adjustment for exposures later in life, in conjunction with age-specific drinking water intake values (USEPA. 2012c), and the fraction of a 70-year lifetime applicable to each age period. The main cancer risk values used to derive the HRLs are further explained in section III.C.1 and are also summarized for nitrosamines in Table 10 below.

TABLE 10—EPA DERIVED RISK VALUES AND HRLS FOR THE SIX INDIVIDUAL NITROSAMINES

Nitrosamines	Studies for establishing a slope factor	Cancer slope factor $(mg/kg/day)^{-1}$	[1] Age-adjusted unit risk $(\mu g/L)^{-1}$	[2] HRL ($\mu g/L$)	[3] HRL (ng/L)
NDBA	Liver and esophageal tumors in rats (Druckrey et al., 1967).	0.4	3.0×10^{-5}	3×10^{-2}	30
NDEA	Liver and esophageal tumors in rats (Peto et al., 1991a,b).	30	2.3×10^{-3}	4×10^{-4}	0.4
NDMA	Liver tumors in rats (Peto et al., 1991a,b)	21	1.6×10^{-3}	6×10^{-4}	0.6
NDPA	Liver and esophageal tumors in rats (Druckrey et al., 1967).	2	1.5×10^{-4}	7×10^{-3}	7
NMEA	Liver tumors in rats (Druckrey et al., 1967)	4	3.0×10^{-4}	3×10^{-3}	3
NPYR	Liver tumors in rats (Peto et al., 1984)	7	5.3×10^{-4}	2×10^{-3}	2

[1] Based on the recommendations of the U.S EPA's 2005 *Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens,* the Unit Risk applicable to exposures beginning in early-life was adjusted with ADAFs and age-specific drinking water intakes resulting in a lifetime value of unit risk for exposure to 1 μg/L of a contaminant. The calculation for Age-Adjusted Unit Risk = Σ(CSF × ADAF × DWI/BWR × CW × F). The risk calculations for each individual nitrosamine can be found in the HESDs.

[2] The cancer HRL is determined by dividing the population risk level, one-in a million (10^{-6}), by the age-adjusted unit risk.

[3] The nitrosamine HRL values are converted to ng/L units by multiplying the μg/L values by 1000.

As shown in table 10, the available data indicate a range of cancer risk values for the individual nitrosamines. Moreover, when multiple nitrosamines from this group are present in finished water together, their individual cancer risks are additive (Berger et al., 1987).

EPA also evaluated whether health information is available regarding sensitive populations. The fetus, newborns, and infants may be potentially sensitive to the carcinogenic effects of nitrosamines due to the mutagenic MOA and evidence of transplacental carcinogenicity (Althoff et al., 1977; Donovan and Smith, 2008). Studies have found that younger rats were more susceptible to the development of liver tumors compared to rats exposed later in life to nitrosamines (Gray et al., 1991; Peto et al., 1984; Vesselinovitch et al., 1984). EPA's *Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens* (USEPA, 2005c) indicates that potential increased cancer risk due to early-life exposure should be taken into account for such compounds when there is the potential for greater susceptibility for structural changes to DNA leading to tumors when the exposures occur in infancy or childhood. Thus, the *Supplemental Guidance* (USEPA, 2005c) recommends using CSF estimates from chronic studies with ADAFs when chemical-specific data that quantify the potential increased risk are lacking. All of the HRLs are based on lifetime exposure and include application of ADAFs, which adjust for the increased risk from early life exposure (see section III.C.1).

In addition, habitual consumers of alcoholic beverages may be more susceptible to carcinogenic effects of nitrosamines because alcohol increases the metabolism of nitrosamines via a metabolic pathway that leads to the formation of mutagenic DNA adducts. Co-exposure to ethanol has been shown to exacerbate the cancer effects of nitrosamines in animal studies (Anderson et al., 1993; Kamataki et al., 2002; McCoy et al., 1986). There are approximately five million people in the U.S. who suffer from alcoholism (O'Day et al., 1998) that may have an increased risk if co-exposed to nitrosamines (Amelizad et al., 1989; Verna et al., 1996).

3. Occurrence Data and Information

The data collected under UCMR 2 (USEPA, 2014d) are currently the best available data for characterizing the national occurrence baselines for the six nitrosamines. Under UCMR 2, PWSs were required to collect a sample at each entry point to the distribution system as well as at the maximum residence time locations within the distribution system associated with each entry point, and to report the disinfectant type in use at these locations at the time that the samples were being taken. The agency was unable to measure at the HRL for some of the nitrosamines. Therefore, Table 11 presents all of the monitoring results for each of the six nitrosamines relative to the MRLs.

TABLE 11—SUMMARY OF UCMR 2 MONITORING RESULTS FOR SIX NITROSAMINES

Nitrosamines considered under RD 3	MRL	Percentages (number) of samples with detection	Percentages (number) of UCMR 2 PWSs with at least one detection	Percentages (number) of actual UCMR 2 population served with at least one detection*
Nitrosamine Group	2 to 7 ng/L	10.6% (1,907 of 18,053)	28.6% (343 of 1,198)	46.43% (73 of 157 million)
NDBA	4 ng/L	0.05% (9 of 18,043)	0.4% (5 of 1,198)	1.07% (1.7 of 157 million)
NDEA	5 ng/L	0.3% (46 of 18,038)	2.2% (26 of 1,198)	7.14% (11.2 of 157 million)
NDMA	2 ng/L	10.2% (1,841 of 18,040)	27.0% (324 of 1,198)	41.54% (65.3 of 157 million)
NDPA	7 ng/L	0% (0 of 18,049)	0% (0 of 1,198)	0% (0 of 157 million)
NMEA	3 ng/L	0.02% (3 of 18,043)	0.3 (3 of 1,198)	0.003% (0.004 of 157 million)
NPYR	2 ng/L	0.2% (41 of 18,043)	1.8% (21 of 1,198)	4.73% (7.4 of 157 million)

*The population-served values have been adjusted to include both the population served directly by a system and also the estimated attributable proportion of the population served by other systems that purchase water from the system. These adjustments are described in the UCMR 2 support document.

Finished water data for the nitrosamines from California (Ranalli, B., 2013) are consistent with the UCMR 2 data. The State of California reported NDMA detections in 23.8% (24 of 101) of PWSs and NDEA detections in 7.1% (1 of 14) of PWSs. There were no NPYR, NDPA, NMEA, or NDBA detections reported. Reporting levels are not known. For California data on NDMA and NDEA, the minimum reported detections were 1 ng/L and 30 ng/L, respectively. NDBA, NDPA, NMEA, and NPYR had no detections and thus no minimum reported value in the dataset (Ranalli, B., 2013). While ambient water data for the nitrosamines are limited, because they are DBPs, it is expected that in general there would be higher concentrations in finished water than in ambient water.

V. What about the remaining CCL 3 contaminants?

For the remaining CCL 3 contaminants, the agency lacked adequate health and/or occurrence information needed to address the three SDWA statutory criteria to make a regulatory determination. Table 2 and Table 4 of this notice provide information about the data or information gap(s) that prevented the contaminant from moving forward for this regulatory determination effort. The agency continues to conduct research, collect information or find other avenues to fill the data and information gaps identified in Table 2 and 4. One mechanism the agency plans to continue to use to fill occurrence gaps for several of these contaminants is the UCMR.

VI. EPA's Next Steps

EPA intends to carefully evaluate and respond to the public comments received on the five preliminary determinations and issue its final regulatory determinations in 2015. If the agency makes a final determination to regulate any of the contaminants, EPA will begin the process to propose an NPDWR within 24 months and promulgate a final NPDWR within 18 months following the proposal.

VII. References

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Dated: October 3, 2014.

Gina A. McCarthy,

Administrator.

Appendix: HRL Derivation With Age-Related Exposure Factors

DERIVATION OF THE HEALTH REFERENCE LEVEL (HRL) FOR STRONTIUM USING AGE-SPECIFIC EXPOSURE FACTORS

Age range	DWI/BWR (L/kg/day)	Age-specific fractions of a 19-year exposure duration	Time-weighted DWI/BWR (L/kg/day)
Birth to <1 month	0.235	0.004	0.001
1 to <3 months	0.228	0.009	0.002
3 to <6 months	0.148	0.013	0.002
6 to <12 months	0.112	0.026	0.003
1 to <2 years	0.056	0.053	0.003
2 to <3 years	0.052	0.053	0.003
3 to <6 years	0.043	0.158	0.007
6 to <11 years	0.035	0.263	0.009
11 to <16 years	0.026	0.263	0.007
16 to <18 years	0.023	0.105	0.002
18 to <21 years #	0.026	0.053	0.001
Summation of the Time-Weighted DWI/BWRs =			**0.040 L/kg/day***
Reference Dose =			**0.3 mg/kg/day**
RSC =			**20%**
+HRL = (0.3 mg/kg/day ÷ 0.040 L/kg/day) × .20 =			**1.500 mg/L**
Final child specific HRL:			**1500 μg/L**

* Rounded; # includes 18th year; DWI/BWR = drinking water intake to body weight ratio; HRL= health reference level; RSC = relative source contribution.

+ HRL = (RfD/**Σ**(DWI/BWR × F)) × RSC.

The age-specific data on drinking water intakes in units of L/kg/day from birth through age 3 are from Table 3–19 in the EPA Exposures Factors Handbook (USEPA, 2011e) and from Table 3–38 for ages 3 to <19 . The exposure duration adjustment was calculated by dividing the age-specific fraction of a 19 year exposure by the total exposure in months or years as appropriate (e.g., birth to <1 month = (1/12)/19 years = 0.00439; 6 to <11 years = 5/19 years = 0.26316). The time-weighted DWI/BWR values are the product of the age-specific DWI/BWR multiplied by the age-specific fraction of a 19 year exposure. The time-weighted DWI/BWRs are summed to obtain the normalized value.

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Part III

Department of Education

34 CFR Part 668
Violence Against Women Act; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 668

[Docket ID ED–2013–OPE–0124]

RIN 1840–AD16

Violence Against Women Act

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the Student Assistance General Provisions regulations issued under the Higher Education Act of 1965, as amended (HEA), to implement the changes made to the Clery Act by the Violence Against Women Reauthorization Act of 2013 (VAWA). These regulations are intended to update, clarify, and improve the current regulations.

DATES: These regulations are effective July 1, 2015.

FOR FURTHER INFORMATION CONTACT: Ashley Higgins, U.S. Department of Education, 1990 K Street NW., Room 8037, Washington, DC 20006–8502. Telephone (202) 219–7061 or by email at: *Ashley.Higgins@ed.gov.*

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

SUPPLEMENTARY INFORMATION:

Executive Summary

Purpose of This Regulatory Action: On March 7th, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. L. 113–4), which, among other provisions, amended section 485(f) of the HEA, otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The Clery Act requires institutions of higher education to comply with certain campus safety- and security-related requirements as a condition of their participation in the title IV, HEA programs. Notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports. We are amending § 668.46 of title 34 of the Code of Federal Regulations (CFR) to implement these statutory changes. Additionally, we are updating this section by incorporating provisions added to the Clery Act by the Higher Education Opportunity Act, enacted in 2008, deleting outdated deadlines and cross-references, and making other changes to improve the readability and clarity of the regulations. We have published 34 CFR 668.46 in its entirety at the end of these regulations for our readers' convenience.

Summary of the Major Provisions of This Regulatory Action: The final regulations will—

- Require institutions to maintain statistics about the number of incidents of dating violence, domestic violence, sexual assault, and stalking that meet the definitions of those terms;
- Clarify the very limited circumstances in which an institution may remove reports of crimes that have been ''unfounded'' and require institutions to report to the Department and disclose in the annual security report the number of ''unfounded'' crime reports;
- Revise the definition of ''rape'' to reflect the Federal Bureau of Investigation's (FBI) updated definition in the UCR Summary Reporting System, which encompasses the categories of rape, sodomy, and sexual assault with an object that are used in the UCR National Incident-Based Reporting System;
- Revise the categories of bias for the purposes of Clery Act hate crime reporting to add gender identity and to separate ethnicity and national origin into separate categories;
- Require institutions to provide to incoming students and new employees and describe in their annual security reports primary prevention and awareness programs. These programs must include: a statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as those terms are defined in these final regulations; the definitions of these terms in the applicable jurisdiction; the definition of ''consent,'' in reference to sexual activity, in the applicable jurisdiction; a description of safe and positive options for bystander intervention; information on risk reduction; and information on the institution's policies and procedures after a sex offense occurs;
- Require institutions to provide, and describe in their annual security reports, ongoing prevention and awareness campaigns for students and employees. These campaigns must include the same information as the institution's primary prevention and awareness program;
- Define the terms ''awareness programs,'' ''bystander intervention,'' ''ongoing prevention and awareness campaigns,'' ''primary prevention programs,'' and ''risk reduction;''
- Require institutions to describe each type of disciplinary proceeding used by the institution; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding; how to file a disciplinary complaint; and how the institution determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking;
- Require institutions to list all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceedings for an allegation of dating violence, domestic violence, sexual assault, or stalking;
- Require institutions to describe the range of protective measures that the institution may offer following an allegation of dating violence, domestic violence, sexual assault, or stalking;
- Require institutions to provide for a prompt, fair, and impartial disciplinary proceeding in which: (1) Officials are appropriately trained and do not have a conflict of interest or bias for or against the accuser or the accused; (2) the accuser and the accused have equal opportunities to have others present, including an advisor of their choice; (3) the accuser and the accused receive simultaneous notification, in writing, of the result of the proceeding and any available appeal procedures; (4) the proceeding is completed in a reasonably prompt timeframe; (5) the accuser and accused are given timely notice of meetings at which one or the other or both may be present; and (6) the accuser, the accused, and appropriate officials are given timely and equal access to information that will be used during informal and formal disciplinary meetings and hearings;
- Define the terms ''proceeding'' and ''result''; and
- Specify that compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (*20 U.S.C. 1232g*), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

Costs and Benefits: A benefit of these final regulations is that they will strengthen the rights of victims of dating violence, domestic violence, sexual assault, and stalking on college campuses. Institutions will be required to collect and disclose statistics of crimes reported to campus security authorities and local police agencies that involve incidents of dating violence, domestic violence, sexual assault, and stalking. This will improve crime reporting and will help ensure

that students, prospective students, families, and employees and potential employees of the institutions will be better informed about each campus' safety and security procedures. Ultimately, the improved reporting and transparency will promote safety and security on college campuses.

Institutions are likely to incur two types of costs under the final regulations: Paperwork costs of complying with the regulations, and other compliance costs that institutions may incur as they take required steps to improve security on campus. Institutions will incur paperwork costs involved in: Changing the reporting of crime statistics to capture additional crimes, categories of crimes, differentiation of hate crimes, and expansion of categories of bias reported; and the development of statements of policy about prevention programs and institutional disciplinary actions. Institutions will also incur additional compliance costs. Costs to improve safety on campus will include annual training of officials on issues related to dating violence, domestic violence, sexual assault, and stalking as well as training on how to conduct disciplinary proceeding investigations and hearings. The final regulations are not estimated to have a significant net budget impact on the title IV, HEA student aid programs over loan cohorts from 2014 to 2024.

On June 20, 2014, the Secretary published a notice of proposed rulemaking (NPRM) for these regulations in the **Federal Register** (79 FR 35418). The final regulations contain several changes from the NPRM. We fully explain the changes in the *Analysis of Comments and Changes* section of the preamble that follows.

Implementation date of these regulations: Section 482(c) of the HEA requires that regulations affecting programs under title IV of the HEA be published in final form by November 1, prior to the start of the award year (July 1) to which they apply. However, that section also permits the Secretary to designate any regulation as one that an entity subject to the regulations may choose to implement earlier and the conditions for early implementation.

The Secretary has not designated any of the provisions in these final regulations for early implementation. Therefore, these final regulations are effective July 1, 2015.

Public Comment: In response to our invitation in the NPRM, approximately 2,200 parties submitted comments on the proposed regulations. In addition, approximately 3,600 individuals submitted a petition expressing their support for comments submitted by the American Association of University Women. We group major issues according to subject, with appropriate sections of the regulations referenced in parentheses. We discuss other substantive issues under the sections of the proposed regulations to which they pertain. Generally, we do not address technical or other minor changes.

Analysis of Comments and Changes: An analysis of the comments and of any changes in the regulations since publication of the NPRM follows.

General

Comments: The great majority of the commenters expressed strong support for the proposed regulations. They believed that these regulations would: Improve the data related to incidents of dating violence, domestic violence, and stalking at institutions; foster greater transparency and accountability around institutional policies and procedures; strengthen institutional efforts to prevent dating violence, domestic violence, sexual assault, and stalking; and ensure proper training for individuals who are involved in institutional disciplinary proceedings. The commenters believed that these changes would lead to greater institutional accountability and result in better information for students and families. They also believed that these regulations would foster more supportive environments for victims of dating violence, domestic violence, sexual assault, and stalking to come forward to report these crimes. Although generally supportive of the regulations, a few commenters urged the Department to consider the needs and perspectives of an accused student, particularly in regard to the regulations pertaining to institutional disciplinary proceedings.

Several commenters noted that the changes that VAWA made to the Clery Act did not alter an institution's obligations to comply with title IX of the Education Amendments of 1972 (title IX), its implementing regulations, or associated guidance issued by the Department's Office for Civil Rights (OCR).[1] However, many commenters noted that institutions' obligations under the Clery Act and under title IX overlap in some areas, and they urged the Department to provide as much guidance as possible about how to comply with both laws to promote best practices and to reduce regulatory burden.

Finally, some of the commenters stressed the need for institutions to consider students and employees with disabilities when designing their campus safety policies, especially their campus sexual assault policies. The commenter noted that women with disabilities are at a high risk for sexual and other forms of violence.

Discussion: We appreciate the commenters' support. We note that the White House Task Force to Protect Students from Sexual Assault, which was established on January 22, 2014, has released and continues to develop guidance and model policies for institutions to use in working to comply with the Clery Act and title IX. Those resources are available to institutions at the Web site *www.notalone.gov* under the ''Schools'' tab. The Department intends to build on these resources and provide additional tools and guidance where possible for institutions, including by updating *The Handbook for Campus Safety and Security Reporting* (*http://www2.ed.gov/admins/lead/safety/handbook.pdf*).

Changes: None.

Implementation

Comments: Several of the commenters requested clarification regarding the implementation of these new regulations. Some commenters wondered whether institutions would be expected to identify whether crimes included in statistics in previous calendar years met the definitions of ''dating violence,'' ''domestic violence,'' or ''stalking'' or to revise their statistics pertaining to rape using the revised definition. Other commenters stressed that institutions should be given significant time to develop or revise procedures, learn how to categorize the new crimes, and update their annual security reports to comply with these final regulations.

Discussion: As first explained by the Department in an electronic announcement published on May 29th, 2013, and later reiterated in Dear Colleague Letter GEN–14–13 (*http://ifap.ed.gov/dpcletters/GEN1413.html*), institutions must make a good-faith effort to include accurate and complete statistics for dating violence, domestic violence, sexual assault, and stalking as defined in section 40002(a) of the Violence Against Women Act of 1994 for calendar year 2013 in the annual security report that must be published by October 1, 2014. Institutions will not be required to revise their statistics for calendar years 2013 or 2014 to reflect the final regulations.

[1] Title IX prohibits discrimination on the basis of sex in federally funded education programs or activities.

Section 485(f)(1)(F) and (f)(5) of the Clery Act requires institutions to disclose and report crime statistics for the three most recent calendar years in each annual security report. Consistent with the approach that we took when implementing the changes to the Clery Act and the annual fire safety report added by the Higher Education Opportunity Act, we will phase in the new statistical requirements. The first annual security report to contain a full three years of data using the definitions in these final regulations will be the annual security report due on October 1, 2018.

Section 304(b) of VAWA specified that the amendments made to the Clery Act would be effective with respect to the annual security report prepared by an institution of higher education one calendar year after the date of enactment of VAWA, and each subsequent calendar year. Accordingly, institutions are legally required to update their policies, procedures, and practices to meet the statutory requirements for the annual security report issued in 2014. These final regulations will become effective on July 1, 2015, providing institutions at least seven months after the regulations are published to further update or refine their policies, procedures, and programs before the next annual security report is due on October 1, 2015. We believe that this is sufficient time for institutions to come into compliance.

Changes: None.

Burden

Comments: Several commenters raised concerns about the burden on institutions imposed by these regulations, particularly by the requirements for the development of prevention programs and the requirements for campus disciplinary proceedings. The commenters believed that the cost to institutions of complying with these regulations could be significant. One commenter noted that these regulations would result in higher tuition costs because it would require institutions to divert funds from the delivery of education to hiring administrative staff and legal support. These and other commenters urged the Department to provide best practices and model policies and programs to help reduce the costs associated with implementing these changes.

Discussion: We understand the commenters' concerns about the burden associated with implementing these regulations. However, these requirements are statutory and institutions must comply with them to participate in the title IV, HEA programs. As discussed previously under ''General,'' the Department is committed to providing institutions with guidance where possible to minimize the additional costs and burdens. For additional information about the costs and burden associated with these regulations, please see the discussion under ''Paperwork Reduction Act of 1995.''

Changes: None.

Availability of Annual Security Report and Statistics

Comments: Several commenters made suggestions for changes in how institutions must make their annual security reports and statistics available. One commenter suggested that institutions should have to publish their statistics on their Web sites so that parents and students can make informed decisions about where to enroll. Another commenter noted that it is often difficult to find the required policies and procedures on an institution's Web site. One commenter recommended requiring institutions to post all information related to an institution's policies for dating violence, domestic violence, sexual assault, and stalking in one place on its Web site. If related information appears on other pages of an institution's Web site, the commenter recommended requiring institutions to provide links to the text of its policy to prevent misunderstandings about the school's policy or procedures. Another commenter urged the Department to require institutions to provide information to students and employees in languages other than English, particularly where a dominant portion of the campus community speaks a language other than English. Several commenters raised concerns about whether and how students, employees, and prospective students and employees would know when an institution updated its policies, procedures, and programs—particularly those related to campus disciplinary proceedings. Finally, one commenter suggested that the annual security report is unlikely to be effective or to influence behavior because it is just one of numerous disclosures that institutions must provide and is easily overlooked.

Discussion: With regard to the commenters' concerns that campus safety- and security-related statistics and policies can be difficult to find, we note that this information must all be contained in an institution's annual security report. Institutions must distribute the annual security report every year to all enrolled students and employees through appropriate publications and mailings, including direct mailing to each individual through the U.S. Postal Service, campus mail, or electronic mail; by providing a publication directly to each individual; or by posting it on the institution's Web site. Institutions must also distribute the annual security report to all prospective students and employees upon request.

Although institutions are not required by the Clery Act to post their annual security report on their Web site, the Department collects the crime statistics from institutions each fall and makes the data available to the public on the Department's College Navigator Web site at *www.collegenavigator.gov,* and on the Office of Postsecondary Education's Data Analysis Cutting Tool at *http://www.ope.ed.gov/security/.* We encourage institutions that post annual security reports on their Web site to place related information on the same central Web site or to provide a link to this related information from the site where the annual security report is posted so individuals will have easy access to the institution's policies. Although not required by the Clery Act, consistent with Federal civil rights laws, institutions must take appropriate measures to ensure that all segments of its community, including those with limited English proficiency, have meaningful access to vital information, such as their annual security reports.

