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

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

MERIT SYSTEMS PROTECTION BOARD

5 CFR Parts 1201 and 1210

Practices and Procedures

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: The Merit Systems Protection Board (MSPB or the Board) is adopting as final an interim rule that adapted the Board's regulations to legislative changes which created new laws applicable to the removal or transfer of Senior Executive Service employees of the Department of Veterans Affairs.

DATES: *Effective:* October 22, 2014.

FOR FURTHER INFORMATION CONTACT: William D. Spencer, Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW., Washington, DC 20419; phone: (202) 653–7200; fax: (202) 653–7130; or email: *mspb@mspb.gov.*

SUPPLEMENTARY INFORMATION: On August 19, 2014, the Board published an interim final rule (79 FR 48941) that amended 5 CFR 1201.3 and added a new 5 CFR part 1210 to the Board's adjudicatory procedures in response to amendments to Federal law contained in the Veterans' Access to Care through Choice, Accountability, and Transparency Act of 2014, Public Law 113–146 (the Act). Two days later, on August 21, 2014, the Board amended the interim final rule by making certain technical corrections to definitions and citations. 79 FR 49423.

As the Board explained in detail in the interim rule at 79 FR 48941–48942, section 707(a) of the Act created 38 U.S.C. 713, which contains new rules for the removal or transfer of Senior Executive Service employees of the Department of Veterans Affairs (covered SES employees) for performance or misconduct, requires expedited review of appeals of such actions by the MSPB, and limits review of such actions to a final decision issued by an MSPB administrative judge. Paragraph (b) of section 707 of the Act requires the MSPB to develop and to put into effect expedited procedures for processing appeals filed pursuant to 38 U.S.C. 713 and to submit a report to Congress within 14 days that addresses several matters, including the steps the Board is taking to conduct the expedited review required under the Act. The Board submitted the required report to Congress on August 21, 2014. A copy of the report is available at the Board's Web site (*www.mspb.gov*).

The MSPB received comments concerning its interim final rule from the National Employment Lawyers Association, the law firm of Passman and Kaplan, and the American Civil Liberties Union of the Nation's Capital. The comments are available to the public at the Board's Web site (*www.mspb.gov*). These commenters raised several concerns with the interim final rule.

The commenters asked the MSPB to reconsider limitations on discovery set forth in part 1210. While the Board understands the position of the commenters, it remains convinced that broader discovery rules are incompatible with the requirement to adjudicate within 21 days cases filed under 38 U.S.C. 713. Accordingly, the Board will retain the current discovery rules, which limit the parties to 10 interrogatories, no depositions, and no second round of discovery. The Board notes that, under part 1210, the administrative judge has the discretion to allow additional discovery and alter discovery procedures when he or she deems it necessary.

A commenter asked the MSPB to expand the scope of materials that an agency must disclose when taking an action covered by part 1210. The interim rule provides that an agency must supply a copy of the ''response file'' (all documents and evidence the agency used in making the decision to remove or transfer a covered employee). 5 CFR 1210.2(c) and 1210.5(c). The Board has concluded that the current ''response file'' is sufficient to inform the employee of the reasons supporting the agency action and that expanding the scope of required disclosures is not necessary because the additional information identified by the commenters can be obtained in discovery.

A commenter objected to the Board's regulation imposing a rebuttable presumption in favor of the Secretary's penalty determination as inconsistent with 38 U.S.C. 713, 5 U.S.C. 7701, and Board case law. The Board respectfully disagrees with this comment.

As the commenter noted, the Board's current regulation states that proof of underlying misconduct or poor performance by the agency creates a presumption that the penalty (removal or transfer) was warranted. 5 CFR 1210.18(a). An appellant may rebut this presumption by establishing that the selected penalty was unreasonable under the circumstances of the case. *Id.*

In drafting part 1210, the Board sought to interpret 38 U.S.C. 713 in accordance with its plain meaning and Congressional intent. Consistent with these considerations, part 1210 requires the Department of Veterans Affairs to prove its charges of misconduct and poor performance by preponderant evidence, as required in appeals filed at the Board under 5 U.S.C. 7701.

The commenter correctly notes that the penalty analysis set forth in part 1210 differs from the penalty analysis the Board employs in other appeals. Generally, the Board requires that an agency prove by preponderant evidence that the penalty promotes the efficiency of the service and is reasonable. In so doing, the Board reviews an agency-imposed penalty to determine if the agency considered all the relevant factors and exercised management discretion within tolerable limits of reasonableness. *Douglas* v. *Veterans Admin.,* 5 M.S.P.R. 280, 306 (1981).

However, under 38 U.S.C. 713(a)(1), ''[t]he Secretary may remove an individual from a Senior Executive Service position . . . if the Secretary determines the performance or misconduct of the individual warrants such removal.'' The Board has interpreted this unqualified language as granting the Secretary of the Department of Veterans Affairs broad discretion in selecting the appropriate penalty for proven misconduct or poor performance. In order to afford appropriate deference to the Secretary's penalty decision, while at the same time preserving the Board's ultimate authority to review such a determination in an appeal filed with

the Board, the Board has interpreted 38 U.S.C. 713 as requiring the use of a rebuttable presumption in favor of a penalty selected by the Secretary. Applying the penalty analysis employed in other MSPB appeals to appeals filed under 38 U.S.C. 713 would be inappropriate, as the law governing other appeals simply does not require the deference required under 38 U.S.C. 713.