In response to the comments about requiring notification when an institution updates its campus security policies and procedures, we note that the Clery Act requires an institution to distribute its annual security report annually (by October 1 each year). If an institution changes its policies during the year, it should notify its students and employees. Institutions that publish their annual security reports on an Intra- or Internet site would be able to post the new version of any changed policies or procedures on a continuing basis throughout the year, and they could notify the campus community of the changes through a variety of means (such as, electronic mail, an announcement on the institution's home page or flyers).

Finally, although we understand the commenter's concern that the campus safety disclosures may be overlooked by students and employees, the commenter did not provide any recommendations for how to ensure that these disclosures are not overlooked.

Changes: None.

668.46(a) Definitions

Clery Geography

Comments: Several commenters supported the inclusion of a definition of ''Clery geography'' in the interest of making these regulations more user-friendly and succinct. A few commenters, however, raised some questions and concerns about the proposed definition. One commenter was unsure about what areas would be considered ''public property'' for Clery Act reporting purposes, particularly for institutions located in strip malls or office buildings, and requested additional clarification. Another commenter believed that the definition is confusing and suggested instead creating one definition pertaining to locations for which an institution must maintain crime statistics and another definition pertaining to locations for which an institution must include incidents in its crime log. A third commenter requested clarification about what the phrase ''within the patrol jurisdiction of the campus police or the campus security department'' would include.

Discussion: We appreciate the support from the commenters, and reiterate that we are not changing the long-standing definitions of ''campus,'' ''noncampus buildings or property,'' and ''public property'' in § 668.46(a). Instead, we have added the definition of ''Clery geography'' to improve the readability and understandability of the regulations. The definition of ''public property'' continues to include all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. The *Handbook for Campus Safety and Security Reporting* includes several examples of what would be considered a part of a school's ''Clery geography,'' including how to determine a school's ''public property,'' but we will consider including additional examples when we update that guidance in the future.

We disagree with the commenter that it would be more appropriate to separate the definition of ''Clery geography'' into two definitions. We believe that the definition as written makes it clear that institutions must consider campus, noncampus, and public property locations when recording the statistics required under § 668.46(c), and that they must consider campus, noncampus, public property, and locations within the patrol jurisdiction of the campus police or campus security department when recording crimes in the crime log required under § 668.46(f). To clarify, the phrase ''patrol jurisdiction of the campus police or campus security department'' refers to any property that is regularly patrolled by the campus public safety office but that does not meet the definitions of campus, noncampus, or public property. These patrol services are typically provided pursuant to a formal agreement with the local jurisdiction, a local civic association, or other public entity.

Changes: None.

Consent

Comments: We received numerous comments regarding our decision not to define ''consent'' for the purposes of the Clery Act. Many of the commenters disagreed with the Department's conclusion that a definition of ''consent'' is not needed because, for purposes of Clery Act reporting, institutions are required to record all reported sex offenses in the Clery Act statistics and the crime log regardless of any issue of consent. The commenters strongly urged the Department to define ''consent'' in these final regulations to provide clarity for institutional officials and to promote consistency across institutions. The commenters noted that the definition of ''consent'' varies by locality, and that some States do not have a definition. These commenters believed that establishing a Federal definition in these regulations would inform State efforts to legislate on this issue. In States that do not have a definition of ''consent,'' some commenters argued, schools are left to determine their own definitions and have inappropriately deferred to local law enforcement for determinations about whether ''consent,'' was provided based on a criminal evidentiary standard.

Other commenters argued that including statistics about offenses in reports without considering whether there was consent ignores a critical part of the definition of some VAWA crimes, rendering the crime statistics over inclusive. In other words, they believed that not considering consent in the categorization of an incident would result in some actions being reported regardless of whether a key component of the crime existed.

Some other commenters believed that the Department should define ''consent'' because it is an essential part of education and prevention programming. They argued that, even if a definition is not needed for recording sex offenses, not having a definition ignores current conversations about campus sexual assault.

Some of the commenters who supported including a definition of ''consent'' provided definitions for the Department's consideration. Several commenters recommended using the definition that the Department included in the draft language provided to the non-Federal negotiators at the second negotiating session. One commenter recommended defining ''consent'' as was proposed at the second negotiating session but making a slight modification to clarify that one's agreement to engage in a specific sexual activity during a sexual encounter can be revoked at any time. Another commenter made a similar recommendation but suggested clarifying that consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person and that incapacitation could include having an intellectual or other disability that prevents an individual from having the capacity to consent. One commenter suggested that, at a minimum, the Department should provide that the applicable jurisdiction's definition of ''consent'' applies for purposes of reporting under these regulations.

By contrast, some commenters agreed with the Department that a definition of ''consent'' should not be included in these regulations. These commenters urged the Department to provide guidance on the definition of ''consent,'' rather than establish a regulatory definition.

Discussion: During the second negotiation session, we presented draft language that would have defined ''consent'' to mean ''the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter.'' Under this definition, an individual who was asleep, or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or who was under duress, threat, coercion, or force, would not be able to consent. Further, one would not be able to infer consent under circumstances in which consent was not clear, including but not limited to the absence of ''no'' or ''stop,'' or the existence of a prior or current relationship or sexual activity. We continue to believe that this draft language is a valid starting point for other efforts to define consent or for developing education and prevention programming, and we will provide additional guidance where possible to institutions regarding consent.

However, we do not believe that a definition of consent is needed for the administration and enforcement of the Clery Act. Section 485(f)(1)(F)(i) of the HEA requires schools to include in their

statistics crimes that are reported, not crimes that are reported and proven to have occurred. We reiterate that, for purposes of Clery Act reporting, all sex offenses that are reported to a campus security authority must be included in an institution's Clery Act statistics and, if reported to the campus police, must be included in the crime log, regardless of the issue of consent. Thus, while the definitions of the sex offenses in Appendix A to subpart D of part 668 include lack of consent as an element of the offense, for purposes of Clery Act reporting, no determination as to whether that element has been met is required.

We note the comments suggesting that a definition of ''consent'' was needed so institutions do not defer to law enforcement for determining whether there was consent. However, as discussed earlier, a definition of ''consent'' is not needed for purposes of reporting crimes under the Clery Act. If an institution needs to develop a definition of ''consent'' for purposes of its proceedings it can develop a definition that is appropriate to its administrative proceedings based on the definition we discussed at negotiated rulemaking sessions and definitions from experts in the field.

Changes: None.

Dating Violence

Comments: We received numerous comments related to the definition of ''dating violence.'' In particular, the commenters addressed: The basis for determining whether the victim and the perpetrator are in a social relationship of a romantic or intimate nature; what would be considered ''violence'' under this definition; and how to distinguish between dating violence and domestic violence.

Social Relationship of a Romantic or Intimate Nature

Several individuals commented on the proposal in the NPRM that, for Clery Act purposes, the determination of whether or not the victim and the perpetrator were in a social relationship of a romantic or intimate nature would be made based on the reporting party's statement and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Some of the commenters expressed support for this provision. While supporting this approach, other commenters stressed the need for the institution to place significant weight on the reporting party's statement and to allow for a balanced and flexible determination of the relationship status. However, these commenters were also concerned that institutional officials making judgments about the length of the relationship, the type of relationship, and the frequency of the relationship may omit dating relationships where the reporting party describes the relationship as ''talking,'' ''hanging out,'' ''seeing one another,'' ''hooking up,'' and so on. Along these lines, some of the commenters recommended expanding the definition of ''dating'' to encompass social or romantic relationships that are casual or serious, monogamous or non-monogamous, and of long or short duration.

One commenter raised concerns about using a third party's assessment when determining whether the victim and the accused were in a social relationship of a romantic or intimate nature. The commenter argued that, absent the victim's characterization of the relationship, third party reporters would be unable to make an accurate evaluation of the relationship and that statistics would therefore be inaccurate. The commenter suggested that it would be inappropriate to rely on a third party's characterization of a relationship, and that in this situation the incident should be included as a ''sex offense'' and not as dating violence. Further, the commenter asserted that the lack of State standards for determining what constitutes dating violence, combined with the need to determine the nature of a relationship, would complicate the question of how to categorize certain incidents and could lead to inconsistencies in statistics, making comparisons across institutions difficult.

Inclusion of Psychological or Emotional Abuse

Some commenters supported the proposal to define ''dating violence'' to include sexual or physical violence or the threat of such abuse. These commenters expressed concerns about how institutions would operationalize a definition that included more subjective and less concrete behavior, such as psychological and emotional abuse. However, numerous commenters raised concerns about our proposal not to include psychological or emotional abuse in the definition of ''dating violence.'' Many of these commenters urged the Department to expand the definition of ''dating violence'' to explicitly include emotional and psychological abuse. The commenters argued that an expanded definition would more accurately reflect the range of victims' experiences of abuse and recognize the serious and disruptive impact that these forms of violence have. The commenters believed that the reference to the threat of sexual or physical abuse did not sufficiently describe these forms of violence and that victims would not feel comfortable reporting or pressing charges for cases in which they were psychologically or emotionally abused if the definition did not explicitly speak to their experiences. Along these lines, some commenters believed that not including these forms of abuse would exclude significant numbers of victimized students from the statistics, and they recommended revising the definition to encompass the range of abuse that all victims face.

Some of the commenters argued that it is inappropriate to exclude psychological or emotional abuse from the definition of ''dating violence'' simply because they are ''invisible'' forms of violence. In particular, they noted that a victim's self-report of sexual or physical abuse would be included, even if that abuse is not immediately and visibly apparent. They argued that, similarly, a victim's self-report of emotional or psychological abuse should also be included in an institution's statistics.

Other commenters disagreed with the Department's view that including emotional and psychological abuse would be inconsistent with the statute. In arguing for a broader interpretation of ''violence'' for the purposes of ''dating violence,'' they cited Supreme Court Justice Sotomayor's opinion for the Court in *U.S. v. Castleman,* 134 S.Ct. 1405 (2014) that, ''whereas the word 'violent' or 'violence' standing alone connotes a substantial degree of force; that is not true of 'domestic violence.' 'Domestic violence' is a term of art encompassing acts that one might not characterize as violent in a nondomestic context.'' 134 S.Ct. at 1411.

Some of the commenters were concerned that the proposed regulations would set an inadequate starting point for prevention programming by not portraying psychological or emotional abuse as valid forms of violence on which to focus prevention efforts, even though research indicates that emotional or psychological abuse often escalates to physical or sexual violence. They argued that it was important to recognize psychological and emotional abuse as forms of violence when training students to look for, and to intervene when they observe, warning signs of behavior that could lead to violence involving force.

Relationship Between Dating Violence and Domestic Violence

A few commenters raised concerns about the statement in the definition of ''dating violence'' that provides that dating violence does not include acts covered under the separate definition of ''domestic violence.'' Some commenters expressed support for this approach. However, one commenter argued that using this approach would result in most dating violence incidents being included in the domestic violence category. As a result, institutions would report very few dating violence crimes. This commenter recommended specifically identifying which types of relationship violence would be included under dating violence rather than including this ''catch-all'' provision.

One commenter was concerned that defining ''dating violence'' as ''violence,'' but defining ''domestic violence'' as ''a felony or misdemeanor crime of violence'' would create a higher threshold to report domestic violence than dating violence and would treat the two types of incidents differently based on the status of the parties involved. The commenter believed that, from a compliance perspective, the only determining factor between recording an incident as dating violence or domestic violence should be the relationship of the parties, not the nature of the underlying incident. As a result, the commenter suggested that institutions should be required to count dating violence and domestic violence crimes only where there is a felony or misdemeanor crime of violence. The commenter recommended that the Department provide additional guidance for institutions about what would constitute ''violence'' when the incident is not a felony or misdemeanor crime of violence.

Discussion:

Social Relationship of a Romantic or Intimate Nature

We appreciate the commenters' support for our proposal that the determination of whether or not the victim and the perpetrator were in a social relationship of a romantic or intimate nature would be made based on the reporting party's statement and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Institutions are responsible for determining whether or not an incident meets the definition of dating violence, and they must consider the reporting party's characterization of the relationship when making that determination. We stress that generational or other differences in terminology and culture may mean that a reporting party may describe a dating relationship using different terms from how an institutional official might describe ''dating.'' When the reporting party asserts that there was a dating relationship, institutions should err on the side of assuming that the victim and the perpetrator were in a dating relationship to avoid incorrectly omitting incidents from the crime statistics and the crime log. The victim's use of terms such as ''hanging out'' or ''hooking up'' rather than ''dating,'' or whether or not the relationship was ''monogamous'' or ''serious'' should not be determinative.

We disagree with the commenter who was concerned that a third party who makes a report would be unable to accurately characterize a relationship. Third parties who are reporting an incident of dating violence are not required to use specific terms to characterize the relationship or to characterize the relationship at all; however, they should be asked whether they can characterize the relationship. Ultimately, the institution is responsible for determining whether the incident is an incident of dating violence. Furthermore, the commenter's suggestion to classify all third-party reports as sexual assaults is unworkable because dating violence does not always involve a sexual assault. Lastly, this commenter's concern that the lack of State laws criminalizing dating violence will lead to inaccurate statistics is unwarranted because schools must use the definition of ''dating violence'' in these final regulations when compiling their statistics.

Inclusion of Psychological or Emotional Abuse

Although we fully support the inclusion of emotional and psychological abuse in definitions of ''dating violence'' used for research, prevention, victim services, or intervention purposes, we are not persuaded that they should be included in the definition of ''dating violence'' for purposes of campus crime reporting. We are concerned that such a broad definition of ''dating violence'' would include some instances of emotional and verbal abuse that do not rise to the level of ''violence'' which is a part of the statutory definition of dating violence under VAWA. With respect to the Supreme Court's opinion in *U.S. v. Castleman,* Justice Sotomayor's statement was made in a very different context and that case, which interpreted an entirely different statute, is in no way controlling here. Furthermore, we continue to believe that including emotional and psychological abuse in the definition would pose significant challenges in terms of compliance and enforcement of these provisions.

Relationship Between Dating Violence and Domestic Violence

We disagree with the recommendation to remove the provision specifying that dating violence does not include acts covered under the definition of domestic violence. This provision is needed to prevent counting the same incident more than once, because incidents of dating violence include a subset of incidents that also meet the definition of domestic violence.

Lastly, in response to the concern that the threshold for an incident to meet the definition of ''domestic violence'' is higher than for ''dating violence,'' we note that this aspect of the definitions is consistent with the definitions in section 40002(a) of the Violence Against Women Act of 1994. We also note that an incident that does not constitute a felony or misdemeanor crime of violence committed by an individual in a relationship specified in the definition of ''domestic violence'' nevertheless could be recorded as dating violence. We believe that this would still provide valuable information about the extent of intimate partner violence at the institution.

Changes: None.

Domestic Violence

Comments: The commenters generally supported the proposed definition of ''domestic violence.'' However, one commenter believed that the definition, as written, would require institutions in some States to include incidents between roommates and former roommates in their statistics because they would be considered household members under the domestic or family laws of those jurisdictions. This commenter was concerned about inadvertently capturing situations in which two individuals are living together, but are not involved in an intimate relationship in the statistics.

Discussion: We appreciate the commenters' support. With regard to the comment about roommates, the final definition of ''domestic violence,'' consistent with the proposed definition, requires more than just two people living together; rather, the people cohabitating must be spouses or have an intimate relationship.

Changes: None.

FBI's UCR Program

Comments: A few commenters expressed support for including this definition, agreeing that it added clarity to the regulations.

Discussion: We appreciate the commenters' support.

Changes: None.

Hate Crime

Comments: A few commenters supported the inclusion of a definition of ''hate crime'' in § 668.46(a) to improve the clarity of these regulations. The commenters also supported the inclusion of gender identity and national origin as categories of bias that would serve as the basis for identifying a hate crime, as discussed under ''Recording hate crimes.''

Discussion: We appreciate the commenters' support.

Changes: None.

Hierarchy Rule

Comments: The commenters generally supported the inclusion of a definition of the term ''Hierarchy Rule'' in § 668.46(a). One commenter, however, recommended that we clarify in the definition that a case of arson is an exception to the rule that when more than one offense is committed during a single incident, only the most serious offense is counted. The commenter said that arson is always counted.

Discussion: We appreciate the commenters' support. The commenter is correct that there is a general exception to the Hierarchy Rule in the Summary Reporting System from the FBI's UCR Program for incidents involving arson. When multiple reportable incidents are committed during the same incident in which there is also arson, institutions must report the most serious criminal offense along with the arson. We have not made the treatment of arson explicit in the definition of ''Hierarchy Rule,'' however, because we believe that it is more appropriate to state the general rule in the definitions section and clarify how arson must be recorded in § 668.46(c)(9), which explains how institutions must apply the Hierarchy Rule. Please see ''Using the FBI's UCR Program and the Hierarchy Rule'' for additional discussion.

Changes: None.

Programs To Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Comments: Many commenters strongly supported the proposed definition of ''programs to prevent dating violence, domestic violence, sexual assault, and stalking.'' They believed that the definition would promote the development of effective prevention programs that focus on changing social norms and campus climates instead of focusing on preventing single incidents of abuse from occurring, and it would promote programs that do not engage in stereotyping or victim blaming. In particular, many commenters expressed support for the language requiring that an institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking be culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome.

Other commenters recommended several changes to the definition. Several commenters recommended requiring that an institution's prevention programs be informed by research and assessed for value, effectiveness or outcome, rather than allowing one or the other. One commenter, although agreeing that it is important for programs to be research-based, stressed the need to identify the source of research and what would qualify as ''research-based.'' This commenter was also concerned that institutions without the funding to support home-grown prevention education staff would use ''check-the-box'' training offered by third party training and education vendors to meet this requirement.

One commenter supported the definition but urged the Department to explicitly require institutions to include programs focused on the lesbian, gay, bisexual, transgender, and queer (LGBTQ) community to meet this requirement. The commenter believed that it is important to name LGBTQ community programs in this definition because evidence suggests that LGBTQ students are frequently targets of sexual violence. Several other commenters stressed that prevention programs need to address the unique barriers faced by some of the communities within an institution's population.

One commenter stated that computer-based prevention programs can be effective, but believed that such training would not satisfy the requirement that prevention training be comprehensive, intentional, and integrated. Another commenter stated that the regulations should specify that a ''one-time'' training does not comply with the definition because a comprehensive prevention framework requires an ongoing prevention strategy, in partnership with local rape crisis centers or State sexual assault coalitions, or both.

One commenter was concerned that the phrases ''culturally relevant'' and ''informed by research or assessed for value, effectiveness, or outcome'' were ambiguous, and that it could cost institutions significant time and resources to develop programs that meet this definition. Several commenters stressed the need for the Department to provide information on best practices and further guidance about effective programs to support institutions in complying with the definition, to help ensure that programming reaches all parts of an institution, and to help minimize burden. Other commenters stated that the definition exceeded the scope of the statute and would be time-consuming and expensive to implement, especially for small institutions.

Discussion: We appreciate the commenters' support, and we believe that this definition is consistent with the statute and will serve as a strong foundation for institutions that are developing primary prevention and awareness programs and ongoing prevention and awareness campaigns, as required under § 668.46(j). We agree with the commenters that these programs should focus on changing the social norms and stereotypes that create conditions in which sexual violence occurs, and that these programs must be tailored to the individual communities that each school serves to ensure that they are culturally relevant and inclusive of, and responsive to, all parts of a school's community. As discussed in the NPRM, this definition is designed to provide that institutions must tailor their programs to their students' and employees' needs (i.e. that the programs must be ''culturally relevant''). We note that these programs include ''ongoing prevention and awareness campaigns,'' which, as defined in § 668.46(j)(2)(iii), requires that programs be sustained over time.

We do not agree with the recommendations to require that these programs be both informed by research and assessed for value and that we set standards for the research or prohibit certain forms of training. During the negotiations, the negotiators discussed the extent to which an institution's prevention programs must be based on research and what types of research would be acceptable. Ultimately, they agreed that ''research'' should be interpreted broadly to include research conducted according to scientific standards as well as assessments for efficacy carried out by institutions and other organizations. There is a relative lack of scientific research showing what makes programs designed to prevent dating violence, domestic violence,

sexual assault, and stalking effective. Adopting the limitations suggested by the commenter could significantly limit the types of programs that institutions develop, and could preclude the use of promising practices that have been assessed for value, effectiveness, or outcome but not subjected to a scientific review. We believe that this definition will help to guard against institutions using approaches and strategies that research has proven to be ineffective and that reinforce and perpetuate stereotypes about gender roles and behaviors, among other things.

We do not agree with the recommendations to specify in the definition that these programs must include a component focused on LGBTQ students. We believe that the requirement that institutions consider the needs of their campus communities and be inclusive of diverse communities and identities will ensure that the programs include LGBTQ students, students with disabilities, minority students, and other individuals.

With respect to the comment asking whether computer-based programming could be ''comprehensive, intentional, and integrated'', the statute requires institutions to provide these programs and to describe them in their annual security reports. However, the Department does not have the authority to mandate or prohibit the specific content or mode of delivery for these programs or to endorse certain methods of delivery (such as computer based programs) as long as the program's content meets the definition of ''programs to prevent dating violence, domestic violence, sexual assault, and stalking.'' Similarly, institutions may use third party training vendors so long as the actual programs offered meet the definitions for ''programs to prevent dating violence, domestic violence, sexual assault, and stalking.''

We encourage institutions to draw on the knowledge and experience of local rape crisis centers and State sexual assault coalitions when developing programs. Over time, we hope to share best practices based on research on effective approaches to prevention that institutions may use to inform and tailor their prevention programming.

Although we understand institutions' concerns about the burden associated with developing prevention programs, the statute requires institutions to develop these programs. In terms of providing programs that meet this specific definition, we reiterate that we are committed to providing institutions with guidance where possible to clarify terms such as ''culturally relevant'' and to minimize the additional costs and burden. As discussed previously under ''General,'' the White House Task Force to Protect Students from Sexual Assault has developed guidance and continues to develop model policies and best practices related to preventing sexual assault and intimate partner violence on college campuses. We expect that these resources will help schools to develop the types of programs that these regulations require, resulting in less burden.

Changes: None.

Sexual Assault

Comments: The commenters generally supported our proposal to include this definition in the regulations. They agreed that specifying that, for the purposes of the Clery Act statistics, ''sexual assault'' includes rape, fondling, incest, or statutory rape, as those crimes are defined in the FBI's UCR program, would clarify the regulations and ensure more consistent reporting across institutions.

Discussion: We appreciate the commenters' support.

Changes: None.

Stalking

Comments: The commenters generally supported the proposed definition of ''stalking.'' In particular, many of the commenters supported defining the term ''course of conduct'' broadly to include all of the various forms that stalking can take and the range of devices or tactics that perpetrators use, including electronic means. These commenters also supported the proposed definition of ''reasonable person'' as a reasonable person under similar circumstances and with similar identities to the victim.

One commenter suggested modifying the definition of stalking to include consideration of the extent to which the victim indicates that the stalking has affected them or interfered with their education.

Other commenters raised concerns about the proposed definition. Some commenters believed that the proposed definition was overly broad. One commenter argued that the proposed definition was inconsistent with the description of stalking in 18 U.S.C. 2261A, as amended by VAWA, which prohibits actions committed with a criminal intent to kill, injure, harass, or intimidate. This commenter believed that the final regulations should require that to be included as stalking in the institution's statistics, there had to be a determination that the perpetrator had the intent to cause substantial emotional distress rather than requiring that the course of conduct have the effect of causing substantial emotional distress. Otherwise, the commenter believed that the proposed definition raised First Amendment concerns by impermissibly restricting individual speech.

Lastly, several commenters expressed concern that the proposed definition of ''substantial emotional distress'' risked minimizing the wide range of responses to stalking and trauma. The commenters believed that institutions would overlook clear incidences of stalking in cases where the victim is not obviously traumatized or is reacting in a way that does not comport with the decision maker's preconceived expectations of what a traumatic reaction should look like. Along these lines, some commenters believed that the definition was too subjective and were concerned that it could make it challenging for institutions to investigate a report of stalking.

Discussion: We appreciate the commenters' support for our proposed definition.

The statutory definition of ''stalking'' in section 40002(a) of the Violence Against Women Act of 1994 (which the Clery Act incorporates by reference) does not refer to or support taking into account the extent to which the stalking interfered with the victim's education.

We disagree with the commenters who argued that the definition of stalking is overly broad, and raises First Amendment concerns. Section 304 of VAWA amended section 485(f)(6)(A) of the Clery Act to specify that the term ''stalking'' has the meaning given that term in section 40002(a) of the Violence Against Women Act of 1994. Thus, the HEA is clear that the definition of ''stalking'' in section 40002(a) of the Violence Against Women Act of 1994 should be used for Clery Act purposes—*not* the definition in the criminal code (18 U.S.C. § 2261A). Section 40002(a) of the Violence Against Women Act of 1994 defines ''stalking'' to mean ''engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.'' In these final regulations, we have defined the statutory phrase ''course of conduct'' broadly to capture the wide range of words, behaviors, and means that perpetrators use to stalk victims, and, as a result, cause their victims to fear for their personal safety or the safety of others or suffer substantial emotional distress. This definition serves as the basis for determining whether an institution is in compliance with the Clery Act and does not govern or limit an individual's speech or behavior under the First Amendment.

We appreciate the commenters' concern that the definition would lead institutions to undercount the number of stalking incidents based on a misunderstanding of the victim's reaction. We encourage institutions to consider the wide range of reactions that a reasonable person might have to stalking. Institutions should not exclude a report of stalking merely because the victim's reaction (or the description of the victim's reaction by a third party) does not match expectations for what substantial emotional distress might look like.

Changes: None.

Sec. 668.46(b) Annual Security Report

Policies Concerning Campus Law Enforcement (§ 668.46(b)(4))

Comments: The commenters generally supported the proposed changes in § 668.46(b)(4) that would: Clarify the term ''enforcement authority of security personnel;'' require institutions to address in the annual security report any memoranda of understanding (MOU) in place between campus law enforcement and State and local police agencies; and clarify that institutions must have a policy that encourages the reporting of crimes to campus law enforcement when the victim elects to or is unable to report the incident. They believed that these changes would clearly define for students and employees the different campus and local law enforcement agencies and the reporting options based on Clery geography, improve transparency about any relevant MOUs, and empower victims to make their own decisions about whether or not to report an incident.

One commenter requested guidance on the applicability of § 668.46(b)(4) to smaller institutions and institutions without campus law enforcement or campus security personnel.

Several commenters raised concerns about the phrase ''elects to or is unable to make such a report'' in § 668.46(b)(4)(iii). Some believed that the language could be confusing without additional context and could be incorrectly interpreted to include situations in which a victim is unwilling to make a report. These commenters recommended clarifying in the final regulations that ''unable to make such a report'' means physically or mentally incapacitated and does not refer to situations in which someone may be unwilling—i.e., psychologically unable—to report because of fear, coercion, or any other reason. One commenter asked how this provision would apply in situations in which an institution is subject to mandatory reporting of crimes against children or individuals with certain disabilities occurring on an institution's Clery geography.

Several commenters urged the Department to mandate, or at a minimum, encourage institutions to make clear to students and employees what opportunities exist for making confidential reports for inclusion in the Clery Act statistics, for filing a title IX complaint with the institution, or for obtaining counseling or other services without initiating a title IX investigation by the institution or a criminal investigation. These commenters explained that providing information about the range of options for reporting to campus authorities would empower victims to make informed choices and would foster a climate in which more victims come forward to report. Along these lines, one commenter requested that the Department provide a model or suggestion for a reporting regime that institutions could use to satisfy the confidential reporting provisions in the Clery Act and title IX.

Discussion: We appreciate the commenters' support for these provisions. All institutions participating in the title IV, HEA programs, regardless of size or whether or not they have campus law enforcement or security personnel, must address their current policies concerning campus law enforcement in their annual security report. This information will vary significantly in terms of detail, content, and complexity based on the school's particular circumstances. However, all institutions must address each of the elements of this provision. If an institution does not have a policy for one of these elements because, for example, it does not have campus law enforcement staff, the institution must provide this explanation.

With regard to the concerns about the phrase ''elects to or is unable to make such a report,'' we note that the negotiators discussed this issue extensively and ultimately agreed to include the statutory language of ''unable to report,'' in the regulations. The negotiators believed that this language captured both physical and mental incapacitation. The committee did not intend for ''unable to report'' to include situations where a victim is unwilling to report, consistent with the commenter's suggestion. We believe that this language appropriately strikes a balance between empowering victims to make the decision about whether and when to report a crime and encouraging members of the campus community to report crimes of which they are aware.

Additionally, as required under § 668.46(c)(2), all crimes that occurred on or within an institution's Clery geography that are reported to local police or a campus security authority must be included in the institution's statistics, regardless of whether an institution is subject to mandatory reporting of crimes against children or individuals with certain disabilities. The requirement in § 668.46(c)(2) is unaffected by § 668.46(b)(4)(iii), which addresses an institution's policies on encouraging others to accurately report crimes.

We agree with the commenters that it is important for institutions to make clear to students and employees how to report crimes confidentially for inclusion in the Clery Act statistics. We note that institutions must address policies and procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. The Clery Act does not require institutions to include in their annual security report procedures for filing a title IX complaint with the institution or how to obtain counseling or other services without initiating a title IX investigation by the institution or a criminal investigation. The White House Task Force to Protect Students from Sexual Assault has developed some materials to support institutions in complying with the requirements under the Clery Act and title IX, and we intend to provide additional guidance in the *Handbook for Campus Safety and Security Reporting.*

Changes: None.

Procedures Victims Should Follow If a Crime of Dating Violence, Domestic Violence, Sexual Assault, or Stalking Has Occurred (§ 668.46(b)(11)(ii))

Comments: The commenters expressed support for the requirement that institutions inform victims of dating violence, domestic violence, sexual assault, or stalking of: The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order; their options and how to notify law enforcement authorities; and their option to decline to notify those authorities. The commenters believed that providing this information would dramatically improve the clarity and accessibility of criminal reporting processes for students and employees, and they strongly urged the Department to retain these provisions.

Some commenters suggested expanding these provisions to require institutions to provide additional

information to victims. One commenter recommended requiring institutions to include information about where to obtain a forensic examination at no cost when explaining the importance of preserving evidence. The commenter further recommended requiring institutions to inform victims that completing a forensic examination does not require someone to subsequently file a police report.

Another commenter recommended revising § 668.46(b)(11)(ii)(C) to also require institutions to inform victims of how to request institutional protective measures and pursue disciplinary sanctions against the accused, including filing a title IX complaint with the institution.

One commenter recommended requiring institutions to go beyond assisting a victim in notifying law enforcement and to also help them while they are working with prosecutors and others in the criminal justice system by allowing flexible scheduling for completing papers and exams and by providing transportation, leaves of absence, or other supports.

Another commenter recommended modifying § 668.46(b)(11)(ii)(D) to further require institutions to disclose the definitions of dating violence, domestic violence, sexual assault, stalking, and consent that would apply if a victim wished to obtain orders of protection, ''no-contact'' orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution.

Finally, one commenter was unsure about how institutions should implement § 668.46(b)(11)(ii)(C)(*3*) which would require institutions to explain to victims that they can decide not to notify law enforcement authorities, including on-campus and local police. The commenter was particularly concerned about how this would be applied in States with mandatory reporting requirements.

Discussion: We appreciate the commenters' support. We believe that the requirement that institutions provide this information will improve the clarity and accessibility of criminal reporting processes for students and employees.

Institutions must provide information to victims about the importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order. The statute does not require institutions to provide information specifically about where to obtain forensic examinations; however, we urge institutions to provide this information when stressing the importance of preserving evidence. We encourage institutions to make clear in their annual security report that completing a forensic examination would not require someone to file a police report. While some victims may wish to file a police report immediately after a sexual assault, others may wish to file a report later or to never file a police report. Regardless, institutions may wish to advise students that having a forensic examination would help preserve evidence in the case that the victim changes their mind about how to proceed. For further discussion on forensic evidence please see ''Services for victims of dating violence, domestic violence, sexual assault, or stalking''.

With regard to the recommendation to modify § 668.46(b)(11)(ii)(C) to require institutions to inform victims of how to request institutional protective measures, we note that this provision is intended to ensure that victims understand that they can choose whether or not to notify appropriate law enforcement authorities, and that if they choose to notify those authorities, campus authorities will help them to do so. We do not believe that information about how to request institutional protective measures belongs in this provision. However, an institution must provide victims of dating violence, domestic violence, sexual assault, and stalking with written notification that it will make accommodations and provide protective measures for the victim if requested and reasonably available under § 668.46(b)(11)(v). As part of this notification, an institution must inform victims of how to request those accommodations or protective measures. Additionally, under § 668.46(b)(11)(vi) and (k), an institution must include information about its disciplinary procedures for allegations of dating violence, domestic violence, sexual assault, and stalking in its annual security report. We agree with the commenter that this statement should include information for how to file a disciplinary complaint, and we have modified § 668.46(k)(1)(i) to make this clear.

We believe that the provisions in § 668.46(b)(11)(ii) and (v) adequately address the commenter's concern about providing institutional supports for victims who opt to file a criminal complaint after dating violence, domestic violence, sexual assault, or stalking. In particular, institutions must provide accommodations related to the victim's academic, living, transportation, and working situation if the victim requests those accommodations and if they are reasonably available. Institutions may provide additional accommodations. We strongly encourage institutions to provide these types of accommodations to support students while they are involved with the criminal justice system, and we encourage them to work with victims to identify the best ways to manage those accommodations.

We disagree with the recommendation to require institutions to provide the definitions of dating violence, domestic violence, sexual assault, stalking, and consent that would apply for someone to obtain a protection order or similar order from a court or the institution. This provision is intended to ensure that individuals understand what an institution's responsibilities are for enforcing these types of orders. Jurisdictions vary widely in the standards that they use when issuing a protection order or similar order, and it would not be reasonable to expect an institution to identify all of these possible standards in its annual security report. Institutions must provide the definitions of dating violence, domestic violence, sexual assault, and stalking, as defined in § 668.46(a), as well as the definitions of dating violence, domestic violence, sexual assault, stalking, and consent (in reference to sexual activity) in their jurisdiction in their annual security report. We believe that it will be clear in the annual security report what definitions would apply if an institution is asked to issue a protection order or similar order and that additional clarification in § 668.46(b)(11)(ii)(D) is not needed.

Lastly, these regulations require institutions to explain in their annual security report a victim's options for involving law enforcement and campus authorities after dating violence, domestic violence, sexual assault, or stalking has occurred, including the options to notify proper law enforcement authorities, to be assisted by campus authorities in notifying law enforcement authorities, and to decline to notify law enforcement authorities. This requirement does not conflict with an institution's obligation to comply with mandatory reporting laws because the regulatory requirement relates only to the victim's right not to report, not to the possible legal obligation on the institution to report.

As discussed previously under ''Policies concerning campus law enforcement,'' institutions must describe any policies or procedures in place for voluntary, confidential reporting of crimes for inclusion in the institution's Clery Act statistics. Although this requirement applies only to Clery Act crimes, institutions may

wish to reiterate or reference their policies and procedures that are specific to dating violence, domestic violence, sexual assault, and stalking to ensure that victims are aware of where they can go to report any crime confidentially.

Changes: We have revised § 668.46(k)(1)(i) to make it explicit that institutions must also provide information in the annual security report on how to file a disciplinary complaint.

Protecting Victim Confidentiality (§ 668.46(b)(11)(iii))

Comments: The commenters generally supported requiring institutions to address, in their annual security report, how they will protect the confidentiality of victims and other necessary parties when completing publicly available recordkeeping requirements or providing accommodations or protective measures to the victim. These commenters asserted that protecting victim confidentiality is critical to efforts to support a campus climate in which victims feel safe coming forward. Additionally, several commenters expressed support for incorporating the definition of ''personally identifying information'' in section 40002(a)(20) of the Violence Against Women Act of 1994 in these regulations.

Several commenters, however, raised some concerns and questions about this requirement. Some commenters believed that the Department should limit institutions' discretion in determining whether maintaining a victim's confidentiality would impair the ability of the institution to provide accommodations or protective measures. These commenters believed that institutions should have to obtain the informed, written, and reasonably time-limited consent of the victim before sharing personally identifiable information that they believe to be necessary to provide the accommodation or protective measures or, at a minimum, notify the victim when it determines that the disclosure of that information is needed.

A few commenters noted that it can be very difficult to provide a victim with total confidentiality. One commenter asserted that, in some cases, merely including the location of a rape, for instance, as part of a timely warning, can inadvertently identify the victim. Another commenter noted that some institutions, particularly those with very small populations or very limited numbers of reportable crimes, might not be able to achieve the goals of the Clery Act without disclosing the victim's identity. The commenters requested guidance on how to implement the proposed requirements in these circumstances, when it might be impossible to fully protect confidentiality.

Discussion: We appreciate the commenters' support. We believe that this provision makes it clear that institutions must protect a victim's confidentiality while also recognizing that, in some cases, an institution may need to disclose some information about a victim to a third party to provide necessary accommodations or protective measures. Institutions may disclose only information that is necessary to provide the accommodations or protective measures and should carefully consider who may have access to this information to minimize the risk to a victim's confidentiality. We are not requiring institutions to obtain written consent from a victim before providing accommodations or protective measures, because we do not want to limit an institution's ability to act quickly to protect a victim's safety. However, we strongly encourage institutions to inform victims before sharing personally identifiable information about the victim that the institution believes is necessary to provide an accommodation or protective measure.

As discussed under ''Timely warnings,'' we recognize that in some cases, an institution may need to release information that may lead to the identification of the victim. We stress that institutions must balance the need to provide information to the campus community while also protecting the confidentiality of the victim to the maximum extent possible.

Change: None.

Services for Victims of Dating Violence, Domestic Violence, Sexual Assault, or Stalking (§ 668.46(b)(11)(iv))

Comments: The commenters expressed support for the proposed provision requiring institutions to provide victims of dating violence, domestic violence, sexual assault, and stalking with information about available services and assistance both on campus and in the community that could be helpful and informative. In particular, several commenters supported the requirement that institutions provide victims with information about visa and immigration services. Some of the commenters recommended also requiring institutions to provide student victims with financial aid information, noting that this can be critical to a student's persistence in higher education.

Discussion: We appreciate the commenters' support. We also agree that it is critical for schools to provide student victims with financial aid-related services and information, such as information about how to apply for a leave of absence or about options for addressing concerns about loan repayment terms and conditions and are revising the regulations accordingly. An institution must address in its annual security report what services are available. This notification should provide information about how a student or employee can access these services or request information, such as providing a contact person whom student victims may contact to understand their options with regard to financial aid.

We also note that information about health services that are available on campus and in the community would include information about the presence of, and services provided by, forensic nurses, if available. We recommend that institutions provide information to victims about forensic nurses who may be available to conduct a forensic examination, but we also suggest that they inform victims that having a forensic examination does not require them to subsequently file a police report. Including this information will improve the likelihood that victims will take steps to have evidence preserved in case they file criminal charges or request a protection order.

Additionally, we encourage institutions to reach out to organizations that assist victims of dating violence, domestic violence, sexual assault, and stalking, such as local rape crisis centers and State and territorial coalitions against domestic and sexual violence, when developing this part of the annual security report. These types of organizations might provide resources and services to victims that can complement or supplement the services available on campus.

Changes: We have added ''student financial aid'' to the list of services about which institutions must alert victims.

Accommodations and Protective Measures for Victims of Dating Violence, Domestic Violence, Sexual Assault, or Stalking (§ 668.46(b)(11)(v))

Comments: The commenters strongly supported proposed § 668.46(b)(11)(v), which would require institutions to specify in their annual security reports that they will provide written notification to victims of dating violence, domestic violence, sexual assault, or stalking of accommodations available to them and that the institution will provide those accommodations if requested by the

victim, regardless of whether the victim chooses to report the crime to the campus public safety office or to local law enforcement. The commenters stated that these accommodations are critical for supporting victims and for reducing barriers that can lead victims to drop out of school or leave a job.

Some of the commenters recommended strengthening this provision by requiring institutions to also disclose the process the victim should use to request accommodations. One commenter asked for guidance about what schools could require from a student who requests accommodations and whether it would be appropriate to expect that the student will disclose sufficient information to determine the potential nature of the crime and whether or not the student has sought support, such as counseling, elsewhere. Other commenters requested additional guidance around the meaning of ''options for'' accommodations and what would be considered ''reasonably available.'' Additionally, some commenters noted that institutions could offer accommodations other than those listed in the regulations.

Discussion: We appreciate the commenters' support. We agree that the proposed regulations did not make it sufficiently clear that, in notifying victims of dating violence, domestic violence, sexual assault, and stalking that they may request accommodations, institutions must specify how to request those accommodations. We have clarified the regulations to provide that institutions must explain how to request accommodations and protective measures. In complying with this requirement, we expect institutions to include the name and contact information for the individual or office that would be responsible for handling these requests so that victims have easy access to this information.

We note that institutions must provide victims with written notification of their option to request changes in their academic, living, transportation, and working situations, and they must provide any accommodations or protective measures that are reasonably available once the student has requested them, regardless of whether the student has requested or received help from others or whether the student provides detailed information about the crime. An accommodation or protective measure for a victim must be reasonably available, and what is ''reasonably available'' must be determined on a case-by-case basis. Institutions are expected to make reasonable efforts to provide acceptable accommodations or protective measures, but if a change of living or academic situation or protective measure requested by a victim is unreasonable, an institution is not required to make the change or provide the protective measure. However, institutions are not required to list all examples of acceptable accommodations or protective measures in the annual security report.

We stress that institutions may provide information about accommodations or protective measures beyond those included in these final regulations.

Changes: We have revised § 668.46(b)(11)(v) to specify that an institution must notify victims of dating violence, domestic violence, sexual assault, and stalking of how to request changes to academic, living, transportation, and working situations and how to request protective measures.

Written Explanation of Rights and Options (§ 668.46(b)(11)(vii))

Comments: Several commenters supported providing victims of dating violence, domestic violence, sexual assault, or stalking with written notification of their rights and options. A few other commenters made suggestions for modifying or strengthening this provision. One commenter suggested specifying in the regulations that institutions may meet their obligations by providing a victim with a copy of the annual security report, noting that the annual security report contains all of the information required to be in the written notification. Another commenter believed that this written notification should be provided to all students each year, not just to those who are victims of dating violence, domestic violence, sexual assault, or stalking, and that the notification should be posted on line. The commenter opined that highlighting victims' rights could help to educate the campus community and suggested that it could also serve as a deterrent to potential assailants by reminding them of the possibility of institutional sanctions and criminal prosecution. Lastly, one commenter recommended requiring institutions to provide students and employees who are accused of perpetrating dating violence, domestic violence, sexual assault, or stalking with clear, detailed information about their rights and options, particularly with regard to institutional disciplinary procedures.

Discussion: We appreciate the commenters' support for this provision.

We disagree with the commenter who suggested that institutions should be considered in compliance with this provision if they provide a victim with a copy of the annual security report. Institutions must distribute the annual security report to all enrolled students and current employees and to all prospective students and employees. However, the annual security report contains a great deal of information beyond an institution's campus sexual assault policies. We believe that Congress intended for institutions to provide a specific document to individuals who report that they were victims of dating violence, domestic violence, sexual assault, or stalking with information that they would specifically want or need to know. This targeted information would be more helpful and supportive for victims than directing them to the longer, broader annual security report. For the general campus community, the statute requires institutions to distribute their annual security report. The statute does not support requiring institutions to provide the more personalized written explanation to the general campus community, although an institution may choose to make this information widely available. The different types of information the statute requires institutions to provide strikes an appropriate balance between ensuring that victims have relevant information when they are most likely to need it and ensuring that the campus community has general access to information.

As discussed under ''Availability of Annual Security Report and Statistics,'' we do not have the authority to require institutions to publish their annual security reports online. However, we encourage institutions to do so in order to make the annual security reports as accessible to students, employees, and prospective students and employees as possible.

We agree that it is critical for individuals who are accused of committing dating violence, domestic violence, sexual assault, or stalking to be informed of their rights and options, particularly as they relate to the institution's disciplinary policies. Additionally, we note that responding to these sorts of allegations, whether in the criminal justice system or in an institution's disciplinary procedures will likely be very stressful for the accused as well as the accuser. Therefore, institutions should consider providing the accused with information about existing counseling, health, mental health, legal assistance, and financial aid services both within the institution and in the community. Although we encourage institutions to provide written notification of this sort to an accused student or employee, the

statute does not refer to or support requiring it.

Changes: None.

Other Comments Pertaining to Campus Sexual Assault Policies

Comments: One commenter recommended requiring institutions to specify in their annual security reports that victims of sexual assault will not be charged with misconduct related to drugs or alcohol. The commenter explained that since drugs and alcohol render an individual incapable of consenting to a sexual activity, to the extent that an institution has such a policy, students and employees would benefit from having this explicitly stated in the annual security report.

Discussion: We agree with the commenter that it would be helpful for victims to know an institution's policies for handling charges of misconduct that are related to drugs or alcohol in the case of a sexual assault, particularly because some victims may not seek support or report a sexual assault out of fear that they may be subjected to a campus disciplinary proceeding for breaking an institution's code of conduct related to drug and alcohol use. We encourage institutions to consider whether their disciplinary policies could have a chilling effect on students' reporting of sexual assault or participating as witnesses where drugs or alcohol are involved, and to make their policies in this area clear in the annual security report or through other communications with the campus community about their sexual assault-related polices. However, although we encourage institutions to include this information in their annual security reports, the statute does not refer to or require it.

Changes: None.

Sec. 668.46(c) Crime Statistics

Crimes That Must Be Reported and Disclosed (§ 668.46(c)(1))

Comments: The commenters overwhelmingly supported including the requirement for the reporting and disclosure of statistics for dating violence, domestic violence, and stalking, explaining that the enhanced statistics would elevate the seriousness of these behaviors and would provide important information about the extent of these incidents on campuses for students, faculty, prospective students and their parents, community members, researchers, and school administrators. However, a few commenters raised concerns about how these new requirements would be implemented. One commenter expressed concern about including dating violence as a reportable crime when it is only so designated in one State. This commenter believed that including these ''incidents'' instead of reporting behaviors that are ''crimes'' under criminal statutes dilutes the purpose of the Clery Act.