A commenter asked the MSPB to amend part 1210 to state that filing an appeal with the MSPB under section 707 of the Act is not an election of remedies barring pursuit of other statutory or regulatory appeal or complaint processes, such as filing an equal employment opportunity complaint, an individual right of action appeal, and claims under the Uniformed Services Employment and Reemployment Rights Act. The Board will not address this issue because it believes that such legal issues should initially be addressed through normal litigation processes. In addition, part 1210 is intended primarily to create procedures that will enable MSPB administrative judges to decide cases filed under 38 U.S.C. 713 within 21 days as required by that statute. The election of remedies issue presented by the commenter was not addressed in the interim rule and addressing this issue now will not further serve the purpose for which the Board promulgated part 1210.

A commenter asked the Board to amend its regulations to state that a decision issued under part 1210 would have no res judicata effect in any other type of action because an MSPB decision on an appeal filed under 38 U.S.C. 713 will not satisfy due process requirements. The Board will not include such a statement in part 1210. The Board has no authority to determine the legal effect of its decisions in other fora. In addition, the Board has stated that it lacks the authority to determine the constitutionality of a statute. *Brooks* v. *Office of Pers. Mgmt.,* 59 M.S.P.R. 207, 215 n. 7 (1993).

A commenter urged the MSPB to add a new regulation requiring the Department of Veterans Affairs to pay for a complete hearing transcript in all cases decided under part 1210. The commenter further suggested that the Board amend part 1210 to mandate that the hearing transcript and all hearing exhibits be sent to the Department of Veterans Affairs Inspector General and House and Senate oversight committees.

The Board has considered this proposal but will not amend its regulations as requested. A copy of the hearing compact disc, hearing transcript (to the extent a hearing transcript is contained in the Board's files), and all hearing exhibits can be made available to interested parties as permitted under Federal law, including, but not limited to, the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended, 5 CFR parts 1204 and 1205, and 5 CFR 1201.53. The Board notes that the final decisions in all appeals decided under part 1210 will be available for public review in the same manner as Board final decisions in other types of appeals.

A commenter asked the MSPB to amend its regulations to ensure that each side will have sufficient and equal time to present their cases, despite statutorily-required time constraints on completion of the appeal. The Board expects that its administrative judges will ensure that the parties are given a fair opportunity to present evidence and that the requested regulatory change is therefore unnecessary.

A commenter suggested that in view of the limitations that part 1210 places on discovery and the inability of the three-member Board at MSPB headquarters in Washington, DC, to review an administrative judge's evidentiary rulings, the Board should amend part 1210 to allow greater latitude in the scope of witness examination and include a requirement that administrative judges should avoid excluding evidence or witness testimony to the greatest extent possible. The Board does not believe that such additional requirements are necessary. Given the statutorily-required time limits in covered appeals, MSPB administrative judges must be allowed to limit the introduction of irrelevant or duplicative evidence as they do under normal Board procedures. The Board has a high degree of confidence in the ability of its administrative judges to fairly conduct the expedited review required under 38 U.S.C. 713.

A commenter asked the Board to amend its regulations to state that section 707 of the Act in no way modifies the Special Counsel's prosecutorial authority under 5 U.S.C. 1215. The Board will not address this issue because, as noted above, it believes that such legal issues should initially be addressed through the normal litigation process. In addition, part 1210 is intended primarily to create procedures that will enable MSPB administrative judges to decide appeals filed under 38 U.S.C. 713 within 21 days, as required by the Act. Addressing the issue presented by the commenter will not further that goal.

A commenter suggested that MSPB should amend its regulations to require the agency to file a protective order when it refuses to reply to a discovery request. The commenter suggested that such a procedure would be quicker and more efficient than requiring an appellant to file a motion to compel discovery. While the Board understands how this proposal could perhaps speed the resolution of certain discovery disputes, the Board believes that its current discovery procedures have generally proven to work well and will allow the parties ample time to resolve discovery disputes. However, to the extent that timely completion of discovery is identified as a problem in cases brought under part 1210, the Board may reconsider this proposal as a means of speeding completion of discovery.

A commenter asked the MSPB to amend its regulations to allow parties to seek modification of exhibit and witness lists in response to discovery requests. As noted earlier, MSPB administrative judges fully appreciate the practical difficulties facing the parties as they assemble and present a case within the 21-day deadline mandated by the Act and the Board expects its administrative judges to allow timely requests to modify exhibit and witness lists.

As of the date of submission of this final rule for publication in the **Federal Register**, no appeals have been filed with the Board under 38 U.S.C. 713. The Board may reexamine part 1210 procedures in light of actual experience and will, if necessary, seek additional comment on its procedures and/or propose amendments to part 1210.

List of Subjects in 5 CFR Parts 1201 and 1210

Administrative practice and procedure.

William D. Spencer,

Clerk of the Board.

Corrected Interim Rule Adopted as Final Without Change

Accordingly, the interim rule amending 5 CFR Parts 1201 and 1210, which was published at 79 FR 48941 on August 19, 2014, 2014, and subsequently corrected at 79 FR 49423 on August 21, 2014, is adopted as a final rule without change.