We received several comments in response to our question about whether the proposed regulations should be modified to capture information about the relationship between a perpetrator and a victim for some or all of the Clery Act crimes. Some of the commenters urged the Department to maintain the approach in the proposed regulations, which would not capture detail about the relationship between a perpetrator and a victim. These commenters believed that this approach protects a victim's right to privacy and the victim's right to choose how much detail to include when reporting a crime; would make it simpler for institutions to comply with the regulations; and would provide clear, easy-to-understand data for students, families, and staff. Other commenters, however, recommended that the Department require institutions to report and disclose the relationship between the offender and the victim. They believed that this detail would provide a more complete picture of the nature of crime on college campuses and help institutions craft the most appropriate response and target their prevention resources effectively.

We also received several comments about our proposal to replace the existing list of forcible and nonforcible sex offenses with rape, fondling, incest, and statutory rape to more closely align with the FBI's updated definitions and terminology. Numerous commenters strongly supported using the definition of ''rape'' in the FBI's Summary Reporting System (SRS) because they believed that it is more inclusive of the range of behaviors and circumstances that constitute rape. Other commenters disagreed with the proposal, arguing that defining sex or intimate touching without advance ''consent'' as ''sexual assault'' when it would otherwise not be defined as such under State law would go beyond the Department's authority. Additionally, some commenters requested additional clarification about what types of incidents would be considered rape or sexual assault and which would not.

One commenter recommended that we replace the term ''fondling'' with the term ''molestation,'' arguing that this term more accurately portrays the gravity of the crime and the seriousness of such an allegation.

Lastly, one commenter recommended combining ''incest'' and ''statutory rape'' into a single category for the Clery Act statistics, opining that the disaggregation of these statistics could create confusion about the statistics and that these two crimes are rare on college campuses.

Discussion: We appreciate the commenters' support. In response to the commenters who were concerned that these regulations would require institutions to maintain statistics on incidents that may not be considered ''crimes'' in many jurisdictions, we note that the statistical categories are required by section 485(f)(1)(F)(iii) of the Clery Act. Further, the HEA specifies that ''dating violence,'' ''domestic violence,'' ''sexual assault,'' and ''stalking'' are to be defined in accordance with section 40002(a) of the Violence Against Women Act of 1994. Although we recognize that these incidents may not be considered crimes in all jurisdictions, we have designated them as ''crimes'' for the purposes of the Clery Act. We believe that this makes it clear that all incidents that meet the definitions in § 668.46(a) must be recorded in an institution's statistics, whether or not they are crimes in the institution's jurisdiction.

Although we believe that capturing data about the relationship between a victim and a perpetrator in the statistics could be valuable, we are not including this requirement in the final regulations given the lack of support for, and controversy around, this issue that was voiced during the negotiations and the divergent views of the commenters. However, we note that institutions may choose to provide additional context for the crimes that are included in their statistics, so long as they do not disclose names or personally identifying information about a victim. Providing this additional context could provide a fuller picture of the crimes involving individuals who are in a relationship to anyone interested in such data. In particular, as discussed under ''Recording stalking,'' providing narrative information related to statistics for stalking may be valuable.

We appreciate the commenters' support for our proposal to use the FBI's updated definition of ''rape'' under the SRS. With respect to the comments objecting to specific aspects of the FBI's definitions, section 485(f)(6)(A)(v) of the Clery Act specifies that sex offenses are to be reported in accordance with the FBI's UCR program, which these regulations reflect. With respect to the commenters who requested additional clarification on the types of incidents that would constitute ''rape'' or a ''sex

offense'' we refer to the definitions of these terms in Appendix A.

Although not raised by the commenters, we have made a slight modification to the regulations in § 668.46(c)(1)(ii) to clarify that, consistent with section 485(f)(1)(i)(IX) of the HEA, institutions must report arrests *and referrals* for disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

Changes: We have revised § 668.46(c)(1)(ii) to require institutions to report statistics for referrals (in addition to arrests) for disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

All Reported Crimes Must Be Recorded (§ 668.46(c)(2))

Comments: We received a few comments on our proposal that all crimes reported to a campus security authority be included in an institution's crime statistics. One commenter recommended that the Department specify that an institution may withhold, or subsequently remove, a reported crime from its crime statistics if it finds that the report is false or baseless (that is, ''unfounded'').

Another commenter requested clarification about whether third-party reports that are provided anonymously and that cannot be confirmed should be included in an institution's statistics. The commenter was concerned that requiring these reports could give rise to unsubstantiated accusations from those who do not identify themselves as victims.

One commenter was concerned that institutions with numerous campus security authorities could receive multiple reports of the same incident and that the duplication could result in data that do not accurately represent the number of crimes occurring on campus. This commenter urged the Department to require institutions to review their reports to eliminate duplication.

One commenter believed that institutions should be able to remove statistics for crimes if a jury or coroner has decided that an accused individual did not commit the crime. The commenter accused the Department of designing the regulations to artificially inflate the number of reported crimes on campuses, and they believed that maintaining this type of report would not help students accurately judge the safety of an institution.

Finally, one commenter suggested clarifying that an institution must include all reports of crimes occurring on or within the institution's Clery geography, not just ''all crimes reported.''

Discussion: Pursuant to section 485(f)(1)(F)(i) of the Clery Act, institutions must include all reports of a crime that occurs on or within an institution's Clery geography, regardless of who reports the crime or whether it is reported anonymously. For example, if an institution provides for anonymous reporting through an online reporting form, the institution must include in its statistics crimes that occurred within the Clery geography that are reported through that form. We also note that institutions must record all reports of a single crime, not all reports. If after investigating several reports of a crime, an institution learns that the reports refer to the same incident, the institution would include one report in its statistics for the crime that multiple individuals reported. In addition, we do not believe it is necessary to require institutions to review their reports to eliminate duplication in their statistics, as such a requirement is difficult to enforce and institutions have an incentive to do this without regulation.

We agree with the commenter that there is one rare situation—so-called ''unfounded'' reports—in which it is permissible for an institution to omit a reported Clery Act crime from its statistics, and we have added language to the regulations to recognize this exemption. However, we are concerned that some institutions may be inappropriately unfounding crime reports and omitting them from their statistics. To address this concern, we have added language to the regulations to require an institution to report to the Department and disclose in its annual security report statistics the number of crime reports that were ''unfounded'' and subsequently withheld from its crime statistics during each of the three most recent calendar years. This information will enable the Department to monitor the extent to which schools are designating crime reports as unfounded so that we can provide additional guidance about how to properly ''unfound'' a crime report or intervene if necessary.

We remind institutions that they may only exclude a reported crime from its upcoming annual security report, or remove a reported crime from its previously reported statistics after a full investigation. Only sworn or commissioned law enforcement personnel can make a formal determination that the report was false or baseless when made and that the crime report was therefore ''unfounded.'' Crime reports can be properly determined to be false only if the evidence from the complete and thorough investigation establishes that the crime reported was not, in fact, completed or attempted in any manner. Crime reports can only be determined to be baseless if the allegations reported did not meet the elements of the offense or were improperly classified as crimes in the first place. A case cannot be designated ''unfounded'' if no investigation was conducted or the investigation was not completed. Nor can it be designated unfounded merely because the investigation failed to prove that the crime occurred; this would be an inconclusive or unsubstantiated investigation.

As stated above, only sworn or commissioned law enforcement personnel may determine that a crime reported is ''unfounded.'' This does not include a district attorney who is sworn or commissioned. A campus security authority who is not a sworn or commissioned law enforcement authority cannot ''unfound'' a crime report either. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with law enforcement or the prosecution or the failure to make an arrest does not ''unfound'' a crime. The findings of a coroner, court, jury (either grand or petit), or prosecutor do not ''unfound'' crime reports of offenses or attempts.

Consistent with other recordkeeping requirements that pertain to the title IV, HEA programs, if a crime was not included in the Clery Act statistics because it was ''unfounded,'' the institution must maintain accurate documentation of the reported crime and the basis for unfounding the crime. This documentation must demonstrate that the determination to ''unfound'' the crime was based on the results of the law enforcement investigation and evidence. The Department can and does request such documentation when evaluating compliance with Federal law.

We also remind institutions that have a campus security or police department that all reported crimes must be included in their crime log, as required by § 668.46(f). The crime log must include the nature, date, time, and general location of each crime, as well as the disposition of the complaint. If a crime report is determined to be ''unfounded,'' an institution must update the disposition of the complaint to ''unfounded'' in the crime log within two business days of that determination. It may not delete the report from the crime log.

We disagree with the commenter that institutions should be able to remove

statistics for crimes where an accused individual is exonerated of committing a crime. A verdict that a particular defendant is not guilty of a particular charge (or, more technically, that there was not sufficient admissible evidence introduced demonstrating beyond a reasonable doubt that the accused committed the crime) does not mean that the crime did not occur. The Clery Act statistics are not based on the identity of the perpetrator. Therefore, all reports of crimes must be included in the statistics, except in the rare case that a crime report is ''unfounded,'' as discussed earlier in this section.

Lastly, in response to the recommendation for greater specificity about which crimes must be reported, we have clarified that an institution must include all reports of Clery Act crimes occurring on or within the institution's Clery geography. We believe that this adds clarity to the regulations.

Changes: We have revised § 668.46(c)(2)(iii) to clarify that, in rare cases, an institution may remove reports of crimes that have been ''unfounded'' and to specify the requirements for unfounding. We have added new § 668.46(c)(2)(iii)(A) requiring an institution to report to the Department, and to disclose in its annual security report, the number of crime reports listed in § 668.46(c)(1) that were ''unfounded'' and subsequently withheld from its crime statistics pursuant to § 668.46(c)(2)(iii) during each of the three most recent calendar years. We have also reserved § 668.46(c)(2)(iii)(B). Lastly, we have also clarified throughout § 668.46(c) that an institution must include all reports of Clery Act crimes that occurred on or within the institution's Clery geography.

Recording Crimes by Calendar Year (§ 668.46(c)(3))

Comments: The commenters expressed support for this proposed provision.

Discussion: We appreciate the commenters' support.

Changes: None.

Recording Hate Crimes (§ 668.46(c)(4))

Comments: The commenters generally supported the inclusion of ''gender identity'' and ''national origin'' as categories of bias for the purposes of recording hate crime statistics. One commenter recommended collecting and disaggregating information on the actual or perceived race, ethnicity, and national origin of victims of hate crimes. This commenter believed that this information would improve public awareness and knowledge of the prevalence of certain forms of abuse, including hate crimes, directed at certain populations, such as the Latino/Latina college population.

Discussion: We appreciate the commenters' support for adding ''gender identity'' and ''national origin'' as categories of bias and for adding a definition of ''hate crime.''

Section 485(f)(1)(F)(ii) of the Clery Act requires institutions to collect and report crimes that are reported to campus security authorities or local police agencies ''according to category of prejudice.'' Accordingly, institutions collect and report hate crimes according to the bias that may have motivated the perpetrator. At this time, we do not believe it is necessary to also require institutions to collect and report data about, for example, the victim's actual race, ethnicity, or national origin.

Changes: None.

Recording Reports of Stalking (§ 668.46(c)(6))

Comments: We received numerous comments in response to our request for feedback about how to count stalking that crosses calendar years, how to apply an institution's Clery geography to reports of stalking, and how to identify a new and distinct course of conduct involving the same perpetrator and victim.

Stalking Across Calendar Years

Some of the commenters supported the approach in the proposed regulations, arguing that it would provide an accurate picture of crime on campus for each calendar year. The commenters suggested, however, modifying the language to clarify that an institution must include a statistic for stalking in each and every year in which a particular course of conduct is reported to a local police agency or campus security authority. One commenter recommended requiring institutions to report stalking in only the first calendar year in which a course of conduct was reported, rather than including it each and every year in which the conduct continues and is reported. Another commenter suggested requiring institutions to disaggregate how many incidents of stalking are newly reported in that calendar year and how many are continuations from the previous calendar year to avoid a misinterpretation of the crime statistics.

Stalking by Location

The commenters provided varied feedback with regards to recording stalking by location. Some of the commenters supported the approach in the proposed regulations that would require institutions to include stalking at only the first location within the institution's Clery geography in which a perpetrator engaged in the stalking course of conduct or where a victim first became aware of the stalking. Other commenters generally agreed with this approach but urged the Department to modify the regulations so that stalking using an institution's servers, networks, or other electronic means would be recorded based on where the institution's servers or networks are housed. These commenters were concerned that, without this change, some instances of stalking would not be accounted for in the statistics if the perpetrator or the victim is never physically located on or within the institution's Clery geography.

Some of the commenters recommended reporting stalking based only on the location of the perpetrator. These commenters argued that using the location of the victim would result in institutions including reports of stalking where the perpetrator was nowhere near the institution but the victim was on campus. They believed that this information would not be meaningful because it would not help members of the campus community protect themselves while on the school's Clery geography. Along these lines, one commenter suggested giving institutions the option to exclude reports of stalking if the perpetrator has never been on or near the institution's Clery geography if the institution can document its reasons for doing so. Other commenters believed that reporting based on the location of the perpetrator would be more consistent with how other crimes are reported under the Clery Act. The commenter noted, for example, that motor vehicle theft is only included in an institution's statistics if the perpetrator stole the car from a location within the institution's Clery geography, regardless of whether the car's owner learned of the theft while within the institution's Clery geography.

Some of the commenters recommended recording stalking based only on the location of the victim. These commenters argued that it would be much easier for institutions to determine the location of the victim than the location of the perpetrator.

Lastly, a few commenters addressed our discussion in the NPRM about how stalking involving more than one institution should be handled. The commenters supported our statement that, when two institutions are involved, both institutions should include the stalking report in their Clery Act statistics. One commenter, however, requested clarification about an

institution's responsibility to notify another institution if the stalking originated on the other institution's Clery geography.

Stalking After an ''Official Intervention''

We received several comments related to when an institution should count a report of stalking as a new and distinct crime in its statistics. Some of the commenters supported the approach in the NPRM under which stalking would be counted separately after an official intervention. An official intervention would include any formal or informal intervention and those initiated by school officials or a court. One commenter generally supported this approach but was concerned that an institution might not be aware when an ''official intervention'' has occurred if that intervention did not involve the institution, such as when a court has issued a no-contact order or a restraining order. The commenter recommended revising the regulations to specify that an institution would record stalking in these cases as a new and distinct crime only to the extent that the institution has actual knowledge that an ''official intervention'' occurred.

Other commenters urged the Department to remove § 668.46(c)(6)(iii), arguing that counting a new incident of stalking after an official intervention would not be consistent with treating stalking as a course of conduct. They explained that stalking cases often have numerous points of intervention, but that despite those interventions, it is still the same pattern or course of conduct, and that recording a new statistic after an ''official intervention'' would be arbitrary. The commenters believed that requiring that stalking be recorded in each and every subsequent year in which the victim reports the same stalking course of conduct would appropriately capture the extent of stalking without introducing an arbitrary bright line, such as an ''official intervention'' or a specific time period between stalking behaviors.

Several commenters recommended encouraging institutions to provide narrative information about each incident of stalking in their reports to provide context. They believed that this narrative would provide more useful information by explaining whether a particular course of conduct spanned several years, whether it continued after one or multiple interventions, and how many behaviors or actions on the part of the perpetrator made up the single course of conduct.

Discussion: We thank the commenters for their feedback.

Stalking Across Calendar Years

We appreciate the commenters' support for our proposal to record incidents of stalking that cross calendar years. This approach strikes a balance by ensuring that stalking is adequately captured in an institution's statistics without inflating the number of incidents of stalking by counting each behavior in the pattern. In response to recommendations from the commenters, we have modified § 668.46(c)(6)(i) to clarify that an institution must record a report of stalking in each and every year in which the stalking course of conduct is reported to local police or a campus security authority. An institution is not required to follow up with victims each year to determine whether the behavior has continued, although institutions are not precluded from doing so. If, as a result of following up with a stalking victim, the institution learns that the behavior has continued into another year, the institution must record the behavior as a new report of stalking in that year. Otherwise, institutions must record only reports that they receive in each year.

We appreciate the suggestion that institutions should disaggregate statistics for stalking each year based on which incidents were continuations for stalking reported in a previous calendar year and which were new reports of stalking, but we believe that the approach in the final regulations is simpler for institutions to understand and implement. However, we encourage institutions to provide additional detail, such as whether a report represents a continuation of a previous year's report, in their annual security report.

Stalking By Location

With regard to recording stalking based on the location of either the victim or perpetrator, we note that the negotiating committee reached consensus on the proposed language, which accounts for the location of both the victim and the perpetrator. Given the disagreement among the commenters about how to modify these provisions, we have decided to adopt the approach approved by the negotiating committee. We do not believe that the analogy to motor vehicle theft is appropriate because the crime of stalking is not a crime perpetrated against property and, thus, it presents different considerations.

We are not persuaded that we should include stalking based on the use of the institution's servers or networks, but where neither the victim nor the perpetrator was on or within the institution's Clery geography. Including these incidents would be inconsistent with our traditional approach in regard to the Clery Act, which uses physical location as the determining factor. Moreover, it may not always be clear whether a particular message used a particular institution's computer servers or networks. Of course, an institution may still be able to take action to address a stalking incident that used its servers or networks. Many institutions have terms of use associated with the use of those networks, and violations of those terms of use may subject an individual to disciplinary action.

Lastly, if stalking occurs on more than one institution's Clery geography and is reported to a campus security authority at both institutions, then both institutions must include the stalking in their statistics. Although the statute does not require an institution that learns of stalking occurring on another campus to alert the other campus, we strongly encourage an institution in this situation to do so.

Stalking After an ''Official Intervention''

We agree with the commenters who argued that requiring institutions to record stalking involving the same victim and perpetrator as a new crime after an official intervention would be arbitrary. We also agree that it could be difficult for institutions to track stalking incidents if the institution does not have actual knowledge of the intervention. As a result, we have not included proposed § 668.46(c)(6)(ii) in the final regulations. We believe that the requirement that institutions record stalking in each and every year in which it is reported is an effective, straightforward, and less arbitrary approach than including the concept of an ''official intervention.'' We encourage institutions to provide narrative information in their annual security reports about incidents of stalking to the extent possible to provide individuals reading the annual security report with a fuller picture of the stalking. In addition to explaining whether a report represents stalking that has continued across multiple calendar years, institutions may provide additional context for these statistics by explaining, for example, whether the stalking continued despite interventions by the institution or other parties, whether it lasted for a short but intense period or occurred intermittently over several months, and whether the perpetrator or the victim was located on or within the institution's Clery geography.

Changes: We have revised § 668.46(c)(6)(i) to clarify that stalking that crosses calendar years must be recorded in each and every year in

which the stalking is reported to a campus security authority or local police. We have also removed proposed § 668.46(c)(6)(iii), which would have required institutions to record a report of stalking as a new and distinct crime when the stalking behavior continues after an official intervention.

Using the FBI's UCR Program and the Hierarchy Rule (§ 668.46(c)(9))

Comments: We received several comments on our proposal to modify the application of the Hierarchy Rule under the FBI's UCR Program, as well as comments about how to further update and clarify § 668.46(c)(9). First, with regard to applying the Hierarchy Rule, some of the commenters supported our proposal to create an exception so that when both a sex offense and murder are committed in the same incident, both crimes would be counted in the institution's statistics. These commenters believed that this approach would more accurately reflect the full range of incidents involving intimate partner violence. One commenter recommended clarifying that the exception would apply only to cases involving rape and murder, noting that every rape would involve fondling.

Other commenters, however, disagreed with our proposal to create an exception to the Hierarchy Rule, arguing that if the Department continues to use the Hierarchy Rule, it should do so in its entirety. These commenters recommended having subcategories under the primary crimes so that they could report elements of each crime as a subset, rather than as a freestanding incident. For example, one commenter believed that instead of requiring an institution to record a statistic for a murder and for dating violence if a victim was murdered by someone the victim was dating, the Department should require an institution to record a murder and to include dating violence as an element of that murder. The commenter believed that this would reduce double-counting and would make the data more transparent.

Another commenter recommended abandoning the Hierarchy Rule altogether, arguing that it detracts from the value and clarity of the Clery Act statistics and leads to an underrepresentation of the extent of crimes on a given college campus.

With regards to clarifying the regulation, one commenter noted that proposed § 668.46(c)(9) referred to outdated guidance and documents issued by the FBI for the UCR program. They recommended replacing references to the ''UCR Reporting Handbook'' and the ''UCR Reporting Handbook: National Incident-Based Reporting System (NIBRS) EDITION'' with references to the ''Criminal Justice Information System (CJIS) Division Uniform Crime Reporting (UCR) Program Summary Reporting System (SRS) User Manual,'' and the ''Criminal Justice Information System (CJIS) Division Uniform Crime Reporting (UCR) Program National Incident-Based Reporting System (NIRBRS) User Manual,'' respectively. The commenter recommended also updating the references in Appendix A to refer to the appropriate User Manuals and to identify the correct system source (SRS or NIBRS) for the definitions of rape, fondling, statutory rape, and incest.

One commenter recommended importing the breadth of the UCR program into the regulations to provide more clarity and guidance for campus security authorities to help them in categorizing crimes, particularly at institutions that do not have a campus law enforcement division.

Discussion: We appreciate the commenters' support. We have decided to retain the Hierarchy Rule and the exception to that rule for situations involving a sex offense and murder. We believe that the Hierarchy Rule provides a useful approach for recording the numbers of crimes without overreporting and note that it is used by other crime reporting systems. However, in light of the statute's purpose and the appropriate public concern about sex offenses on campus, we have determined that an exception to ensure that all sex offenses are counted is necessary for Clery Act purposes. Without this exception, under the Hierarchy Rule, an incident that involves both a rape and a murder, for example, would be recorded only as a murder, obscuring the fact that the incident also included a sexual assault. We believe that Congress intended to capture data about sexual assaults at institutions participating in the title IV, HEA programs, and this exception will ensure that all cases of sexual assault are included in an institution's statistics. Some of the commenters misinterpreted the proposed regulations to mean that an institution would have to include all of the elements of a sex offense in its statistics. For example, they believed that an institution would include both fondling and rape in its statistics in any incident involving rape. We intended for the exception to the Hierarchy Rule to apply when a rape, fondling, incest, or statutory rape occurs in the same incident as murder. As a result, we have clarified § 668.46(c)(9)(vii) to make it clear that this exception to the Hierarchy Rule would apply only when a sex offense and murder are involved in the same incident, and that, in these cases, an institution would include statistics for the sex offense and murder, rather than including only the murder.

As discussed under ''Hierarchy Rule,'' we agree with the commenter who recommended clarifying in the regulations that, consistent with treatment in the FBI's UCR program, an arson that occurs in the same incident as other crimes must always be included in an institution's statistics. As a result, we have clarified in § 668.46(c)(9)(vi) that an institution must always record an arson in its statistics, regardless of whether or not it occurs in the same incident as other crimes. We believe that including this provision related to arson in the same place as the exception for sex offenses will make it easier for readers to understand how to apply the Hierarchy Rule.

We agree with the commenter who argued that the references to the FBI's UCR Program may be confusing for institutions that do not have a campus law enforcement division that is familiar with the UCR Program. We have clarified in § 668.46(c)(9)(i) that an institution must compile the crime statistics for murder and nonnegligent manslaughter, negligent manslaughter, rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug law violations, and illegal weapons possession using the definitions of those crimes from the ''Summary Reporting System (SRS) User Manual'' from the FBI's UCR Program. We also have clarified in § 668.46(c)(9)(ii) that an institution must compile the crime statistics for fondling, incest, and statutory rape using the definitions of those crimes from the ''National Incident-Based Reporting System (NIBRS) User Manual'' from the FBI's UCR Program. Further, we have specified in § 668.46(c)(9)(iii) that an institution must compile the crime statistics for the hate crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property using the definitions provided in the ''Hate Crime Data Collection Guidelines and Training Manual'' from the FBI's UCR Program. We have made corresponding changes to Appendix A to reflect the UCR Program sources from which the Clery Act regulations draw these definitions. Finally, we have reiterated in § 668.46(c)(9)(iv) that an institution must compile the crime statistics for dating violence, domestic violence, and stalking using the definitions provided in § 668.46(a). We believe that these changes, combined

with our revisions to Appendix A and the updated references to the FBI's UCR Program materials will make clear to institutions which definitions they must use when classifying reported crimes. We intend to include additional guidance on these issues when we revise the *Handbook for Campus Safety and Security Reporting.*

Changes: We have revised paragraph § 668.46(c)(9) to clarify how the definitions in the FBI's UCR Program apply to these regulations, updated references to the FBI's UCR Program materials, revised the exception to the Hierarchy Rule to clarify that it applies in cases where a sex offense and a murder occur during the same incident, and that under the Hierarchy Rule an institution must always include arson in its statistics.

Statistics From Police Agencies (§ 668.46(c)(11))

Comments: One commenter was concerned that the proposed regulations would require an institution to gather and review individual reports from municipal police authorities and to determine whether the offenses described in the reports meet the definition of ''dating violence,'' ''domestic violence,'' or ''stalking'' in the regulations, even if they do not constitute criminal offenses in the jurisdiction. The commenter opined that such a collection and review would be very burdensome for institutions and would require significant cooperation by municipal police authorities.

Discussion: Initially, we note that the requirement to collect crime statistics from local or State police agencies has been a longstanding requirement under the Clery Act. Under § 668.46(c)(11) of the regulations, institutions are required to make a good-faith effort to obtain the required statistics and may rely on the information supplied by a local or State police agency. We would consider an institution to have made a good-faith effort to comply with this requirement if it provided the definitions in these regulations to the local or State police agency and requested that that police agency provide statistics for reports that meet those definitions with sufficient time for the local or State police agency to gather the requested information. As a matter of best practice, we strongly recommend that institutions make this request far in advance of the October 1 deadline for publishing their annual security reports and follow up with the local or State police agency if they do not receive a response. As long as an institution can demonstrate that it made a good-faith effort to obtain this information, it would be in compliance with this requirement.

Changes: None.

Timely Warnings (§ 668.46(e))

Comments: The commenters strongly supported our proposal to clarify that institutions must keep confidential the names and personally identifying information of victims when issuing a timely warning. Some commenters, however, requested additional guidance for how institutions can most effectively comply with this requirement.

Discussion: We appreciate the commenters' support. Generally, institutions must provide timely warnings in response to Clery Act crimes that pose a continuing threat to the campus community. These timely warnings must be provided in a manner that is timely and that will aid in the prevention of similar crimes. Under these final regulations, institutions must not disclose the names and personally identifying information of victims when issuing a timely warning. However, in some cases to provide an effective timely warning, an institution may need to provide information from which an individual might deduce the identity of the victim. For example, an institution may need to disclose in the timely warning that the crime occurred in a part of a building where only a few individuals have offices, potentially making it possible for members of the campus community to identify a victim. Similarly, a perpetrator may have displayed a pattern of targeting victims of a certain ethnicity at an institution with very few members of that ethnicity in its community, potentially making it possible for members of the campus community to identify the victim(s). Institutions must examine incidents requiring timely warnings on a case-by-case basis to ensure that they have minimized the risk of releasing personally identifying information, while also balancing the safety of the campus community.

Changes: None.

Programs To Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking (668.46(j))

General

Comments: One commenter sought clarification regarding the proposed language in § 668.46(j)(1) that states that an institution must include in its annual security report a statement of policy that addresses the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking and that the statement must include a description of the institution's primary prevention and awareness programs for all incoming students and new employees, which must include the contents of § 668.46(j)(1)(i)(A)–(F). The commenter sought clarification as to whether this language meant simply that the description of an institution's primary prevention and awareness programs had to contain these elements or if it meant that the actual programs, as administered on an institution's campus, had to incorporate and address these elements.

Several commenters asked that the final regulations be modified to redefine who would be considered a ''student'' for the purposes of the institution's obligation to provide primary prevention and awareness programs and ongoing prevention and awareness campaigns. Noting that the Department interprets the statute in this regard consistent with other Clery Act requirements by requiring institutions to offer training to ''enrolled'' students, as the term ''enrolled'' is defined in § 668.2, the commenters were concerned about the burden of providing prevention training to students who are enrolled only in continuing education courses, online students, and students who are dually enrolled in high school and community college classes and suggested that prevention training should be focused on students who are regularly on campus.

One commenter was concerned that institutions may allow collective bargaining agreements to be a barrier to offering primary prevention and awareness programs and ongoing prevention and awareness campaigns to current employees who belong to a union.

Another commenter asked the Department to clarify whether an institution must require and document that every member of its community attend prevention programs and training or whether it is mandatory that an institution simply make such programming widely available and accessible for members of its community and maintain statistical data on the frequency, type, duration, and attendance at the training.

One commenter opined that the final regulations should require institutions to work with local and State domestic violence and sexual assault coalitions to develop ''best practice'' training models, access programs for confidential services for victims, and serve on advisory committees that review campus training policies and protocols for dealing with sexual violence issues.

Lastly, one commenter believed that the final regulations should require prevention programs to focus on how

existing technology can be used to help prevent crime. This commenter believed that such a focus will ultimately reduce institutional burden to report, classify, and respond to reports of dating violence, domestic violence, sexual assault, and stalking.

Discussion: In response to the first comment, the actual prevention programs administered on an institution's campus must incorporate and address the contents of § 668.46(j)(1)(i)(A)–(F) as well as meet the definition of ''programs to prevent dating violence, domestic violence, sexual assault, and stalking'' in § 668.46(a) of these final regulations. It is important to note that the Department's Clery Compliance staff will verify an institution's compliance with both §§ 668.46(a) and (j) during a Clery Act compliance review.

We do not agree that we should redefine who would be considered a ''student'' for the purposes of providing primary prevention and awareness programs and ongoing prevention and awareness campaigns. We believe that every enrolled student should be offered prevention training because anyone can be a victim of dating violence, domestic violence, sexual assault, or stalking, not just students regularly on campus. As we stated in the preamble to the NPRM, under §§ 668.41 and 668.46, institutions must distribute the annual security report to all ''enrolled'' students, as defined in § 668.2. Applying that same standard for prevention training makes it clear that the same students who must receive the annual security report must also be offered the training.

Without further explanation by the commenter, we cannot see any reason why collective bargaining agreements could be a barrier to offering prevention training to employees who belong to a union. We note that institutions have distributed their annual security reports to ''current employees'' under §§ 668.41 and 668.46 for many years regardless of whether an employee is a member of a union, and we expect that these employees will now be offered the new prevention training in the same manner as they were offered the training in the past.

In response to the question about whether an institution must require mandatory attendance at primary and ongoing prevention programs and campaigns, we note that neither the statute nor the regulations require that every incoming student, new employee, current student, or faculty member, take or attend the training. The regulations require only that institutions offer training to all of these specified parties and that the training includes the contents of § 668.46(j)(1)(i)(A)–(F) and meets the definition of ''programs to prevent dating violence, domestic violence, sexual assault, and stalking''. Institutions must be able to document, however, that they have met these regulatory requirements. Although the statute and regulations do not require that all students and employees take or attend training, we encourage institutions to mandate such training to increase its effectiveness. Lastly, the final regulations do not require institutions to maintain statistical data on the frequency, type, duration, and attendance at the training, although if an institution believes that maintaining such data is informative, we would encourage such efforts.

We do not believe that we have the statutory authority to require institutions to work with local and State domestic violence and sexual assault coalitions to develop policies and programs. The statute requires only that institutions provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance and other services available for victims, both on-campus and in the community. However, we strongly encourage institutions and local and State domestic violence and sexual assault coalitions to form such relationships so that victims of sexual violence will be better served.

We disagree that the final regulations should be changed to emphasize the use of existing technology in prevention programs. The Department cannot require the specific content of an institution's prevention training, although we strongly encourage institutions to consider including information on existing technology so as to better inform their audiences.

Changes: None.

Definition of ''Applicable Jurisdiction'' (§ 668.46(j)(1)(i)(B) and (C))

Comments: Section 668.46(j)(1)(i)(B) and (C) requires an institution to include, in its annual security report policy statement on prevention programs, the applicable jurisdiction's definitions of ''dating violence,'' ''domestic violence,'' ''sexual assault,'' ''stalking,'' and ''consent.'' Several commenters asked for guidance on how to comply with § 668.46(j)(1)(i)(B) and (C) when those terms are not defined by the local jurisdiction. Several commenters requested that the Department clarify in the final regulations whether institutions must use the definitions in criminal statutes or whether institutions can reference definitions from other sources of law, such as domestic abuse protection order requirements, or from State and local agencies. These commenters noted that applicable criminal codes often do not define these terms, but that reference to the definitions in statutes outside the criminal law or from State and local agencies are appropriate to provide in this policy statement. One commenter requested that the proposed regulations be changed to allow institutions to incorporate by reference the definitions in the applicable jurisdiction, to avoid confusing language in their prevention program materials. This commenter noted that legal definitions can be long and complicated, and that allowing incorporation by reference would increase the chance that these definitions will remain accurate.

Discussion: If an institution's applicable jurisdiction does not define ''dating violence,'' ''domestic violence,'' ''sexual assault,'' ''stalking,'' and ''consent'' in reference to sexual activity, in its criminal code, an institution has several options. An institution must include a notification in its annual security report policy statement on prevention programs that the institution has determined, based on good-faith research, that these terms are not defined in the applicable jurisdiction. An institution would need to document its good-faith efforts in this regard. In addition, where the applicable jurisdiction does not define one or more of these terms in its criminal code, the institution could choose to provide definitions of these terms from laws other than the criminal code, such as State and local administrative definitions. For example, an institution could provide a definition officially announced by the State's Attorney General to provide relevant information about what constitutes a crime in the jurisdiction.

We do not believe that simply referencing the definition meets the requirement that institutions provide the definition of the terms ''dating violence,'' ''domestic violence,'' ''sexual assault,'' ''stalking,'' and ''consent'' in reference to sexual activity in the applicable jurisdiction. Section 485(f)(8)(B)(i)(I)(bb) and (cc) of the Clery Act, as amended by VAWA, require an institution to provide the definitions, not a cross-reference or link, to the definition of these terms.

Changes: None.

Definitions of ''Awareness Programs,'' ''Bystander Intervention,'' ''Ongoing Prevention and Awareness Campaigns,'' ''Primary Prevention Programs,'' and ''Risk Reduction'' (§ 668.46(j)(2)(i)–(v))

Comments: One commenter stated that the definitions of ''awareness programs,'' ''bystander intervention,'' ''ongoing prevention and awareness campaigns,'' ''primary prevention programs,'' and ''risk reduction'' in paragraphs 668.46(j)(2)(i)–(v) assume a context of student-on-student sexual assault, making the definitions inadequate in cases in which the offender is an employee of the institution. The commenter stated that prevention activities should include instruction on healthy boundaries, power differentials, and exploitation to address situations where the perpetrator is an employee.

One commenter asked for clarification of the terms ''institutional structures and cultural conditions that facilitate violence,'' and ''positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality,'' in § 668.46(j)(2)(ii) and (iv). Another commenter stated that bystander intervention trainings should be mandatory for incoming students and that the Department should establish basic guidelines and strategies to ensure uniformity and quality of bystander intervention training across institutions. Lastly, one commenter recommended that the definition of ''risk reduction'' in § 668.46(j)(2)(v) be removed from the regulations because risk reduction efforts, unless coupled with empowerment approaches, leave potential victims with the false impression that victimization can be avoided. The commenter believed that this was tantamount to victim blaming.

Discussion: We disagree that the definitions of ''awareness programs,'' ''bystander intervention,'' ''ongoing prevention and awareness campaigns,'' ''primary prevention programs,'' and ''risk reduction'' in § 668.46(j)(2)(i)–(v) assume a context of student-on-student sexual assault. We believe that the language in the definitions is broad and covers situations where the perpetrator is an employee and the commenter did not specifically identify any language for us to revise.

In response to the commenter who asked for clarification of certain terms in § 668.46(j)(2), we believe that examples of ''institutional structures and cultural conditions that facilitate violence,'' might include the fraternity and sports cultures at some institutions. We believe that examples of ''positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality,'' might include the promotion of good listening and communication skills, moderation in alcohol consumption, and common courtesy.

As for the commenter who suggested that bystander intervention training be mandatory for incoming students and that the Department should establish basic guidelines and strategies to ensure uniformity and quality for that training, the statute does not mandate student or employee participation in prevention training, nor does the statute authorize the Department to specify what an institution's training must contain. The statute and the regulations contain broad guidelines and definitions to assist institutions in developing training that takes into consideration the characteristics of each campus.

Lastly, we disagree with the commenter who recommended that the definition of ''risk reduction'' in § 668.46(j)(2)(v) be removed. Empowering victims is incorporated into the definition of risk reduction. The term ''risk reduction'' means options designed to decrease perpetration and bystander inaction, *and to increase empowerment for victims* in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Changes: None.

Institutional Disciplinary Proceedings in Cases of Alleged Dating Violence, Domestic Violence, Sexual Assault, or Stalking (§ 668.46(k))

Comments: Many commenters supported proposed § 668.46(k) regarding institutional disciplinary proceedings. These commenters believed that the proposed regulations properly reflected the importance of transparent, equitable procedures for complainants and accused students, provided clear and concise guidance on the procedures an institution must follow to comply with the VAWA requirements, and would lead to more accurate reporting of campus crime statistics. Several commenters also expressed appreciation for the Department's statements in the NPRM that an institution's responsibilities under the Clery Act are separate and distinct from those under title IX, and that nothing in the proposed regulations alters or changes an institution's obligations or duties under title IX as interpreted by OCR.

Other commenters did not support proposed § 668.46(k). These commenters stated that only the criminal justice system is capable of handling alleged incidents of dating violence, domestic violence, sexual assault, and stalking, not institutions of higher education. These commenters also believed that the proposed regulations eliminate essential due process protections, and entrust unqualified campus employees and students to safeguard the interests of the parties involved in adjudicating allegations. Several commenters also stated that the proposed regulations would place a considerable compliance burden on small institutions and asked the Department to consider mitigating that burden in the final regulations.

One commenter asked the Department to clarify in the final regulations that disciplinary procedures apply more broadly than just to student disciplinary procedures and suggested adding language specifying that the procedures apply to student, employee, and faculty discipline systems.

One commenter asked the Department to clarify whether an institution's disciplinary procedures must always comply with § 668.46(k) or just the procedures related to incidents of dating violence, domestic violence, sexual assault, and stalking. Another commenter asked that we clarify that there need not be an allegation of crime reported to law enforcement for the accused or accuser to receive the procedural protections afforded through a campus disciplinary proceeding. This commenter suggested that we replace ''allegation of dating violence, domestic violence, sexual assault, or stalking'' in proposed § 668.46(k)(1)(ii) with ''incident arising from behaviors that may also be allegations of the crimes of dating violence, domestic violence, sexual assault, or stalking.''

Finally, one commenter requested that the final regulations affirm that a complainant bringing forth a claim of dating violence, domestic violence, sexual assault, or stalking cannot be subject to any legal investigation of their immigration status because that would discourage undocumented students from reporting incidents and participating in a disciplinary proceeding.

Discussion: We appreciate the commenters' support. In response to the commenters who objected to institutional disciplinary procedures in cases involving dating violence, domestic violence, sexual assault, or stalking under the regulations, section 485(f)(8)(B)(iv) of the Clery Act clearly requires institutions to have disciplinary procedures in place for these incidents. We disagree with the comments that the procedures under § 668.46(k) violate due process rights and entrust unqualified employees with adjudicatory responsibility. The statute

and these final regulations require that: an institution's disciplinary proceedings be fair, prompt, and impartial to both the accused and the accuser; the proceedings provide the same opportunities to both parties to have an advisor of their choice present; and the proceedings be conducted by officials who receive training on sexual assault issues and on how to conduct a proceeding that protects the safety of victims and promotes accountability. Thus, these procedures do provide significant protections for all parties. We also note that institutions are not making determinations of criminal responsibility but are determining whether the institution's own rules have been violated. We note that there is no basis to suggest that students and employees at small institutions should have fewer protections than their counterparts at larger institutions.

We do not agree that the final regulations should be revised to clarify that disciplinary procedures apply to student, employee, and faculty discipline systems. Section 668.46(k)(1)(i) requires an institution's annual security report policy statement addressing procedures for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault, and stalking to describe each type of disciplinary proceeding used by the institution. If an institution has a disciplinary proceeding for faculty and staff, the institution would be required to describe it in accordance with § 668.46(k)(1)(i).

We agree with the commenters who suggested that we clarify which incidents trigger a ''disciplinary'' proceeding under § 668.46(k) because many institutions have a disciplinary process for incidents not involving dating violence, domestic violence, sexual assault, and stalking. We have revised the introductory language in § 668.46(k) to specify that an institution's policy statement must address disciplinary procedures for cases of alleged dating violence, domestic violence, sexual assault, and stalking, as defined in § 668.46(a). We believe that making this clear up front best clarifies the scope of the paragraph.

Lastly, with respect to the suggestion that § 668.46(k) state that a complainant bringing forth a claim of dating violence, domestic violence, sexual assault, or stalking is not subject to any legal investigation of their immigration status, the Department does not have the authority to provide or require such an assurance, though the Department reminds institutions of the Clery Act's prohibition against retaliation in this regard. Specifically, institutions should be aware that threatening an individual with deportation or invoking an individual's immigration status in an attempt to intimidate or deter the individual from filing or participating in a complaint of dating violence, domestic violence, sexual assault, or stalking would violate the Clery Act's protection against retaliation as reflected in § 668.46(m).

Changes: We have revised the introductory language in § 668.46(k) to specify that an institution's policy statement must address disciplinary procedures for cases of alleged dating violence, domestic violence, sexual assault, and stalking, as defined in § 668.46(a).

Standard of Evidence (§ 668.46(k)(1)(ii))

Comments: Proposed § 668.46(k)(1)(ii) requires an institution to describe in its annual security report policy statement the standard of evidence that will be used during any institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking. Several commenters supported requiring institutions to use the preponderance of evidence standard for institutional disciplinary proceedings under the Clery Act to be consistent with the standard of evidence required to comply with title IX. The commenters believed that requiring the use of the preponderance of evidence standard would reduce confusion and would eliminate disputes over whether a criminal standard of proof should be applied. One commenter felt that using any other standard of proof, such as ''clear and convincing'' or ''beyond a reasonable doubt'' would send a message that one student's presence at the institution is more valued than the other's. Other commenters did not believe the preponderance of evidence standard should be specified in the regulations because they asserted that Congress considered requiring the use of the preponderance of evidence standard and rejected it when debating the VAWA amendments to the Clery Act. One commenter stated that the ''clear and convincing'' standard of evidence should be used because this standard better safeguards due process.

Discussion: We disagree that final § 668.46(k)(1)(ii) should require that to comply with the Clery Act, institutions use the preponderance of evidence standard or any other specific standard when conducting a disciplinary proceeding. Unlike title IX, the Clery Act only requires that an institution describe the standard of evidence it will use in a disciplinary proceeding. A recipient can comply with both title IX and the Clery Act by using a preponderance of evidence standard in disciplinary proceedings regarding title IX complaints and by disclosing this standard in the annual security report required by the Clery Act.

Changes: None.

Sanctions Resulting From a Disciplinary Proceeding (§ 668.46(k)(1)(iii))

Comments: Several commenters supported the requirement in § 668.46(k)(1)(iii) that institutions list all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking in its annual security report policy statement. These commenters stated that some institutions use sanctions such as suspensions for a summer semester only or expulsions issued after the perpetrator has graduated which minimize the perpetrator's accountability. These commenters believed that listing all possible sanctions would make the imposition of inappropriate sanctions untenable.

Other commenters did not support listing all possible sanctions because they believe that such a listing would limit an institution's ability to effectively adjudicate these cases on an individual basis, hamper the institution's ability to strengthen sanctions, and limit the institution's ability to be innovative in imposing sanctions. Other commenters requested that this requirement be phased in to give institutions additional time to review current practices relating to sanctions and so that institutions are not forced to list hypothetical penalties to address situations of dating violence, domestic violence, sexual assault, and stalking that they have not imposed before.

Discussion: We appreciate the commenters' support for § 668.46(k)(1)(iii), which requires institutions to list all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking in its annual security report policy statement.

We have not been persuaded to change this requirement. We believe that listing all possible sanctions that an institution may impose following the results of a disciplinary proceeding in cases of dating violence, domestic violence, sexual assault, and stalking will deter institutions from listing (and subsequently imposing) inappropriately

light sanctions. As noted in the NPRM, § 668.46(k)(1)(iii) does not prohibit an institution from using a sanction not listed in its most recently issued annual security report, provided the institution's list is updated in its next annual security report. We do not believe that phasing in this requirement is appropriate. The regulations are effective on July 1, 2015, which will give institutions at least seven months to implement the requirement to list all possible sanctions that an institution may impose following the results of a disciplinary proceeding.

Changes: None.

Training for Officials Who Conduct Disciplinary Proceedings (§ 668.46(k)(2)(ii))

Comments: Several commenters supported the requirement that an institution's disciplinary proceedings be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The commenters believed that proper training will minimize reliance on stereotypes about victims' behavior and will ensure that officials are educated on the effects of trauma.

Other commenters did not support the training requirement because they considered it to be an unfunded mandate. One commenter stated that the training requirement goes beyond congressional intent. Another commenter believed that the costs to obtain the training would have a negative impact on small institutions and asked the Department to provide a waiver of the annual training requirement for small institutions. Alternatively, the commenter asked that the Department develop and provide the required training at no cost to institutions through a Webinar or computer-assisted modular training.

Discussion: The Department appreciates the support of commenters and agrees that ensuring that officials are properly trained will greatly assist in protecting the safety of victims and in promoting accountability.

We disagree with the commenter who asserted that the training requirement goes beyond congressional intent. The training requirement in § 668.46(k)(2)(ii) reflects what is required by section 485(f)(8)(B)(iv)(I)(bb) of the Clery Act as amended by VAWA. We acknowledge that there will be costs associated with the training requirement and we urge institutions to work with rape crisis centers and State sexual assault coalitions to develop training that addresses the needs and environments on small campuses. Lastly, we cannot waive this requirement for small institutions or provide the training as requested. We note that all title IV institutions are already required to ensure that their officials are trained and are knowledgeable in areas such as Federal student financial aid regulations. Congress added this new training requirement to protect students. We note that these final regulations are effective July 1, 2015, which will give institutions ample time to implement this requirement in a compliant and cost-effective manner.

Changes: None.