[FR Doc. 2014–25212 Filed 10–21–14; 8:45 am]

BILLING CODE 7400–01–P

FARM CREDIT ADMINISTRATION

12 CFR Part 621

RIN 3052–AC75

Releasing Information; General Provisions; Accounting and Reporting Requirements; Reports of Accounts and Exposures

AGENCY: Farm Credit Administration.

ACTION: Final rule; notice of compliance date.

SUMMARY: The Farm Credit Administration (FCA, we, or our) issued a final rule on December 24, 2013, to establish a regulatory framework for Farm Credit System (System) banks and associations to report their accounts and exposures to the FCA. The final rule required compliance as of the effective date, which was February 21, 2014, except for certain Reporting Entity's requirements. The compliance date for those requirements was delayed to allow for the development of and transition to the System's central data repository. This document provides the compliance date for the Reporting Entity requirements.

DATES: The compliance date for the Reporting Entity requirements under § 621.15(b)(1) through (6), published December 24, 2013, at 78 FR 77557, effective February 21, 2014, is October 22, 2014.

FOR FURTHER INFORMATION CONTACT:
Susan T. Coleman, Senior Policy Analyst, Office of Regulatory Policy, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4491, TTY (703) 883–4056; or
Jane Virga, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4020, TTY (703) 883–4056.

SUPPLEMENTARY INFORMATION: We issued a final rule on December 24, 2013, to establish a regulatory framework for the reporting of System accounts and exposures. The final rule established the reporting requirements and performance responsibilities, including, but not limited to, establishing uniform and standard data fields to be collected from all System banks and associations and a disciplined and secure delivery of information. The final rule authorized a Reporting Entity (defined as the Federal Farm Credit Banks Funding Corporation (Funding Corporation) or an entity approved by FCA), to collect data from all banks and associations and serve as the central data repository manager. Additionally, the final rule required all banks and associations to provide data to the Reporting Entity to facilitate the collection, enhancement, and reporting of data to FCA.

The final rule required compliance as of the effective date, which was February 21, 2014, except for the Reporting Entity's requirements under § 621.15(b)(1) through (6). The final rule specified that the compliance date would be delayed for the Reporting Entity's requirements under § 621.15(b)(1) through (6) to allow for the development of and transition to the System's central data repository.

During the System's data repository development phase, the banks and associations continued to prepare and submit the reports of accounts and exposures to FCA in accordance with the instructions prescribed by FCA under § 621.15(a) of the final rule. The Reporting Entity now has the ability to prepare and submit reliable, timely, complete and accurate reporting of accounts and exposures. Therefore, full compliance with all provisions of the final rule is required on October 22, 2014 for accounts and exposures data as of the quarterly period ended September 30, 2014.

Dated: October 16, 2014.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2014–25005 Filed 10–21–14; 8:45 am]

BILLING CODE 6705–01–P

FARM CREDIT ADMINISTRATION

12 CFR Chapter VI

Farm Credit Administration Board Policy Statements

AGENCY: Farm Credit Administration.

ACTION: Notice of policy statements and index.

SUMMARY: The Farm Credit Administration (FCA), as part of its annual public notification process, is publishing for notice an index of the 18 Board policy statements currently in existence. Most of the policy statements remain unchanged since our last **Federal Register** notice on October 24, 2013 (78 FR 63380), except for one with minor updates on Equal Employment Opportunity and Diversity.

DATES: October 22, 2014.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to Board, Farm Credit Administration, 1501 Farm Credit Drive, McLean Virginia 22102–5090, (703) 883–4009, TTY (703) 883–4056; or Wendy R. Laguarda, Assistant General Counsel, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean Virginia 22102–5090, (703) 883–4020, TTY (703) 883–4020.

SUPPLEMENTARY INFORMATION: A list of the 18 FCA Board policy statements is set forth below. FCA Board policy statements may be viewed online at *www.fca.gov/handbook.nsf.*

On August 20, 2014, the FCA Board reaffirmed, and made minor updates only, to FCA–PS–62 on, ''Equal Employment Opportunity and Diversity.'' The changes were grammatical in nature.

The policy was published in the **Federal Register** on August 26, 2014 (79 FR 50908). The FCA will continue to publish new or revised policy statements in their full text.

FCA Board Policy Statements

FCA–PS–34 Disclosure of the Issuance and Termination of Enforcement Documents
FCA–PS–37 Communications During Rulemaking
FCA–PS–41 Alternative Means of Dispute Resolution
FCA–PS–44 Travel
FCA–PS–53 Examination Philosophy
FCA–PS–59 Regulatory Philosophy
FCA–PS–62 Equal Employment Opportunity and Diversity
FCA–PS–64 Rules for the Transaction of Business of the Farm Credit Administration Board
FCA–PS–65 Release of Consolidated Reporting System Information
FCA–PS–67 Nondiscrimination on the Basis of Disability in Agency Programs and Activities
FCA–PS–68 FCS Building Association Management Operations Policies and Practices
FCA–PS–71 Disaster Relief Efforts by Farm Credit Institutions
FCA–PS–72 Financial Institution Rating System (FIRS)
FCA–PS–77 Borrower Privacy
FCA–PS–78 Official Names of Farm Credit Institutions
FCA–PS–79 Consideration and Referral of Supervisory Strategies and Enforcement Actions
FCA–PS–80 Cooperative Operating Philosophy—Serving the Members of Farm Credit System Institutions
FCA–PS–81 Ethics, Independence, Arm's-Length Role, Ex Parte Communications and Open Government