Advisor of Choice (§ 668.46(k)(2)(iii) and (iv))

Comments: We received many comments on proposed § 668.46(k)(2)(iii) and (iv). Proposed § 668.46(k)(2)(iii) would require that an institution's disciplinary proceeding provide the accuser and the accused with the same opportunities to have others present, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. Proposed § 668.46(k)(2)(iv) would prohibit the institution from limiting the choice of advisor, or an advisor's presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding, although the institution may establish restrictions on an advisor's participation as long as the restrictions apply equally to both parties.

Many commenters supported proposed § 668.46(k)(2)(iii) and (iv) but asked that the regulations allow institutions to remove or dismiss advisors who are disruptive or who do not abide by the restrictions on their participation to preserve the decorum, civility, and integrity of the proceeding. Other commenters asked that the regulations be revised to detail the extent to which an advisor can participate in a disciplinary proceeding or the type of restrictions an institution can place on an advisor's participation in the proceeding, such as prohibiting an advisor to speak or to address the disciplinary tribunal, or question witnesses, to ensure an efficient and fair process. One commenter asked that the regulations be revised to allow an institution to define a pool of individuals, including members of the campus community, who may serve as an advisor. Another commenter asked that the regulations require that an advisor be willing and able to attend disciplinary proceedings in person as scheduled by the institution and that an advisor can be present in meetings or disciplinary proceedings only when the advisee is present to ensure that disciplinary proceedings are not unnecessarily delayed. One commenter stated that the regulations should allow an advisor only at an initial meeting or documentation review of a disciplinary proceeding. Another commenter believed that allowing an advisor to be present at ''any related meeting or proceeding'' would cause unreasonable delays if an institution was forced to schedule meetings at an advisor's convenience. One commenter asked that the regulations prohibit an advisor from acting as a proxy for either the accused or the accuser so as to not compromise their privacy rights. One commenter asked that § 668.46(k)(2)(iv) be revised to prohibit immigration agents from serving in a disciplinary proceeding as an advisor. This commenter was concerned that if, for example, the accused had an immigration agent as an advisor and the accuser was not a U.S. citizen, the threat of an immigration enforcement action would pose a significant barrier to participation in a disciplinary proceeding for the accuser.

Discussion: We do not believe that any changes to the regulations are necessary. Institutions may restrict an advisor's role, such as prohibiting the advisor from speaking during the proceeding, addressing the disciplinary tribunal, or questioning witnesses. An institution may remove or dismiss advisors who become disruptive or who do not abide by the restrictions on their participation. An institution may also form a pool of individuals, including members of the campus community, who may serve as advisors as long as the choice of an advisor by the accused or the accuser is not limited to such a pool. We believe that regulating an institution's actions in these areas would restrict their flexibility to protect the interests of all parties.

We do not believe that the regulations should specify that an advisor must attend disciplinary proceedings in person. Section 668.46(k)(2)(iii) does not require an advisor to be present but merely requires that each party have the same opportunity to have an advisor present. An institution would not need to cancel or delay a meeting simply because an advisor could not be present, so long as the institution gave proper notice of the meeting under § 668.46(k)(3)(i)(B)(*2*); however we encourage institutions to consider reasonable requests to reschedule. We also do not believe that the final regulations should specify that an

advisor cannot be present in meetings or disciplinary proceedings unless the advisee is present. An institution is not required to permit an advisor to attend without the advisee but may find that permitting an advisor to attend with the advisee's agreement will make it easier to arrange procedural meetings.

We do not believe that permitting an institution to limit an advisor to attend only an initial meeting or documentation review of a disciplinary proceeding is supported by the statute. Section 485(f)(8)(B)(iv)(II) of the Clery Act provides that the accuser and the accused are entitled to the opportunity to be accompanied ''to any related meeting or proceeding'' by an advisor of their choice.

We do not believe that the regulations need to prohibit an advisor from acting as a proxy for either the accused or the accuser in the interest of protecting the parties' privacy. Assuming an institution allowed an advisor to act as a proxy, if the accused or accuser authorized their advisor to serve as a proxy and consented to any disclosures of their records to their advisor, this would alleviate any privacy concerns.

Lastly, we believe that including in the final regulations a general prohibition on immigration agents serving as an advisor to the accused or the accuser in a disciplinary proceeding is not supported by the statute. As stated above, section 485(f)(8)(B)(iv)(II) of the Clery Act, as amended by VAWA, provides that the accuser and the accused are entitled to the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. However, institutions should be aware that allowing an immigration agent to serve as an advisor in order to intimidate or deter the accused or the accuser from participating in a disciplinary proceeding to resolve an incident of dating violence, domestic violence, sexual assault, or stalking would violate the Clery Act's protection against retaliation as reflected in § 668.46(m).

Changes: None.

Attorney as Advisor of Choice (§§ 668.46(k)(2)(iii) and (iv)

Comments: Many commenters supported the Department's interpretation of the statutory language in section 485(f)(8)(B)(iv)(II) of the Clery Act, as amended by VAWA, that the accuser or the accused may choose to have an attorney act as their advisor in an institution's disciplinary proceeding. The commenters believed that this interpretation protects the rights of both parties and the integrity of the proceedings. Several commenters stated that the final regulations should detail the type of restrictions an institution may impose on an attorney advisor; other commenters believed that no restrictions on an attorney should be permitted.

Other commenters did not support allowing attorneys to act as advisors and stated that such an interpretation goes beyond the statutory intent. These commenters stated that section 485(f)(8)(B)(iv)(II) of the Clery Act provides only ''the opportunity'' for the accused or the accuser to have an advisor present during meetings or proceedings. Commenters believed that allowing attorneys to participate as advisors in an institution's disciplinary proceeding will create inequities in the process if one party has an attorney advisor and the other party does not and the presence of attorneys will make the campus disciplinary proceeding more adversarial and more like a courtroom than an administrative proceeding. One commenter believed that allowing attorney advisors would create a chilling effect for complainants and discourage them from reporting or going forward with a disciplinary process to resolve that complaint. Another commenter believed that allowing attorney advisors would force schools to hire court reporters and have legal representation present, which would drain resources. Another commenter believed that allowing attorneys to act as advisors would compromise the privacy rights of individuals involved in the process. One commenter asked that the final regulations require institutions to provide legal representation in any meeting or disciplinary proceeding in which the accused or the accuser has legal representation but the other party does not. One commenter stated that the proposed regulations incorrectly suggest that State laws providing students with a right to counsel in disciplinary hearings, like North Carolina's Student and Administration Equality Act, are inconsistent with VAWA and requested that the language be amended in the final rule.

Discussion: We are not persuaded that any changes are necessary to the regulations with regard to allowing attorneys to participate in an institution's disciplinary proceeding as advisors. Section 485(f)(8)(B)(iv)(II) of the Clery Act clearly and unambiguously supports the right of the accused and the accuser to be accompanied to any meeting or proceeding by ''an advisor of their choice,'' which includes an attorney. Section 668.46(k)(2)(iv) allows an institution to establish restrictions on an advisor's participation in a disciplinary proceeding. As stated earlier in the preamble, we believe that specifying what restrictions are appropriate or removing the ability of an institution to restrict an advisor's participation would unnecessarily limit an institution's flexibility to provide an equitable and appropriate disciplinary proceeding. Nothing in the regulations requires institutions to hire court reporters or have their own legal representation. Nor do we believe that allowing attorneys to act as advisors would compromise the privacy rights of individuals involved in the process, as explained previously. We do not believe that the statute permits us to require institutions to provide legal representation in any meeting or disciplinary proceeding in which the accused or the accuser has legal representation but the other party does not. Absent clear and unambiguous statutory authority, we would not impose such a burden on institutions. We would note, however, that the statute does require institutions to provide written notification to students and employees about legal assistance available for victims, both on-campus and in the community. We encourage institutions to also provide information about available legal assistance to the accused. We also note that the ability of the institution to restrict the role of all advisors means that all advisors are equal and that the presence of an attorney should not have a chilling effect on complainants. Before a proceeding is scheduled, schools should inform the parties of any limitations on the advisor's role so that both parties understand and respect these limitations. Lastly, we do not believe that the proposed regulations incorrectly suggested that State laws providing students with a right to counsel in disciplinary hearings are inconsistent with VAWA. The regulations do not require an institution to impose restrictions on the advisor's participation, they merely permit the institution to do so. Where State law prohibits such a restriction, State law would trump any institutional policy intended to restrict the advisor's participation that would otherwise be permissible under these regulations.

Changes: None.

Simultaneous Notification (§ 668.46(k)(2)(v))

Comments: Several commenters supported proposed § 668.46(k)(2)(v) which would require simultaneous notification, in writing, to both the accuser and the accused of the result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence,

sexual assault, or stalking; the institution's procedures for appeal of the result; any change to the result; and when the result becomes final. The commenters stated that having simultaneous notification will eliminate the possibility of unannounced, secret proceedings at which testimony or evidence adverse to the accused is gathered without his or her knowledge. Another commenter asked the Department to issue public guidance that incorporates the preamble discussion in the NPRM on what constitutes ''written simultaneous notification''.

Discussion: We appreciate the support of commenters. We also intend to include guidance on what constitutes ''written simultaneous notification'' in the updated *Handbook for Campus Safety and Security Reporting.*

Changes: None.

Definition of ''Prompt, Fair, and Impartial'' (§§ 668.46(k)(3)(i))

Comments: One commenter argued that the requirement in § 668.46(k)(3)(i)(B)(*1*) that an institution's disciplinary proceeding must be ''transparent'' to the accuser and the accused does not have legal meaning, and creates ambiguities and unrealistic expectations.

One commenter believed that the requirement for timely notice of meetings in § 668.46(k)(3)(i)(B)(*2*) should be revised to specify that the timely notice applies only to meetings in which both the accused and the accuser will be present. Several commenters believed the timely notice provision interferes with an institution's ability to contact the accused student upon receipt of an incident report to schedule a meeting and, if necessary, take immediate action such as imposing an interim suspension, relocation from a dormitory, or removal from class. The commenters considered this a safety issue for both the accuser and the community.

Several commenters were concerned that the requirement in § 668.46(k)(3)(i)(C) that an institution's disciplinary proceeding be conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused does not address situations in which inappropriately partial or ideologically inspired people dominate the pool of available participants in a proceeding. This commenter suggested that the accused or the accuser be afforded an appeal or opportunity to object if a member of the adjudicating body is biased. Several commenters suggested that the final regulations should prohibit adjudicating officials with responsibility for administering informal resolution procedures from having any involvement in, or contact with, a formal disciplinary board that has responsibility for resolving the same complaint, to reduce the appearance that officials are trying to influence the outcome of a proceeding in favor of either party.

Lastly, one commenter recommended that the final regulations should provide that the accused or the accuser have the right to appeal the results of an institutional disciplinary proceeding, for an institution's proceeding to be considered prompt, fair, and impartial. This commenter stated that appeals are part of any well-functioning disciplinary process and ensure that any unfairness in the process is addressed by university leadership.

Discussion: We do not believe it is necessary to clarify the term ''transparent.'' With respect to a disciplinary proceeding, the term ''transparent'' means a disciplinary proceeding that lacks hidden agendas and conditions, makes appropriate information available to each party, and is fair and clear to all participants.

We do not believe that the requirement for timely notice of meetings in § 668.46(k)(3)(i)(B)(*2*) should be modified to apply to only meetings in which both the accused and the accuser will be present. We believe that an institution should provide timely notice for meetings at which only the accused or the accuser will be present so that the parties are aware of meetings before they occur. Furthermore, we do not believe that the timely notice provision compromises an institution's ability to schedule a meeting with an accused student after receiving an incident report. In this context, ''timely'' just means that the institution must notify the accuser of this meeting as quickly as possible, but it does not mean that the institution must unreasonably delay responsive action to provide advance notice to the accuser.

We are not persuaded that we should revise the requirement in § 668.46(k)(3)(i)(C) that an institution's disciplinary proceeding be conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused to be considered prompt, fair, and impartial. With respect to the specific scenarios described by the commenters where they believe certain institutions' proceedings are being conducted by officials with bias, without more facts we cannot declare here that such scenarios present a conflict of interest, but if they did, § 668.46(k)(3)(i)(C) would prohibit this practice. The Clery compliance staff will monitor the presence of any conflicts of interest and we may revisit these regulations if we identify significant problems in this area.

Lastly, we disagree with the commenters who recommended that the final regulations should provide the accused or the accuser with the right to appeal the results of an institutional disciplinary proceeding. We do not believe we have the statutory authority to require institutions to provide an appeal process.

Changes: None.

Definition of ''Proceeding'' (§ 668.46(k)(3)(iii))

Comments: One commenter recommended that the definition of ''proceeding'' should expressly exclude communications between complainants and officials regarding interim protective measures for the complainant's protection. Another commenter suggested changing the definition to clarify that ''proceeding'' includes employee and faculty disciplinary proceedings as well as student disciplinary proceedings.

Discussion: We agree that the definition of ''proceeding'' should be modified to not include communications regarding interim protective measures. In many cases protective measures may be necessary for the protection of the accuser and treating these communications as ''proceedings'' could lessen that protection. We do not agree that changing the definition of ''proceeding'' to reflect employee and faculty disciplinary proceedings is necessary. Nothing in the definition limits a proceeding to only one involving students, and an institution is already required to describe each type of disciplinary proceeding used by the institution in its annual security report policy statement in accordance with § 668.46(k)(1)(i).

Changes: We have revised the definition of ''proceeding'' by adding that a ''proceeding'' does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

Definition of ''Result'' (§ 668.46(k)(3)(iv))

Comments: Several commenters believed that the Department's reasoning in the NPRM for defining ''result'' to include the rationale for the result, that the accused or the accuser could use the result as the basis for an appeal, was flawed and not supported

by statute. The commenters requested that the Department change the definition of ''result'' to require institutions to provide the rationale for the result to the accuser if it does so for the accused.

Discussion: We do not agree that the reasoning in the NPRM for defining ''result'' to include the rationale for the result is flawed. That either the accused or the accuser could use the result for the basis of an appeal is common sense. We also do not agree that the definition of ''result'' needs to be modified because § 668.46(k)(2)(v)(A) requires an institution to simultaneously notify both the accuser and the accused of the result of any institutional disciplinary proceeding.

Changes: None.

§ 668.46(m) Prohibition on Retaliation

Comments: One commenter expressed support for incorporating section 485(f)(17) of the Clery Act into the regulations.

Discussion: We appreciate the commenter's support.

Changes: None.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Introduction

Institutions of higher education that participate in the Federal student financial aid programs authorized by title IV of the HEA are required to comply with the Clery Act. According to the most current Integrated Postsecondary Education Data System (IPEDS) data, a total of 7,508 institutions were participating in title IV programs in 2012.[2] The Department reviews institutions for compliance with the Clery Act and has imposed fines for significant non-compliance. The Department expects that these proposed changes will be beneficial for students, prospective students, and employees, prospective employees, the public and the institutions themselves.

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This final regulatory action is a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed these regulations under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing these final regulations only on a reasoned determination that their benefits justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that these final regulations are consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, or tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs associated with this regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

This Regulatory Impact Analysis is divided into six sections. The ''Need for Regulatory Action'' section discusses why these implementing regulations are necessary to define terms and improve upon the methods by which institutions count crimes within their Clery geography and provide crime prevention and safety information to students and employees.

The section titled ''Summary of Changes from the NPRM'' summarizes the most important revisions the Department made in these final regulations since the NPRM. These changes were informed by the Department's consideration of over approximately 2,200 parties who submitted comments on the proposed regulations, along with approximately 3,600 individuals who submitted a petition expressing support for comments submitted by the American Association of University Women. The changes are intended to clarify the reporting of stalking across calendar years, remove the requirement by institutions to report stalking as a new and distinct crime after an official intervention, and clarify cases in which an institution may remove from its crime statistics reports of crimes that have been unfounded.

The ''Discussion of Costs and Benefits'' section considers the cost and benefit implications of these regulations for students and institutions. There would be two primary benefits of the regulations. First, we expect students and prospective students and employees and prospective employees to be better

[2] U.S. Department of Education. Institute of Education Sciences, National Center for Education Statistics. *http://nces.ed.gov/ipeds/datacenter/InstitutionList.aspx.*

informed and better able to make choices in regards to higher education attendance and employment because the regulations would improve the method by which crimes on campuses are counted and reported. Second, we would provide further clarity on students' and employees' rights and institutional procedures by requiring institutions to design and disclose policies and institutional programs to prevent sexual assault.

Under ''Net Budget Impacts,'' the Department presents its estimate that the final regulations would not have a significant net budget impact on the Federal government.

In ''Alternatives Considered,'' we describe other approaches the Department considered for key features of the regulations, including definitions of ''outcomes,'' ''initial and final determinations,'' ''resolution,'' ''dating violence,'' ''employees,'' and ''consent.''

Finally, the ''Final Regulatory Flexibility Analysis'' considers issues relevant to small businesses and nonprofit institutions.

Elsewhere in this section under *Paperwork Reduction Act of 1995,* we identify and explain burdens specifically associated with information collection requirements.

Need for Regulatory Action

Executive Order 12866 emphasizes that Federal agencies should promulgate only such regulations as are required by law, are necessary to interpret the law, or are made necessary by compelling public need, such as material failures of private markets to protect or improve the health and safety of the public, the environment, or the well-being of the American people. In this case, there is indeed a compelling public need for regulation. The Department's goal in regulating is to incorporate the VAWA provisions into the Department's Clery Act regulations.

On March 7, 2013, President Obama signed VAWA into law. Among other provisions, this law amended the Clery Act. The statutory changes made by VAWA require institutions to compile statistics for certain crimes that are reported to campus security authorities or local police agencies including incidents of dating violence, domestic violence, sexual assault, and stalking. Additionally, institutions will be required to include certain policies, procedures, and programs pertaining to these crimes in their annual security reports.

During the negotiated rulemaking process, non-Federal negotiators discussed issues relating to the new provisions in the Clery Act addressing dating violence, domestic violence, sexual assault and stalking including:

- Methods of compiling statistics of incidents that occur within Clery geography and are reported to campus security authorities.
- Definitions of terms.
- Programs to prevent dating violence, domestic violence, sexual assault, and stalking.
- Procedures that will be followed once an incident of these crimes has been reported, including a statement of the standard of evidence that will be used during any institutional disciplinary proceeding arising from the report.
- Educational programs to promote the awareness of dating violence, domestic violence, sexual assault, and stalking, which shall include primary prevention and awareness programs for incoming students and new employees, as well as ongoing prevention and awareness programs for students and faculty.
- The right of the accuser and the accused to have an advisor of their choice present during an institutional disciplinary proceeding.
- Simultaneous notification to both the accuser and the accused of the outcome of the institutional disciplinary proceeding.
- Informing victims of options for victim assistance in changing academic, living, transportation, and working situations, if requested by the victim and such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

As a result of these discussions, the regulations would require institutions to compile statistics for certain crimes (dating violence, domestic violence, sexual assault, and stalking) that are reported to campus security authorities or local police agencies. Additionally, institutions would be required to include certain policies, procedures, and programs pertaining to these crimes in their annual security reports.

The purpose of the disclosures required by the Clery Act is to give prospective and current students information to help them make decisions about their potential or continued enrollment in a postsecondary institution. Prospective and current students and their families, staff, and the public use the information to assess an institution's security policies and the level and nature of crime on its campus. Institutions are required to disclose this data to students, employees, and prospective students and employees and to provide the crime statistics to the Department, which then makes it available to the public.

Summary of Changes From the NPRM

Reporting Stalking Crossing Calendar Years

The Department modified § 668.46(c)(6)(i) to clarify that stalking which crosses calendar years should be recorded in each and every year in which the stalking is reported to a campus security authority or local police. While commenters supported the approach in the proposed regulations, arguing that it would provide an accurate picture of crime on campus for each calendar year, they also suggested modifying the language to clarify that an institution must include a statistic for stalking in each and every year in which a particular course of conduct is reported to a local police agency or campus security authority. The modification was made to address this concern.

Stalking After an ''Official Intervention''

The Department removed proposed § 668.46(c)(6)(iii) which would have required institutions to record a report of stalking as a new and distinct crime, and not associated with a previous report of stalking, when the stalking behavior continues after an official intervention.

Some of the commenters supported the approach in the NPRM under which stalking would be counted separately after an official intervention, including formal and informal intervention and those initiated by school officials or a court.

Other commenters urged the Department to remove § 668.46(c)(6)(iii) and argued that the proposed approach would be inconsistent with treating stalking as a course of conduct. They explained that stalking cases often have numerous points of intervention, but that despite one or multiple interventions, it is still the same pattern or course of conduct, and that recording a new statistic after an ''official intervention'' would be arbitrary. The Department agreed with this argument.

Recording All Reported Crimes (§ 668.46(c)(2))

The Department received comments asking us to clarify how the regulation that provides that all crimes reported to a campus security authority must be included in an institution's crime statistics relates to ''unfounded'' crime reports. The Department has clarified in the final regulations that an institution may remove from its crime statistics

(but not from its crime log) reports of crimes that have been determined to be ''unfounded.'' We have also added a requirement that institutions report to the Department and disclose in the annual security report statistics the number of crime reports that were ''unfounded'' and subsequently withheld from its crime statistics during each of the three most recent calendar years. This information will enable the Department to monitor the extent to which reports of Clery Act crimes are unfounded so that we can provide additional guidance about how to properly ''unfound'' a crime report or intervene if necessary.

Discussion of Costs and Benefits

A benefit of these regulations is that they will strengthen the rights of campus victims of dating violence, domestic violence, sexual assault, and stalking. Institutions would be required to collect statistics for crimes reported to campus security authorities and local police agencies that involve incidents of dating violence, domestic violence, sexual assault, and stalking. This would improve crime reporting. In addition, students, prospective students, families, and employees and potential employees of the institutions, would be better informed about each campus's safety and procedures.

These regulations will require institutions to include in their annual security report information about the institution's policies and programs to prevent sexual assault, which would include information about programs that address dating violence, domestic violence, sexual assault, and stalking. This information would help students and employees understand these rights, procedures and programs. Prevention and awareness programs for all new students and employees, as well as ongoing prevention and awareness campaigns for enrolled students and faculty would be beneficial in providing additional information to students and employees.

The revised provisions related to institutional disciplinary proceedings in cases of alleged dating violence, domestic violence, sexual assault, and stalking would protect the accuser and the accused by ensuring equal opportunities for the presence of advisors at meetings and proceedings, an equal right to appeal if appeals are available, and the right to learn of the outcome of the proceedings. Victims of these crimes would gain the benefit of a written explanation of their rights and options.

Institutions would largely bear the costs of these regulations, which will fall into two categories: paperwork costs of complying with the regulations, and other compliance costs that institutions may incur as they attempt to improve security on campus. Under the regulations, institutions will have to include in the annual security report descriptions of the primary prevention and awareness programs offered for all incoming students and new employees and descriptions of the ongoing prevention and awareness programs provided for enrolled students and employees. To comply, some institutions will have to create or update the material or the availability of prevention programs while others may have sufficient information and programs in place. Awareness and prevention programs can be offered in a variety of formats, including electronically, so the costs of any changes institutions would make in response to the regulations can vary significantly and the Department has not attempted to quantify additional costs associated with awareness and prevention programs.

Another area in which institutions could incur costs related to the regulations involves institutional disciplinary proceedings in cases of alleged dating violence, domestic violence, sexual assault, or stalking. The policy statement describing the proceedings will have to include: a description of the standard of evidence that applies; a description of the possible sanctions; a statement that the accused and the accuser will have an equal right to have others present, including an advisor of their choice; and a statement that written notice of the outcome of the proceedings would be given simultaneously to both the accused and the accuser. The proceedings would be conducted by officials who receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking as well as training on how to conduct investigations and hearings in a way to protect the safety of victims. Depending upon their existing procedures, some institutions would have to make changes to their disciplinary proceedings. The Department has not attempted to quantify those potential additional costs, which could vary significantly among institutions.

In addition to the costs described above, institutions will incur costs associated with the reporting and disclosure requirements of the regulations. This additional workload is discussed in more detail under the *Paperwork Reduction Act of 1995* section. We expect this additional workload would result in costs associated with either the hiring of additional employees or opportunity costs related to the reassignment of existing staff from other activities. Under the regulations, these costs will involve: updating the annual security reports; changing crime statistics reporting to capture additional crimes, categories of crimes, differentiation of hate crimes, and expansion of categories of bias reported; and the development of statements of policy about prevention programs and institutional disciplinary actions. In total, the regulations are estimated to increase burden on institutions participating in the title IV, HEA programs by 77,725 hours annually. The monetized cost of this additional burden on institutions, using wage data developed using BLS data available at: *www.bls.gov/ncs/ect/sp/ecsuphst.pdf,* is $2,840,849. This cost was based on an hourly rate of $36.55 for institutions.

Net Budget Impacts

The regulations are not estimated to have a significant net budget impact in the title IV, HEA student aid programs over loan cohorts from 2014 to 2024. Consistent with the requirements of the Credit Reform Act of 1990, budget cost estimates for the student loan programs reflect the estimated net present value of all future non-administrative Federal costs associated with a cohort of loans. (A cohort reflects all loans originated in a given fiscal year.)

In general, these estimates were developed using the Office of Management and Budget's (OMB) Credit Subsidy Calculator. The OMB calculator takes projected future cash flows from the Department's student loan cost estimation model and produces discounted subsidy rates reflecting the net present value of all future Federal costs associated with awards made in a given fiscal year. Values are calculated using a ''basket of zeroes'' methodology under which each cash flow is discounted using the interest rate of a zero-coupon Treasury bond with the same maturity as that cash flow. To ensure comparability across programs, this methodology is incorporated into the calculator and used government-wide to develop estimates of the Federal cost of credit programs. Accordingly, the Department believes it is the appropriate methodology to use in developing estimates for these regulations.

We are not estimating that the regulations will have a net budget impact on the title IV aid programs. We assume that institutions will generally continue to comply with Clery Act

reporting requirements and such compliance has no net budget impact on the title IV aid programs. In the past, the Department has imposed fines on institutions that violate the Clery Act but those fines do not have a net budget impact. Therefore, we estimate that the regulations will have no net budget impact on the title IV, HEA programs.

Alternatives Considered

The Department determined that regulatory action was needed to implement the changes made to the Clery Act by VAWA, reflect the statutory language in the regulations and make some technical and clarifying changes to the Department's existing Clery Act regulations.

During the development of the regulations, a number of different regulatory approaches were discussed by the Department and the non-Federal negotiators during the negotiated rulemaking process. Some of these approaches included the addition of clarifying definitions for ''outcomes,'' ''initial and final determinations,'' ''resolution,'' ''dating violence,'' ''employees,'' and ''consent.'' The alternative approaches to these definitions considered by the Department are discussed in the following section.

Definitions of Outcomes, Initial and Final Determinations, and Resolution

The Department considered harmonizing the terms, ''outcomes,'' ''initial and final determinations,'' and ''resolution,'' used throughout the Clery Act regulations for internal consistency and to provide clarity for institutions. These terms are often used interchangeably, along with the term ''results.'' The Department considered defining ''outcomes'' to be one or more parts of the results. An alternative definition of ''initial determinations'' was also considered by the Department and would have referred to decisions made before the appeals process, if the institution had such a process, meaning prior to a final determination. A ''final determination'' would have been defined as the decision made after the appeals process had been completed. Adding a definition of the term ''resolution'' was also considered by the Department. The Department ultimately decided to use the term ''results'' in the regulations to include the initial, interim, and final decisions.

Alternative Definition of Dating Violence

The Department considered several alternatives in the definition of ''dating violence.'' The inclusion of emotional and psychological abuse, along with sexual and physical abuse, was considered. The Department decided to include only sexual or physical abuse or the threat of such abuse in the definition. The Department decided that emotional and psychological abuse did not always elevate into violence and had concerns over the ability of campus security authorities to identify this abuse.

The Department also took into consideration the definition of ''dating violence'' as a crime when it is not a prosecutable crime in some jurisdictions. To address this concern, the Department added a statement that any incident meeting the definition of ''dating violence'' is considered a crime for the purposes of Clery Act reporting.

Definition of Employees

The Department considered adding a definition of ''employees'' to the regulations. This definition would clarify whether contractors and other employees, such as hospital employees affiliated with the hospital of the institution, were included as employees since they had a presence on campus. The Department decided not to include this definition as the statute already requires institutions to determine who current employees are for the purposes of distributing their annual security reports.

Definition of Consent

The Department considered adding a definition of ''consent'' for purposes of the Clery Act. Some of the negotiators argued that a definition of ''consent'' would provide clarity for institutions, students, and employees for when a reported sex offense would need to be included in the institution's Clery Act statistics. However, a definition of ''consent'' would also create ambiguity in jurisdictions which either do not define ''consent,'' or have a definition that differs from the one that would be in the regulations. The Department decided against including the definition of ''consent'' in the regulations as we were not convinced that it would be helpful to institutions in complying with the Clery Act.

For purposes of Clery Act reporting, all sex offenses that are reported to a campus security authority must be recorded in an institution's Clery Act statistics and, if reported to the campus police or the campus security department, must be included in the crime log, regardless of the issue of consent.

Final Regulatory Flexibility Act Analysis

The regulations would apply to institutions of higher education that participate in the title IV, HEA Federal student financial aid programs, other than foreign institutions of higher education. The U.S. Small Business Administration (SBA) Size Standards define for-profit institutions as ''small businesses'' if they are independently owned and operated and not dominant in their field of operation with total annual revenue below $7,000,000. The SBA Size Standards define nonprofit institutions as ''small organizations'' if they are independently owned and operated and not dominant in their field of operation, or as ''small entities'' if they are institutions controlled by governmental entities with populations below 50,000. We do not consider any institution dominant in the field of higher education, so all non-profit institutions and for-profit institutions with total revenues under $7 million in IPEDS are assumed to be small entities. No public institutions are assumed to be small entities.

Description of the Reasons That Action by the Agency Is Being Considered

This regulatory action would implement the changes made to the Clery Act by VAWA, reflect the statutory language in the regulations, and make some technical and clarifying changes to the Department's existing Clery Act regulations. The regulations would reflect the statutory requirement that institutions compile and report statistics for incidents of dating violence, domestic violence, sexual assault, and stalking that are reported to campus security authorities or local police agencies. Additionally, institutions would be required to include certain policies, procedures, and programs pertaining to these crimes in their annual security reports.

The purpose of these data collections is to give prospective and current students information to help them make decisions about their potential or continued enrollment in a postsecondary institution. Prospective and current students and their families, staff, and the public use the information to assess an institution's security policies and the level and nature of crime on its campus. In addition to the disclosure to students and employees, institutions must provide campus crime data to the Department annually.

Succinct Statement of the Objectives of, and Legal Basis for, the Regulations

On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. L. 113–4). Among other provisions, this law amended section 485(f) of the HEA, otherwise known as the Clery Act. These statutory changes require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking that are reported to campus security authorities or local police agencies. Additionally, the regulations would require institutions to include certain policies, procedures, and programs pertaining to these crimes in their annual security reports.

Description of and, Where Feasible, an Estimate of the Number of Small Entities to Which the Regulations Would Apply

The regulations would apply to institutions of higher education that participate in the title IV, HEA Federal student financial aid programs, other than foreign institutions of higher education. From the most recent data compiled in the 2012 Campus Safety and Security Survey, we estimate that approximately 7,230 institutions would be subject to the regulations, including 2,011 public, 1,845 private not-for-profit, and 3,365 private for-profit institutions. Of these institutions, we consider all of the private not-for-profit institutions and approximately 40 percent of private for-profit institutions as small entities. We do not believe any of the public institutions meet the definition of ''small entity.''

Description of the Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Regulations, Including an Estimate of the Classes of Small Entities That Would Be Subject to the Requirement and the Type of Professional Skills Necessary for Preparation of the Report or Record

Table 1 shows the estimated burden of each information collection requirement to the hours and costs estimated and discussed in more detail in the *Paperwork Reduction Act of 1995* section. Additional workload would normally be expected to result in estimated costs associated with either the hiring of additional employees or opportunity costs related to the reassignment of existing staff from other activities. In total, by taking 100 percent (for the private non-profit institutions) and 40 percent (for the private for-profit institutions) of the estimated burden hours for § 668.46(b), (c), (j), and (k), detailed in the Paperwork Reduction Act section of this preamble, these changes are estimated to increase the burden on small entities participating in the title IV, HEA programs by 34,401 hours annually. The monetized cost of this additional paperwork burden on institutions, using a $36.55 wage rate developed using BLS data available at *www.bls.gov/ncs/ect/sp/ecsuphst.pdf,* is $1,257,357.

TABLE 1—ESTIMATED PAPERWORK BURDEN ON SMALL ENTITIES

Provision	Reg section	OMB Control No.	Hours	Costs
Annual Security Report	668.46(b)	1845–0022	8,000	292,407
Crime Statistics	668.46(c)	1845–0022	4,800	175,447
Statement of Policy—awareness and prevention programs	668.46(j)	1845–0022	12,800	467,840
Statement of Policy—institutional disciplinary proceedings	668.46(k)	1845–0022	8,801	321,662
Total			34,401	1,257,357

Identification, to the Extent Practicable, of All Relevant Federal Regulations That May Duplicate, Overlap, or Conflict With the Regulations

The regulations are unlikely to conflict with or duplicate existing Federal regulations.

Alternatives Considered

As discussed in the ''Regulatory Alternatives Considered'' section of the *Regulatory Impact Analysis,* several different definitions for key terms were considered. The Department did not consider any alternatives specifically targeted at small entities.

Paperwork Reduction Act of 1995

The Paperwork Reduction Act of 1995 does not require you to respond to a collection of information unless it displays a valid OMB control number. We display the valid OMB control numbers assigned to the collections of information in these final regulations at the end of the affected sections of the regulations.

Section 668.46 contains information collection requirements. Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3507(d)), the Department has submitted a copy of these sections, related forms, and Information Collections Requests (ICRs) to the Office of Management and Budget (OMB) for its review.

Section 668.46 Institutional Security Policies and Crimes Statistics

Requirements: Under the final regulations in § 668.46(b) *Annual security report,* we are revising and expanding existing language and adding new requirements for items to be reported annually. We are revising § 668.46(b)(4)(i) to require institutions to, in addition to the existing required information, address in their statements of current policies concerning campus law enforcement the jurisdiction of security personnel, as well as any agreements, such as written memoranda of understanding between the institution and State and local police agencies, for the investigation of alleged criminal offenses. This change incorporates modifications made to the Clery Act by the Higher Education Opportunity Act.

We are revising and restructuring § 668.46(b)(11). Specifically, we require institutions to include in their annual security report a statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking as well as the procedures that the institutions will follow when one of these crimes is reported. This change incorporates modifications made to the Clery Act by VAWA.

Under § 668.46(b)(11)(ii), institutions must provide written information to the victim of dating violence, domestic violence, sexual assault, and stalking. Institutions are required to provide information regarding: the preservation of evidence to assist in proving the alleged criminal offense or obtaining a protective order; how and to whom an alleged offense is to be reported; options for the involvement of law enforcement and campus authorities; and, where

applicable, the victim's rights or institution's responsibilities for orders of protection. This change incorporates modifications made to the Clery Act by VAWA, discussions during the negotiations, and input we received from public comments.

In § 668.46(b)(11)(iii), we are adding a provision to specify that institutions must address in their annual security report how they will complete publicly available record-keeping for the purposes of the Clery Act reporting while not including identifying information about the victim and while maintaining the confidentiality of any accommodations or protective measures given to the victim, to the extent that such exclusions would not impair the ability of institutions to provide such accommodations or protective measures. This change incorporates modifications made to the Clery Act by VAWA, discussions during the negotiations, and input we received from public comments.

In § 668.46(b)(11)(iv), we are requiring institutions to specify in their annual security report that they will provide a written notification of the services that are available to victims of dating violence, domestic violence, sexual assault and stalking. The notice must provide information on existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration services, and other services that may be available at the institution and in the community. This change incorporates modifications made to the Clery Act by VAWA, discussions during negotiations, and input we received from public comments.

We are revising § 668.46(b)(11)(v) to require institutions to specify in their annual security report that written notification will be provided to victims of dating violence, domestic violence, sexual assault, and stalking regarding their options for, and the availability of changes to academic, living, transportation, and working situations. These options will be afforded any victim, regardless of whether the victim reports the crime to campus policy or law enforcement. This change incorporates modifications made to the Clery Act by VAWA, discussions during negotiations, and input we received from public comments.

In § 668.46(b)(11)(vi), we are adding a new provision to require institutions to specify in their ASR that when a student or employee of the institution reports to the institution that a person is a victim of dating violence, domestic violence, sexual assault, or stalking that the victim will be provided a written explanation of their rights and options, whether the offense occurred on campus or off campus. This change incorporates modifications made to the HEA by VAWA.

Burden Calculation: We estimate that the changes in § 668.46(b)(11) will add 2.5 hours of additional burden for an institution. As a result, reporting burden at public institutions will increase by 5,028 hours (2,011 public institutions time 2.5 hours per institution). Reporting burden at private non-profit institutions will increase by 4,635 hours (1,854 private non-profit institutions times 2.5 hours per institution). Reporting burden at private for-profit institutions will increase by 8,413 hours (3,365 private for-profit institutions times 2.5 hours per institution).

Collectively, burden will increase by 18,076 hours under OMB Control Number 1845–0022.

Requirements: Under the final regulations in § 668.46(c), *Crime statistics,* we will revise and expand existing language and add new reporting requirements for items to be reported in the annual survey.

The final revisions to § 668.46(c)(1) will add the VAWA crimes of dating violence, domestic violence and stalking to the list of crimes about which institutions must collect and disclose statistics in their annual crime statistics reports. The Department is also modifying its approach for the reporting and disclosing of sex offenses to reflect updates to the FBI's Uniform Crime Reporting (UCR) Program. The Department is making other changes to improve the clarity of this paragraph.

While institutions will continue to be required to report statistics for the three most recent calendar years, the reporting requirements in these final regulations are expanded because of the addition of new crimes added by VAWA.

Under the final regulations in § 668.46(c)(2)(iii), an institution may withhold, or subsequently remove, a reported crime from its crime statistics if, after a full investigation, a sworn or commissioned law enforcement officer makes a formal determination that the crime is false or baseless and therefore ''unfounded.'' Under the final regulations in § 668.46(c)(2)(iii)(A), an institution must report to the Department and disclose in its annual security report statistics the total number of crimes that were ''unfounded'' and subsequently withheld from its crime statistics during each of the three most recent calendar years. We have determined that the burden associated with §§ 668.46(c)(2)(iii) and (iii)(A), is de minimus in nature. ''Unfounding'' a crime report is a long-standing process and, as indicated in the preamble to this final rule, the Department has required institutions to maintain accurate documentation of the investigation and the basis for ''unfounding'' a crime report when removing it from their crime statistics for compliance purposes for some time. Institutions are already expected to have documentation in the situation in which a crime has been ''unfounded,'' and they already report crime report statistics to the Department through our electronic, Web-based reporting system. Because this provision requires institutions to report information that they must already collect through an existing system, there is no burden associated with this provision.

The final regulations under §§ 668.46 (c)(4)(iii) and 668.46 (c)(vii) will include gender identity and national origin as two new categories of bias that serve as the basis for a determination of a hate crime.

Under the final regulations in § 668.46 (c)(6), we added stalking as a reportable crime and defined it in the regulations.

These changes implement the modifications VAWA made to the HEA, and improve the overall clarity of this paragraph. We believe that burden will be added because there are additional crimes, categories of crimes, differentiation of hate crimes, and expansions of the categories of bias that must be reported.

Burden Calculation: On average, we estimate that the changes to the reporting of crime statistics will take each institution 1.50 hours of additional burden. As a result, reporting burden at public institutions will increase by 3,017 hours (2,011 reporting public institutions times 1.50 hours per institution). Reporting burden at private non-profit institutions would increase by 2,781 hours (1,854 private non-profit institutions times 1.50 hours). Reporting burden at private for-profit institutions will increase by 5,048 hours (3,365 private for-profit institutions times 1.50 hours per institution).

Collectively, burden will increase by 10,846 hours under OMB Control Number 1845–0022.

Requirements: The final regulations in § 668.46(j), *Programs to prevent dating violence, domestic violence, sexual assault, and stalking,* specify the elements of the required statement of policy on the institution's programs and ongoing campaigns about prevention and awareness regarding these crimes that must be included in the institution's annual security report.

The final regulations in § 668.46(j)(1)(i) require the institution's

statement to contain certain elements in the description of the primary prevention and awareness programs for incoming students and new employees including: The prohibition of dating violence, domestic violence, sexual assault, or stalking, definitions of those crimes and a definition of consent according to the applicable jurisdiction, and descriptions of safe and positive options for bystander intervention, information on risk reduction, as well as other elements of §§ 668.46(b)(11)(ii)–(vii) and (k)(2). These changes incorporate modifications made to the HEA by VAWA.

The final regulations in § 668.46(j)(1)(ii) require that the institution's statement must contain certain elements in the description of the ongoing prevention and awareness campaigns for students and employees including: The institution's prohibition of dating violence, domestic violence, sexual assault, or stalking, definitions of those crimes and a definition of consent according to the applicable jurisdiction, a description of safe and positive options for bystander intervention, information on risk reduction, and as well as other elements of §§ 668.46(b)(11)(ii)–(vii) and (k)(2). This amendatory language is required to incorporate changes made to the HEA by VAWA.

Burden Calculation: On average, we estimate that the changes to the institution's statements of policy and description of programs and ongoing campaigns will take each institution four hours of additional burden. As a result, reporting burden at public institutions will increase by 8,044 hours (2,011 reporting public institutions times 4 hours per institution). Reporting burden at private non-profit institutions will increase by 7,416 hours (1,854 private non-profit institutions times four hours). Reporting burden at private for-profit institutions will increase by 13,460 hours (3,365 private for-profit institutions times four hours per institution).

Collectively, burden will increase by 28,920 hours under OMB Control Number 1845–0022.

Requirements: Under the final regulations in § 668.46(k), *Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking,* we are implementing the statutory changes requiring an institution that participates in any title IV, HEA program, other than a foreign institution, to include a statement of policy in its annual security report addressing the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

The final regulations in § 668.46(k)(1) require various additions to the institution's statement of policy that must be included in the annual security report. While a statement of policy is required under current regulations (see § 668.46(b)(11)(vii)), the final regulations require the following additions to the statement of policy.

The final regulations in § 668.46(k)(1)(i) provide that the statement of policy must describe each type of disciplinary proceeding used by the institution, including the steps, anticipated timelines, and decision-making process for each, and how the institution determines which type of disciplinary hearing to use.

The final regulations in § 668.46(k)(1)(ii) provide that the statement of policy must describe the standard of evidence that will be used during any disciplinary proceeding.

The final regulations in § 668.46(k)(1)(iii) provide that the statement of policy must list all possible sanctions an institution may impose following the results of any disciplinary proceeding.

The final regulations in § 668.46(k)(1)(iv) provide that the policy statement must describe the range of protective measures that the institution may offer following an allegation of dating violence, domestic violence, sexual assault, or stalking.

Under the final regulations in § 668.46(k)(2), the institution will have to provide additional information regarding its disciplinary proceedings in the statement of policy. Section 668.46(k)(2)(i) requires that an institution's statement of policy must provide that its disciplinary proceeding includes a prompt, fair, and impartial process from the initial investigation to the final result. The policy statement must provide that the proceeding will be conducted by officials who receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and annual training on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability under the final regulations in § 668.46(k)(2)(ii).

Under the final regulations in § 668.46(k)(2)(iii), an institution's statement of policy must provide that its disciplinary proceeding will afford the accuser and the accused the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. The final regulations in § 668.46(k)(2)(iv), provide that an institution cannot limit the choice or presence of an advisor, however, the institution may establish restrictions regarding the advisor's participation in the proceedings as long as those restrictions apply equally to both the accuser and the accused. Finally, under the final regulations in § 668.46(k)(2)(v), an institution's statement of policy must require simultaneous notification, in writing, to both the accuser and the accused of the result of any institutional disciplinary proceeding, the institution's procedures for the accused and the victim to appeal the result, any change to the result, and when such results become final.

Burden Calculation: On average, we estimate that the changes to the institution's statement of policy will take each institution 2.75 hours of additional burden. As a result, reporting burden at public institutions will increase by 5,530 hours (2,011 reporting public institutions times 2.75 hours per institution). Reporting burden at private non-profit institutions will increase by 5,099 hours (1,854 private non-profit institutions times 2.75 hours). Reporting burden at private for-profit institutions will increase by 9,254 hours (3,365 private for-profit institutions times 2.75 hours per institution).

Collectively, burden will increase by 19,883 hours under OMB Control Number 1845–0022.

Consistent with the discussion above, the table below describes the final regulations involving information collections, the information being collected, and the collections that the Department will submit to OMB for approval and public comment under the PRA, and the estimated costs associated with the information collections. The monetized net costs of the increased burden on institutions and borrowers, using wage data developed using BLS data, available at *www.bls.gov/ncs/ect/sp/ecsuphst.pdf,* is $2,840,848.75, as shown in the following chart. This cost was based on an hourly rate of $36.55 for institutions.

COLLECTION OF INFORMATION

Regulatory section	Information collection	OMB control number and estimated burden [change in burden]	Estimated costs
§ 668.46(b) Annual security report	Revises and expands existing language and adds new requirements for items to be reported annually.	OMB 1845–0022. We estimate that the burden will increase by 18,076 hours.	$660,677.80
§ 668.46(c) Crime statistics	Revises and expands existing language and adds new reporting requirements for items to be reported in the annual crime statistics report.	OMB 1845–0022. We estimate that the burden will increase by 10,846 hours.	396,421.30
§ 668.46(j) Programs to prevent dating violence, domestic violence, sexual assault, and stalking.	Specifies the elements of the required statement of policy on and description of the institution's programs and ongoing campaigns about prevention and awareness regarding these crimes that must be included in the institution's annual security report.	OMB 1845–0022. We estimate that the burden will increase by 28,920 hours.	$,057,026.00
§ 668.46(k) Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, and stalking.	Implements the statutory changes requiring an institution that participates in any title IV, HEA program to include a statement of policy in its annual security report addressing the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.	OMB 1845–0022. We estimate that the burden will increase by 19,883 hours.	726,723.65

Assessment of Educational Impact

In the NPRM we requested comments on whether the proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

Based on the response to the NPRM and on our review, we have determined that these final regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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.

(Catalog of Federal Domestic Assistance Number does not apply.)

List of Subjects in 34 CFR Part 668

Administrative practice and procedure, Aliens, Colleges and universities, Consumer protection, Grant programs-education, Loan programs—education, Reporting and recordkeeping requirements, Selective Service System, Student aid, Vocational education.