Dated: October 16, 2014.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2014–25131 Filed 10–21–14; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 866

[Docket No. FDA–2014–N–1440]

Medical Devices; Immunology and Microbiology Devices; Classification of Nucleic Acid-Based Devices for the Detection of Mycobacterium Tuberculosis Complex and the Genetic Mutations Associated With Antibiotic Resistance

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying nucleic acid-based in vitro diagnostic devices for the detection of *Mycobacterium tuberculosis* complex (MTB-complex) and the genetic mutations associated with MTB-complex antibiotic resistance in respiratory specimens devices into class II (special controls). The Agency is classifying the device into class II (special controls) because special controls, in addition to general controls, will provide a reasonable assurance of safety and effectiveness of the device.

DATES: This order is effective November 21, 2014. The classification was applicable July 25, 2013.

FOR FURTHER INFORMATION CONTACT: Janice Washington, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5554, Silver Spring, MD 20993–0002, 301–796–6207.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with section 513(f)(1) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360c(f)(1)), devices that were not in commercial distribution before May 28, 1976 (the date of enactment of the Medical Device Amendments of 1976), generally referred to as postamendments devices, are classified automatically by statute into class III without any FDA rulemaking process. These devices remain in class III and require premarket approval, unless and until the device is classified or reclassified into class I or II, or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the FD&C Act, to a predicate device that does not require premarket approval. The Agency determines whether new devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807) of the regulations.

Section 513(f)(2) of the FD&C Act, as amended by section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144), provides two procedures by which a person may request FDA to classify a device under the criteria set forth in section 513(a)(1) of the FD&C Act. Under the first procedure, the person submits a premarket notification under section 510(k) of the FD&C Act for a device that has not previously been classified and, within 30 days of receiving an order classifying the device into class III under section 513(f)(1) of the FD&C Act, the person requests a classification under section 513(f)(2). Under the second procedure, rather than first submitting a premarket notification under section 510(k) of the FD&C Act and then a request for classification under the first procedure, the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence and requests a classification under section 513(f)(2) of the FD&C Act. If the person submits a request to classify the device under this second procedure, FDA may decline to undertake the classification request if FDA identifies a legally marketed device that could provide a reasonable basis for review of substantial equivalence with the device or if FDA determines that the device submitted is not of ''low-moderate risk'' or that general controls would be inadequate to control the risks and special controls to mitigate the risks cannot be developed.

In response to a request to classify a device under either procedure provided by section 513(f)(2) of the FD&C Act, FDA will classify the device by written order within 120 days. This classification will be the initial classification of the device. Within 30 days after the issuance of an order classifying the device, FDA must publish a notice in the **Federal Register** announcing this classification.

On June 13, 2013, Cepheid submitted a request for de novo classification of the Xpert® MTB/RIF Assay under section 513(f)(2) of the FD&C Act.

In accordance with section 513(f)(2) of the FD&C Act, FDA reviewed the request for de novo classification in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act. FDA classifies devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use. After review of the information submitted in the request, FDA determined that the device can be classified into class II with the establishment of special controls. FDA believes these special controls will provide reasonable assurance of the safety and effectiveness of the device.

The device is assigned the generic name nucleic acid-based in vitro diagnostic devices for the detection of MTB-complex and the genetic mutations associated with MTB-complex antibiotic resistance in respiratory specimens, and it is identified as qualitative nucleic acid-based devices that detect the presence of MTB-complex-associated nucleic acid sequences in respiratory samples. These devices are intended to aid in the diagnosis of pulmonary tuberculosis and the selection of an initial treatment regimen when used in conjunction with clinical findings and other laboratory results. These devices do not provide confirmation of antibiotic susceptibility since other mechanisms of resistance may exist that may be associated with a lack of clinical response to treatment other than those detected by the device.

FDA has identified the following risks to health associated with this type of device and the measures required to mitigate these risks:

TABLE 1—IDENTIFIED RISKS TO HEALTH AND MITIGATION MEASURES

Identified risks to health	Mitigation measures
False positive test results for the presence of MTB-complex may lead to incorrect treatment of the individual with possible adverse effects. The patient may be subjected to unnecessary isolation. Unnecessary contact investigations may also occur.	The FDA document entitled ''Class II Special Controls Guideline: Nucleic Acid-Based In Vitro Diagnostic Devices for the Detection of *Mycobacterium tuberculosis* Complex and Genetic Mutations Associated with Mycobacterium tuberculosis Antibiotic Resistance in Respiratory Specimens,'' which addresses this risk through: Device Description Containing the Information Specified in the Special Control Guideline. Performance Studies. Labeling.
False negative test results for the presence of MTB-complex could contribute to disease progression and increase the risk of transmitting infection to others.	The FDA document entitled ''Class II Special Controls Guideline: Nucleic Acid-Based In Vitro Diagnostic Devices for the Detection of *Mycobacterium tuberculosis* Complex and Genetic Mutations Associated with Mycobacterium tuberculosis Antibiotic Resistance in Respiratory Specimens,'' which addresses this risk through: Device Description Containing the Information Specified in the Special Control Guideline. Performance Studies. Labeling.
False positive test results for the presence of genetic mutations associated with MTB-complex antibiotic resistance may lead to incorrect treatment of the individual with possible adverse effects. The patient may be subjected to unnecessary isolation. Unnecessary contact investigations may also occur.	§ 866.3373(b)(2) (21 CFR 866.3373(b)(2)), which addresses the mitigation of risks specific to the detection of the genetic mutations associated with antibiotic resistance of *M. tuberculosis* complex.
False negative test results for the presence of genetic mutations associated with MTB-complex antibiotic resistance could contribute to disease progression and increase the risk of transmitting antibiotic resistant tuberculosis to others.	§ 866.3373(b)(2), which addresses the mitigation of risks specific to the detection of the genetic mutations associated with antibiotic resistance of *M. tuberculosis* complex.
Biosafety risks to health care workers handling specimens and control materials with the possibility of transmission of tuberculosis infection to health care workers.	The FDA document entitled ''Class II Special Controls Guideline: Nucleic Acid-Based In Vitro Diagnostic Devices for the Detection of *Mycobacterium tuberculosis* Complex and Genetic Mutations Associated with Mycobacterium tuberculosis Antibiotic Resistance in Respiratory Specimens,'' which addresses this risk through: Labeling.

FDA believes that the measures set forth in the special controls guideline entitled ''Class II Special Controls Guideline: Nucleic Acid-Based In Vitro Diagnostic Devices for the Detection of *Mycobacterium tuberculosis* Complex and Genetic Mutations Associated with Antibiotic Resistance in Respiratory Specimens'' and the special controls identified in § 866.3373(b)(2) of this order are necessary, in addition to general controls, to mitigate the risks to health described in table 1.

Therefore, on July 25, 2013, FDA issued an order to the petitioner classifying nucleic acid-based in vitro diagnostic devices for the detection of MTB-complex and the genetic mutations associated with MTB-complex antibiotic resistance in respiratory specimens devices into class II. FDA is codifying this device type by adding § 866.3373.

II. 510(k) Premarket Notification

Following the effective date of this final classification order, any firm submitting a 510(k) premarket notification for this device type will need to comply with the special controls.

Section 510(m) of the FD&C Act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k) of the FD&C Act if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device. For this type of device, FDA has determined that premarket notification is necessary to provide reasonable assurance of the safety and effectiveness of the device. Therefore, this type of device is not exempt from premarket notification requirements. Persons who intend to market this type of device must submit to FDA a premarket notification, prior to marketing the device, which contains information about the nucleic acid-based in vitro diagnostic devices for the detection of MTB-complex and the genetic mutations associated with MTB-complex antibiotic resistance in respiratory specimens they intend to market.

III. Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final administrative order establishes special controls that refer to previously approved collections of information found in other FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR parts 50 and 56 are approved under OMB control number 0910–0755; the collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 812 are approved under OMB control number 0910–0078; the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 801 and 21 CFR 809.10 have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 866

Biologics, Laboratories, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 866 is amended as follows:

PART 866—IMMUNOLOGY AND MICROBIOLOGY DEVICES

■ 1. The authority citation for 21 CFR part 866 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

■ 2. Section 866.3373 is added to subpart D to read as follows:

§ 866.3373 Nucleic acid-based in vitro diagnostic devices for the detection of Mycobacterium tuberculosis complex (MTB-complex) and the genetic mutations associated with MTB-complex antibiotic resistance in respiratory specimens.

(a) *Identification.* Nucleic acid-based in vitro diagnostic devices for the detection of *Mycobacterium tuberculosis* complex (MTB-complex) and the genetic mutations associated with MTB-complex antibiotic resistance in respiratory specimens are qualitative nucleic acid-based devices that detect the presence of MTB-complex-associated nucleic acid sequences in respiratory samples. These devices are intended to aid in the diagnosis of pulmonary tuberculosis and the selection of an initial treatment regimen when used in conjunction with clinical findings and other laboratory results. These devices do not provide confirmation of antibiotic susceptibility since other mechanisms of resistance may exist that may be associated with a lack of clinical response to treatment other than those detected by the device.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) The FDA document entitled ''Class II Special Controls Guideline: Nucleic Acid-Based In Vitro Diagnostic Devices for the Detection of *Mycobacterium tuberculosis* Complex and Genetic Mutations Associated with Antibiotic Resistance in Respiratory Specimens,'' which addresses the mitigation of risks specific to the detection of MTB-complex. For availability of the document, see § 866.1(e).

(2) The following items, which address the mitigation of risks specific to the detection of the genetic mutations associated with antibiotic resistance of MTB-complex:

(i) The device must include an external positive assay control as appropriate. Acceptable positive assay controls include MTB-complex isolates containing one or more antibiotic-resistance associated target sequences detected by the device.

(ii) The device must include internal controls as appropriate. An acceptable internal control may include human nucleic acid co-extracted with MTB-complex containing nucleic acid sequences associated with antibiotic resistance and primers amplifying human housekeeping genes (e.g., RNaseP, β-actin).