Dated: October 7, 2014.

Arne Duncan,

Secretary of Education.

For the reasons discussed in the preamble, the Secretary of Education amends part 668 of title 34 of the Code of Federal Regulations as follows:

PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS

■ 1. The authority citation for part 668 continues to read as follows:

Authority: 20 U.S.C. 1001, 1002, 1003, 1070g, 1085, 1088, 1091, 1092, 1094, 1099c, and 1099c–1, unless otherwise noted.

■ 2. Revise § 668.46 to read as follows:

§ 668.46 Institutional security policies and crime statistics.

(a) *Definitions.* Additional definitions that apply to this section:

Business day. Monday through Friday, excluding any day when the institution is closed.

Campus. (i) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

(ii) Any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Campus security authority. (i) A campus police department or a campus security department of an institution.

(ii) Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (i) of this definition, such as an individual who is responsible for monitoring entrance into institutional property.

(iii) Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

(iv) An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial

proceedings. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

Clery geography. (i) For the purposes of collecting statistics on the crimes listed in paragraph (c) of this section for submission to the Department and inclusion in an institution's annual security report, Clery geography includes—

(A) Buildings and property that are part of the institution's campus;

(B) The institution's noncampus buildings and property; and

(C) Public property within or immediately adjacent to and accessible from the campus.

(ii) For the purposes of maintaining the crime log required in paragraph (f) of this section, Clery geography includes, in addition to the locations in paragraph (i) of this definition, areas within the patrol jurisdiction of the campus police or the campus security department.

Dating violence. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(ii) For the purposes of this definition—

(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(B) Dating violence does not include acts covered under the definition of domestic violence.

(iii) For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Domestic violence. (i) A felony or misdemeanor crime of violence committed—

(A) By a current or former spouse or intimate partner of the victim;

(B) By a person with whom the victim shares a child in common;

(C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

(D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or

(E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

(ii) For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) program. A nationwide, cooperative statistical effort in which city, university and college, county, State, Tribal, and federal law enforcement agencies voluntarily report data on crimes brought to their attention. The UCR program also serves as the basis for the definitions of crimes in Appendix A to this subpart and the requirements for classifying crimes in this subpart.

Hate crime. A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Hierarchy Rule. A requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident, only the most serious offense be counted.

Noncampus building or property. (i) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

(ii) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Pastoral counselor. A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

Professional counselor. A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification.

Programs to prevent dating violence, domestic violence, sexual assault, and stalking. (i) Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that—

(A) Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and

(B) Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

(ii) Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees, as defined in paragraph (j)(2) of this section.

Public property. All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Referred for campus disciplinary action. The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

Sexual assault. An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program and included in Appendix A of this subpart.

Stalking. (i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

(ii) For the purposes of this definition—

(A) *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

(C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not

necessarily, require medical or other professional treatment or counseling.

(iii) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Test. Regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

(b) *Annual security report.* An institution must prepare an annual security report reflecting its current policies that contains, at a minimum, the following information:

(1) The crime statistics described in paragraph (c) of this section.

(2) A statement of policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. This statement must include the institution's policies concerning its response to these reports, including—

(i) Policies for making timely warning reports to members of the campus community, as required by paragraph (e) of this section, regarding the occurrence of crimes described in paragraph (c)(1) of this section;

(ii) Policies for preparing the annual disclosure of crime statistics;

(iii) A list of the titles of each person or organization to whom students and employees should report the criminal offenses described in paragraph (c)(1) of this section for the purposes of making timely warning reports and the annual statistical disclosure; and

(iv) Policies or procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

(3) A statement of policies concerning security of and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.

(4) A statement of policies concerning campus law enforcement that—

(i) Addresses the enforcement authority and jurisdiction of security personnel;

(ii) Addresses the working relationship of campus security personnel with State and local police agencies, including—

(A) Whether those security personnel have the authority to make arrests; and

(B) Any agreements, such as written memoranda of understanding between the institution and such agencies, for the investigation of alleged criminal offenses.

(iii) Encourages accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report; and

(iv) Describes procedures, if any, that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

(5) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

(6) A description of programs designed to inform students and employees about the prevention of crimes.

(7) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity by students at noncampus locations of student organizations officially recognized by the institution, including student organizations with noncampus housing facilities.

(8) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws.

(9) A statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws.

(10) A description of any drug or alcohol-abuse education programs, as required under section 120(a) through (d) of the HEA, otherwise known as the Drug-Free Schools and Communities Act of 1989. For the purpose of meeting this requirement, an institution may cross-reference the materials the institution uses to comply with section 120(a) through (d) of the HEA.

(11) A statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking, as defined in paragraph (a) of this section, and of procedures that the institution will follow when one of these crimes is reported. The statement must include—

(i) A description of the institution's educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking, as required by paragraph (j) of this section;

(ii) Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including written information about—

(A) The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;

(B) How and to whom the alleged offense should be reported;

(C) Options about the involvement of law enforcement and campus authorities, including notification of the victim's option to—

(*1*) Notify proper law enforcement authorities, including on-campus and local police;

(*2*) Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and

(*3*) Decline to notify such authorities; and

(D) Where applicable, the rights of victims and the institution's responsibilities for orders of protection, ''no-contact'' orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution;

(iii) Information about how the institution will protect the confidentiality of victims and other necessary parties, including how the institution will—

(A) Complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)); and

(B) Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures;

(iv) A statement that the institution will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community;

(v) A statement that the institution will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;

(vi) An explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as required by paragraph (k) of this section; and

(vii) A statement that, when a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options, as described in paragraphs (b)(11)(ii) through (vi) of this section.

(12) A statement advising the campus community where law enforcement agency information provided by a State under section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921), concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.

(13) A statement of policy regarding emergency response and evacuation procedures, as required by paragraph (g) of this section.

(14) A statement of policy regarding missing student notification procedures, as required by paragraph (h) of this section.

(c) *Crime statistics*—(1) *Crimes that must be reported and disclosed.* An institution must report to the Department and disclose in its annual security report statistics for the three most recent calendar years concerning the number of each of the following crimes that occurred on or within its Clery geography and that are reported to local police agencies or to a campus security authority:

(i) Primary crimes, including—

(A) Criminal homicide:

(*1*) Murder and nonnegligent manslaughter; and

(*2*) Negligent manslaughter.

(B) Sex offenses:

(*1*) Rape;

(*2*) Fondling;

(*3*) Incest; and

(*4*) Statutory rape.

(C) Robbery.

(D) Aggravated assault.

(E) Burglary.

(F) Motor vehicle theft.

(G) Arson.

(ii) Arrests and referrals for disciplinary actions, including—

(A) Arrests for liquor law violations, drug law violations, and illegal weapons possession.

(B) Persons not included in paragraph (c)(1)(ii)(A) of this section who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

(iii) Hate crimes, including—

(A) The number of each type of crime in paragraph (c)(1)(i) of this section that are determined to be hate crimes; and

(B) The number of the following crimes that are determined to be hate crimes:

(*1*) Larceny-theft.

(*2*) Simple assault.

(*3*) Intimidation.

(*4*) Destruction/damage/vandalism of property.

(iv) Dating violence, domestic violence, and stalking as defined in paragraph (a) of this section.

(2) *All reported crimes must be recorded.* (i) An institution must include in its crime statistics all crimes listed in paragraph (c)(1) of this section occurring on or within its Clery geography that are reported to a campus security authority for purposes of Clery Act reporting. Clery Act reporting does not require initiating an investigation or disclosing personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)).

(ii) An institution may not withhold, or subsequently remove, a reported crime from its crime statistics based on a decision by a court, coroner, jury, prosecutor, or other similar noncampus official.

(iii) An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore ''unfounded.'' Only sworn or commissioned law enforcement personnel may ''unfound'' a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not ''unfound'' a crime report.

(A) An institution must report to the Department and disclose in its annual security report statistics the total number of crime reports listed in paragraph (c)(1) of this section that were ''unfounded'' and subsequently withheld from its crime statistics pursuant to paragraph (c)(2)(iii) of this section during each of the three most recent calendar years.

(B) [Reserved]

(3) *Crimes must be recorded by calendar year.* (i) An institution must record a crime statistic for the calendar year in which the crime was reported to local police agencies or to a campus security authority.

(ii) When recording crimes of stalking by calendar year, an institution must follow the requirements in paragraph (c)(6) of this section.

(4) *Hate crimes must be recorded by category of bias.* For each hate crime recorded under paragraph (c)(1)(iii) of this section, an institution must identify the category of bias that motivated the crime. For the purposes of this paragraph, the categories of bias include the victim's actual or perceived—

(i) Race;

(ii) Gender;

(iii) Gender identity;

(iv) Religion;

(v) Sexual orientation;

(vi) Ethnicity;

(vii) National origin; and

(viii) Disability.

(5) *Crimes must be recorded by location.* (i) An institution must specify whether each of the crimes recorded under paragraph (c)(1) of this section occurred—

(A) On campus;

(B) In or on a noncampus building or property; or

(C) On public property.

(ii) An institution must identify, of the crimes that occurred on campus, the number that took place in dormitories or other residential facilities for students on campus.

(iii) When recording stalking by location, an institution must follow the requirements in paragraph (c)(6) of this section.

(6) *Recording reports of stalking.* (i) When recording reports of stalking that include activities in more than one calendar year, an institution must record a crime statistic for each and every year in which the course of conduct is reported to a local police agency or to a campus security authority.

(ii) An institution must record each report of stalking as occurring at only the first location within the institution's Clery geography in which:

(A) A perpetrator engaged in the stalking course of conduct; or

(B) A victim first became aware of the stalking.

(7) *Identification of the victim or the accused.* The statistics required under paragraph (c) of this section do not include the identification of the victim or the person accused of committing the crime.

(8) *Pastoral and professional counselor.* An institution is not required

to report statistics under paragraph (c) of this section for crimes reported to a pastoral or professional counselor.

(9) *Using the FBI's UCR program and the Hierarchy Rule.* (i) An institution must compile the crime statistics for murder and nonnegligent manslaughter, negligent manslaughter, rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug law violations, and illegal weapons possession using the definitions of those crimes from the ''Summary Reporting System (SRS) User Manual'' from the FBI's UCR Program, as provided in Appendix A to this subpart.

(ii) An institution must compile the crime statistics for fondling, incest, and statutory rape using the definitions of those crimes from the ''National Incident-Based Reporting System (NIBRS) User Manual'' from the FBI's UCR Program, as provided in Appendix A to this subpart.

(iii) An institution must compile the crime statistics for the hate crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property using the definitions provided in the ''Hate Crime Data Collection Guidelines and Training Manual'' from the FBI's UCR Program, as provided in Appendix A to this subpart.

(iv) An institution must compile the crime statistics for dating violence, domestic violence, and stalking using the definitions provided in paragraph (a) of this section.

(v) In counting crimes when more than one offense was committed during a single incident, an institution must conform to the requirements of the Hierarchy Rule in the ''Summary Reporting System (SRS) User Manual.

(vi) If arson is committed, an institution must always record the arson in its statistics, regardless of whether or not it occurs in the same incident as another crime.

(vii) If rape, fondling, incest, or statutory rape occurs in the same incident as a murder, an institution must record both the sex offense and the murder in its statistics.

(10) *Use of a map.* In complying with the statistical reporting requirements under this paragraph (c) of this section, an institution may provide a map to current and prospective students and employees that depicts its campus, noncampus buildings or property, and public property areas if the map accurately depicts its campus, noncampus buildings or property, and public property areas.

(11) *Statistics from police agencies.* (i) In complying with the statistical reporting requirements under paragraph (c) of this section, an institution must make a reasonable, good-faith effort to obtain statistics for crimes that occurred on or within the institution's Clery geography and may rely on the information supplied by a local or State police agency.

(ii) If the institution makes such a reasonable, good-faith effort, it is not responsible for the failure of the local or State police agency to supply the required statistics.

(d) *Separate campus.* An institution must comply with the requirements of this section for each separate campus.

(e) *Timely warning and emergency notification.* (1) An institution must, in a manner that is timely and that withholds as confidential the names and other identifying information of victims, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)), and that will aid in the prevention of similar crimes, report to the campus community on crimes that are—

(i) Described in paragraph (c)(1) of this section;

(ii) Reported to campus security authorities as identified under the institution's statement of current campus policies pursuant to paragraph (b)(2) of this section or local police agencies; and

(iii) Considered by the institution to represent a threat to students and employees.

(2) An institution is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

(3) If there is an immediate threat to the health or safety of students or employees occurring on campus, as described in paragraph (g)(1) of this section, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

(f) *Crime log.* (1) An institution that maintains a campus police or a campus security department must maintain a written, easily understood daily crime log that records, by the date the crime was reported, any crime that occurred within its Clery geography, as described in paragraph (ii) of the definition of *Clery geography* in paragraph (a) of this section, and that is reported to the campus police or the campus security department. This log must include—

(i) The nature, date, time, and general location of each crime; and

(ii) The disposition of the complaint, if known.

(2) The institution must make an entry or an addition to an entry to the log within two business days, as defined under paragraph (a) of this section, of the report of the information to the campus police or the campus security department, unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim.

(3)(i) An institution may withhold information required under paragraphs (f)(1) and (2) of this section if there is clear and convincing evidence that the release of the information would—

(A) Jeopardize an ongoing criminal investigation or the safety of an individual;

(B) Cause a suspect to flee or evade detection; or

(C) Result in the destruction of evidence.

(ii) The institution must disclose any information withheld under paragraph (f)(3)(i) of this section once the adverse effect described in that paragraph is no longer likely to occur.

(4) An institution may withhold under paragraph (f)(2) and (3) of this section only that information that would cause the adverse effects described in those paragraphs.

(5) The institution must make the crime log for the most recent 60-day period open to public inspection during normal business hours. The institution must make any portion of the log older than 60 days available within two business days of a request for public inspection.

(g) *Emergency response and evacuation procedures.* An institution must include a statement of policy regarding its emergency response and evacuation procedures in the annual security report. This statement must include—

(1) The procedures the institution will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus;

(2) A description of the process the institution will use to—

(i) Confirm that there is a significant emergency or dangerous situation as described in paragraph (g)(1) of this section;

(ii) Determine the appropriate segment or segments of the campus community to receive a notification;

(iii) Determine the content of the notification; and

(iv) Initiate the notification system.

(3) A statement that the institution will, without delay, and taking into

account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency;

(4) A list of the titles of the person or persons or organization or organizations responsible for carrying out the actions described in paragraph (g)(2) of this section;

(5) The institution's procedures for disseminating emergency information to the larger community; and

(6) The institution's procedures to test the emergency response and evacuation procedures on at least an annual basis, including—

(i) Tests that may be announced or unannounced;

(ii) Publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year; and

(iii) Documenting, for each test, a description of the exercise, the date, time, and whether it was announced or unannounced.

(h) *Missing student notification policies and procedures.* (1) An institution that provides any on-campus student housing facility must include a statement of policy regarding missing student notification procedures for students who reside in on-campus student housing facilities in its annual security report. This statement must—

(i) Indicate a list of titles of the persons or organizations to which students, employees, or other individuals should report that a student has been missing for 24 hours;

(ii) Require that any missing student report must be referred immediately to the institution's police or campus security department, or, in the absence of an institutional police or campus security department, to the local law enforcement agency that has jurisdiction in the area;

(iii) Contain an option for each student to identify a contact person or persons whom the institution shall notify within 24 hours of the determination that the student is missing, if the student has been determined missing by the institutional police or campus security department, or the local law enforcement agency;

(iv) Advise students that their contact information will be registered confidentially, that this information will be accessible only to authorized campus officials, and that it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation;

(v) Advise students that if they are under 18 years of age and not emancipated, the institution must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student; and

(vi) Advise students that the institution will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

(2) The procedures that the institution must follow when a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours include—

(i) If the student has designated a contact person, notifying that contact person within 24 hours that the student is missing;

(ii) If the student is under 18 years of age and is not emancipated, notifying the student's custodial parent or guardian and any other designated contact person within 24 hours that the student is missing; and

(iii) Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, informing the local law enforcement agency that has jurisdiction in the area within 24 hours that the student is missing.

(i) [Reserved]

(j) *Programs to prevent dating violence, domestic violence, sexual assault, and stalking.* As required by paragraph (b)(11) of this section, an institution must include in its annual security report a statement of policy that addresses the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking.

(1) The statement must include—

(i) A description of the institution's primary prevention and awareness programs for all incoming students and new employees, which must include—

(A) A statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as those terms are defined in paragraph (a) of this section;

(B) The definition of ''dating violence,'' ''domestic violence,'' ''sexual assault,'' and ''stalking'' in the applicable jurisdiction;

(C) The definition of ''consent,'' in reference to sexual activity, in the applicable jurisdiction;

(D) A description of safe and positive options for bystander intervention;

(E) Information on risk reduction; and

(F) The information described in paragraphs (b)(11) and (k)(2) of this section; and

(ii) A description of the institution's ongoing prevention and awareness campaigns for students and employees, including information described in paragraph (j)(1)(i)(A) through (F) of this section.

(2) For the purposes of this paragraph (j)—

(i) *Awareness programs* means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

(ii) *Bystander intervention* means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

(iii) *Ongoing prevention and awareness campaigns* means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution and including information described in paragraph (j)(1)(i)(A) through (F) of this section.

(iv) *Primary prevention programs* means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

(v) *Risk reduction* means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

(3) An institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking must include, at a minimum, the

information described in paragraph (j)(1) of this section.

(k) *Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.* As required by paragraph (b)(11)(vi) of this section, an institution must include in its annual security report a clear statement of policy that addresses the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as defined in paragraph (a) of this section, and that—

(1)(i) Describes each type of disciplinary proceeding used by the institution; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding; how to file a disciplinary complaint; and how the institution determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking;

(ii) Describes the standard of evidence that will be used during any institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking;

(iii) Lists all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking; and

(iv) Describes the range of protective measures that the institution may offer to the victim following an allegation of dating violence, domestic violence, sexual assault, or stalking;

(2) Provides that the proceedings will—

(i) Include a prompt, fair, and impartial process from the initial investigation to the final result;

(ii) Be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;

(iii) Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;

(iv) Not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties; and

(v) Require simultaneous notification, in writing, to both the accuser and the accused, of—

(A) The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;

(B) The institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available;

(C) Any change to the result; and

(D) When such results become final.

(3) For the purposes of this paragraph (k)—

(i) A prompt, fair, and impartial proceeding includes a proceeding that is—

(A) Completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay;

(B) Conducted in a manner that—

(*1*) Is consistent with the institution's policies and transparent to the accuser and accused;

(*2*) Includes timely notice of meetings at which the accuser or accused, or both, may be present; and

(*3*) Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and

(C) Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

(ii) *Advisor* means any individual who provides the accuser or accused support, guidance, or advice.

(iii) *Proceeding* means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, factfinding investigations, formal or informal meetings, and hearings. *Proceeding* does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

(iv) *Result* means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

(l) Compliance with paragraph (k) of this section does not constitute a violation of FERPA.

(m) *Prohibition on retaliation.* An institution, or an officer, employee, or agent of an institution, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision in this section.

3. Revise Appendix A to Subpart D to read as follows:

APPENDIX A TO SUBPART D OF PART 668—CRIME DEFINITIONS IN ACCORDANCE WITH THE FEDERAL BUREAU OF INVESTIGATION'S UNIFORM CRIME REPORTING PROGRAM

The following definitions are to be used for reporting the crimes listed in § 668.46, in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program. The definitions for *murder, rape, robbery, aggravated assault, burglary, motor vehicle theft, weapons: carrying, possessing, etc., law violations, drug abuse violations,* and *liquor law violations* are from the ''Summary Reporting System (SRS) User Manual'' from the FBI's UCR Program. The definitions of fondling, incest, and statutory rape are excerpted from the ''National Incident-Based Reporting System (NIBRS) User Manual'' from the FBI's UCR Program. The definitions of *larceny-theft (except motor vehicle theft), simple assault, intimidation,* and *destruction/damage/vandalism of property* are from the ''Hate Crime Data Collection Guidelines and Training Manual'' from the FBI's UCR Program.

Crime Definitions From the Summary Reporting System (SRS) User Manual From the FBI's UCR Program

Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Criminal Homicide—Manslaughter by Negligence

The killing of another person through gross negligence.

Criminal Homicide—Murder and Nonnegligent Manslaughter

The willful (nonnegligent) killing of one human being by another.

Rape

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Robbery

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

Weapons: Carrying, Possessing, Etc.

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Drug Abuse Violations

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Liquor Law Violations

The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Crime Definitions From the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program

Sex Offenses

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. *Fondling*—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

B. *Incest*—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

C. *Statutory Rape*—Sexual intercourse with a person who is under the statutory age of consent.

Crime Definitions From the Hate Crime Data Collection Guidelines and Training Manual From the FBI's UCR Program

Larceny-Theft (Except Motor Vehicle Theft)

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Simple Assault

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

[FR Doc. 2014–24284 Filed 10–17–14; 8:45 am]

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FEDERAL REGISTER

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Part IV

The President

Presidential Determination No. 2015–01 of October 9, 2014—Provision of U.S. Drug Interdiction Assistance to the Government of Brazil
Notice of October 16, 2014—Continuation of the National Emergency With Respect to Significant Narcotics Traffickers Centered in Colombia

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Presidential Documents

Title 3—

The President

Presidential Determination No. 2015–01 of October 9, 2014

Provision of U.S. Drug Interdiction Assistance to the Government of Brazil

Memorandum for the Secretary of State [and] the Secretary of Defense

By the authority vested in me as President by section 1012 of the National Defense Authorization Act for Fiscal Year 1995, as amended (22 U.S.C. 2291–4), I hereby certify, with respect to Brazil, that: (1) interdiction of aircraft reasonably suspected to be primarily engaged in illicit drug trafficking in Brazil's airspace is necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of that country; and (2) Brazil has appropriate procedures in place to protect against innocent loss of life in the air and on the ground in connection with such interdiction, which shall at a minimum include effective means to identify and warn an aircraft before the use of force is directed against the aircraft.

The Secretary of State is authorized and directed to publish this determination in the *Federal Register* and to notify the Congress of this determination.

THE WHITE HOUSE,
Washington, October 9, 2014

[FR Doc. 2014–25090
Filed 10–17–14; 11:15 am]
Billing code 3295–F5

Presidential Documents

Notice of October 16, 2014

Continuation of the National Emergency With Respect to Significant Narcotics Traffickers Centered in Colombia

On October 21, 1995, by Executive Order 12978, the President declared a national emergency with respect to significant narcotics traffickers centered in Colombia pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706), to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions of significant narcotics traffickers centered in Colombia and the extreme level of violence, corruption, and harm such actions cause in the United States and abroad.

The actions of significant narcotics traffickers centered in Colombia continue to threaten the national security, foreign policy, and economy of the United States and to cause an extreme level of violence, corruption, and harm in the United States and abroad. For this reason, the national emergency declared in Executive Order 12978 of October 21, 1995, and the measures adopted pursuant thereto to deal with that emergency, must continue in effect beyond October 21, 2014. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to significant narcotics traffickers centered in Colombia declared in Executive Order 12978.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

THE WHITE HOUSE,
October 16, 2014.

[FR Doc. 2014–25093
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