(iii) The device's intended use must include a description of the scope of antibiotic resistance targeted by the assay, i.e., the specific drugs and/or drug classes.

(iv) The specific performance characteristics section of the device's labeling must include information regarding the specificity of the assay oligonucleotides for detecting mutations associated with antibiotic resistance of MTB-complex, and any information indicating the potential for non-specific binding (e.g., BLAST search).

(v) In demonstrating device performance you must perform:

(A) Pre-analytical studies that evaluate:

(*1*) *Frozen samples.* If there is use of any frozen samples in the device performance studies, or if there is a device claim for the use of frozen samples for testing, the effect of freezing samples prior to testing and the effect of multiple freeze/thaw cycles on both antibiotic susceptible and antibiotic resistant strains of MTB-complex.

(*2*) *Nucleic acid extraction methods.* Extraction methods must parallel those used in devices for the detection of MTB-complex nucleic acid and confirm that the detection of the genetic mutations associated with antibiotic resistance is not affected.

(B) Analytical studies that analyze:

(*1*) *Limit of Detection.* Limit of Detection must be determined in the most challenging matrix (e.g., sputum) claimed for use with the device. The Limit of Detection must be determined using both antibiotic susceptible and antibiotic resistant strains of MTB-complex. The antibiotic resistant strains must be those with well characterized genetic mutations associated with antibiotic resistance.

(*2*) *Analytical Reactivity (Inclusivity).* Testing must be conducted to evaluate the ability of the device to detect genetic mutations associated with antibiotic resistance in a diversity of MTB-complex strains. Isolates used in testing must be well characterized. Isolate strain characterization must be determined using standardized reference methods recognized by a reputable scientific body and appropriate to the strain lineage.

(*3*) *Within-Laboratory (Repeatability) Precision Testing.* Within-laboratory precision studies, if appropriate, must include at least one antibiotic resistant and one antibiotic susceptible strain of MTB-complex.

(*4*) *Between Laboratory Reproducibility Testing.* The protocol for the reproducibility study may vary slightly depending on the assay format; however, the panel must include at least one antibiotic resistant and one antibiotic susceptible strain of MTB-complex.

(C) Clinical Studies. Clinical performance of the device must be established by conducting prospective clinical studies that include subjects with culture confirmed active tuberculosis. Studies must attempt to enroll subjects at risk for antibiotic-resistant MTB-complex; however, it may be necessary to include supplemental antibiotic resistant retrospective and contrived samples. Clinical studies must compare device results to both phenotypic drug susceptibility testing and genotypic reference methods. The genotypic reference method must be a polymerase chain reaction based method that uses primers different from those in the experimental device and confirmed by bidirectional sequencing.

Dated: October 15, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–25049 Filed 10–21–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

37 CFR Parts 1, 2, 7, 11, 41, and 42

[Docket No.: PTO–P–2014–0045]

RIN 0651–AC98

Renaming of Express Mail® to Priority Mail Express®

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The United States Patent and Trademark (Office) is revising the rules of practice to change the phrase Express Mail or EXPRESS MAIL® to Priority Mail Express® due to the United States Postal Service (USPS) renaming Express Mail® to Priority Mail Express® on July 28, 2013, and to make other changes to conform the nomenclature used in the

rules of practice to the current nomenclature used by the USPS.

DATES: *Effective Date:* The changes in this final rule are effective on October 22, 2014.

FOR FURTHER INFORMATION CONTACT: Eugenia A. Jones, Senior Legal Advisor, at (571) 272–7727, or Erin M. Harriman, Legal Advisor, at (571) 272–7747; or by mail addressed to: United States Patent and Trademark Office, Mail Stop Comments-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450, marked to the attention of Eugenia A. Jones.

SUPPLEMENTARY INFORMATION:

Executive Summary: Purpose: Effective July 28, 2013, the USPS changed the name of Express Mail® to Priority Mail Express®. Accordingly, the Office is revising the rules of practice to conform the nomenclature used in the rules of practice to the current nomenclature used by the USPS.

More specifically, the Office is changing the phrase Express Mail or EXPRESS MAIL® to Priority Mail Express® in 37 CFR 1.5, 1.6, 1.10, 2.119, 2.195, 2.198, 7.4, 11.35, 11.41, 11.42, 11.51, 41.106, 42.6, 42.105, 42.205, and 42.406. In addition, the USPS has updated the Priority Mail Express® mailing label. The mailing label now has a ''date accepted'' field rather than a ''date-in'' field, which was previously used on the Express Mail® mailing label. The Office is revising 37 CFR 1.10, 2.198, and 41.106 accordingly.

All characteristics of the Priority Mail Express® service are the same as those of the former Express Mail® service, although the mailing labels differ. The modifications to the rules are purely changes in terminology resulting from the renaming implemented by the USPS on July 28, 2013. There is no substantive change in practice before the Office as a result of these rule changes. Thus, parties still cannot use a foreign or international mail service (such as the newly renamed Priority Mail Express International®) or other forms of U.S. mail, such as certified mail, to obtain the benefit under 37 CFR 1.10 and 2.198. The procedure in 37 CFR 1.10 and 2.198 is limited to correspondence deposited in Priority Mail Express® Post Office to Addressee service of the USPS.

The changes in this final rule are effective on the date of publication in the **Federal Register**. Papers submitted prior to the effective date containing language pertaining to Express Mail® and the mailing label ''date-in'' field will be accepted by the Office. Papers submitted after the effective date containing language pertaining to Express Mail® and the mailing label ''date-in'' field will be accepted by the Office. Although the new terminology should be used, papers submitted using the former language of Express Mail® and ''date-in'' will be presumed by the Office to mean Priority Mail Express® and ''date accepted'' after the effective date. The Office is in the process of updating its patent application transmittal forms (*e.g.,* PTO/AIA/15, PTO/AIA/18, PTO/AIA/19, PTO/AIA/50, PTO/SB/16, PTO/SB/29) to change the reference Express Mail® Label No. to Priority Mail Express® Label No.

Costs and Benefits: This rulemaking is not economically significant under Executive Order 12866 (Sept. 30, 1993).

Background: Effective July 28, 2013, the USPS changed the name of Express Mail® to Priority Mail Express®. This final rule revises the rules of practice to change the phrase Express Mail to Priority Mail Express® and to make other changes to conform the nomenclature used in the rules of practice to the current nomenclature used by the USPS.

Discussion of Specific Rules

The following is a discussion of amendments to Title 37 of the Code of Federal Regulations, Parts 1, 2, 7, 11, 41, and 42.

37 CFR Part 1

Section 1.5: Section 1.5(a) is amended to change ''Express Mail procedure'' to ''Priority Mail Express® procedure.''

Section 1.6: Section 1.6(a) is amended to change ''Express Mail date of deposit'' to ''Priority Mail Express® date of deposit.'' Section 1.6(a)(2) is amended to change ''Express Mail'' to ''Priority Mail Express®.''

Section 1.10: Section 1.10 is amended to change ''Express Mail'' to ''Priority Mail Express®'' and to change ''date-in'' or ''date in'' to ''date accepted.'' In particular, 37 CFR 1.10(a)(1), (c), (d), (d)(3), (e), (e)(3), (g), and (h) are amended to change ''Express Mail Post Office to Addressee'' to ''Priority Mail Express® Post Office to Addressee'' and 37 CFR 1.10(a)(2), (b), (c), (c)(2), (c)(3), (d), (d)(2), (e)(2)–(4), (f), (g), (g)(2)–(4), (h), (h)(2)–(4), (i), (i)(1), and (i)(3) are amended to change ''Express Mail'' to ''Priority Mail Express®.'' In addition, 37 CFR 1.10(a)(2), (b), (c), (c)(3), (d), (e)(3), and (g)(3) are amended to change ''date-in'' or ''date in'' to ''date accepted.''

37 CFR Part 2

Section 2.119: Section 2.119(b)(4) is amended to change ''Express Mail Post Office to Addressee'' to ''Priority Mail Express® Post Office to Addressee'' and 37 CFR 2.119(c) is amended to change ''Express Mail'' to ''Priority Mail Express®.''

Section 2.195: Sections 2.195(a), (a)(4), (e)(2)(iii), and (e)(3) are amended to change ''Express Mail'' to ''Priority Mail Express®,'' and 37 CFR 2.195(e)(1) is amended to change ''Express Mail Post Office to Addressee'' to ''Priority Mail Express® Post Office to Addressee.''

Section 2.198: Section 2.198 is amended to change ''Express Mail'' to ''Priority Mail Express®'' and to change ''date in'' or ''date-in'' to ''date accepted.'' In particular, 37 CFR 2.198(a)(1), (c), (d), (d)(3), (e), and (e)(3) are amended to change ''Express Mail Post Office to Addressee'' to ''Priority Mail Express® Post Office to Addressee'' and 37 CFR 2.198(a)(1), (a)(2), (b), (c), (c)(2), (c)(3), (d), (d)(2), (e)(2)–(4), and (f) are amended to change ''Express Mail'' to ''Priority Mail Express®.'' In addition, 37 CFR 2.198(a)(2), (b), (c), (c)(3), (d), and (e)(3) are amended to change ''date in'' or ''date-in'' to ''date accepted.''

37 CFR Part 7

Section 7.4: Section 7.4(b)(1) is amended to change ''Express Mail'' to ''Priority Mail Express®.''

37 CFR Part 11

Section 11.35: Section 11.35(a)(2) is amended to change ''Express Mail'' to ''Priority Mail Express®.''

Section 11.41: Section 11.41(b) is amended to change ''Express Mail'' to ''Priority Mail Express®.''

Section 11.42: Sections 11.42(a)(2), (b)(2), (c)(2), and (e) are amended to change ''Express Mail'' to ''Priority Mail Express®.''

Section 11.51: Section 11.51(a) is amended to change ''Express Mail'' to ''Priority Mail Express®.''

37 CFR Part 41

Section 41.106: Section 41.106(d)(1) is amended to change each occurrence of ''EXPRESS MAIL®'' to ''Priority Mail Express®'' and to change ''date-in'' to ''date accepted.''

37 CFR Part 42

Section 42.6: Section 42.6(e)(1) is amended to change each occurrence of ''EXPRESS MAIL®'' to ''Priority Mail Express®.''

Section 42.105: Section 42.105(b) is amended to change each occurrence of ''EXPRESS MAIL®'' to ''Priority Mail Express®.''

Section 42.205: Section 42.205(b) is amended to change each occurrence of ''EXPRESS MAIL®'' to ''Priority Mail Express®.''

Section 42.406: Section 42.406(b) is amended to change each occurrence of

''EXPRESS MAIL®'' to ''Priority Mail Express®.''

Rulemaking Considerations

A. *Administrative Procedure Act:* This rulemaking revises the rules of practice to change the phrase Express Mail or EXPRESS MAIL® to Priority Mail Express® due to the United States Postal Service (USPS) renaming Express Mail® to Priority Mail Express® on July 28, 2013, and to make other changes to conform the nomenclature used in the rules of practice to the current nomenclature used by the USPS. Therefore, the changes in this rulemaking involve rules of agency practice and procedure and/or interpretive rules. *See Bachow Commc'ns Inc. v. F.C.C.,* 237 F.3d 683, 690 (D.C. Cir. 2001) (stating that rules governing an application process are procedural under the Administrative Procedure Act); *Inova Alexandria Hosp. v. Shalala,* 244 F.3d 342, 350 (4th Cir. 2001) (holding that rules for handling appeals were procedural where they did not change the substantive standard for reviewing claims).

Accordingly, prior notice and opportunity for public comment were not required pursuant to 5 U.S.C. 553(b) or (c) (or any other law). *See Cooper Techs. Co.* v. *Dudas,* 536 F.3d 1330, 1336–37 (Fed. Cir. 2008) (stating that 5 U.S.C. 553, and thus 35 U.S.C. 2(b)(2)(B), does not require notice and comment rulemaking for ''interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice'' (quoting 5 U.S.C. 553(b)(3)(A))).

B. *Regulatory Flexibility Act:* As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 or any other law, neither a regulatory flexibility analysis nor a certification under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is required. *See* 5 U.S.C. 603. Further, this rulemaking only revises nomenclature to be consistent with the current nomenclature used by the USPS, and therefore the changes in this rulemaking will not have a significant economic impact on a substantial number of small entities.

C. *Executive Order 12866 (Regulatory Planning and Review):* This rulemaking has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

D. *Executive Order 13563 (Improving Regulation and Regulatory Review):* The Office has complied with Executive Order 13563 (Jan. 18, 2011). Specifically, the Office has, to the extent feasible and applicable: (1) Made a reasoned determination that the benefits justify the costs of the rule; (2) tailored the rule to impose the least burden on society consistent with obtaining the regulatory objectives; (3) selected a regulatory approach that maximizes net benefits; (4) specified performance objectives; (5) identified and assessed available alternatives; (6) involved the public in an open exchange of information and perspectives among experts in relevant disciplines, affected stakeholders in the private sector, and the public as a whole, and provided on-line access to the rulemaking docket; (7) attempted to promote coordination, simplification, and harmonization across government agencies and identified goals designed to promote innovation; (8) considered approaches that reduce burdens and maintain flexibility and freedom of choice for the public; and (9) ensured the objectivity of scientific and technological information and processes.

E. *Executive Order 13132 (Federalism):* This rulemaking does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

F. *Executive Order 13175 (Tribal Consultation):* This rulemaking will not: (1) Have substantial direct effects on one or more Indian tribes; (2) impose substantial direct compliance costs on Indian tribal governments; or (3) preempt tribal law. Therefore, a tribal summary impact statement is not required under Executive Order 13175 (Nov. 6, 2000).

G. *Executive Order 13211 (Energy Effects):* This rulemaking is not a significant energy action under Executive Order 13211 because this rulemaking is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required under Executive Order 13211 (May 18, 2001).

H. *Executive Order 12988 (Civil Justice Reform):* This rulemaking meets applicable standards to minimize litigation, eliminate ambiguity, and reduce burden as set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Feb. 5, 1996).

I. *Executive Order 13045 (Protection of Children):* This rulemaking does not concern an environmental risk to health or safety that may disproportionately affect children under Executive Order 13045 (Apr. 21, 1997).

J. *Executive Order 12630 (Taking of Private Property):* This rulemaking will not affect a taking of private property or otherwise have taking implications under Executive Order 12630 (Mar. 15, 1988).

K. *Congressional Review Act:* Under the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), prior to issuing any final rule, the United States Patent and Trademark Office will submit a report containing the final rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the Government Accountability Office. The changes in this document are not expected to result in an annual effect on the economy of 100 million dollars or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, this document is not expected to result in a ''major rule'' as defined in 5 U.S.C. 804(2).

L. *Unfunded Mandates Reform Act of 1995:* The changes set forth in this document do not involve a Federal intergovernmental mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, of 100 million dollars (as adjusted) or more in any one year, or a Federal private sector mandate that will result in the expenditure by the private sector of 100 million dollars (as adjusted) or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995. *See* 2 U.S.C. 1501 *et seq.*

M. *National Environmental Policy Act:* This rulemaking will not have any effect on the quality of the environment and is thus categorically excluded from review under the National Environmental Policy Act of 1969. *See* 42 U.S.C. 4321 *et seq.*

N. *National Technology Transfer and Advancement Act:* The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) are not applicable because this rulemaking does not contain provisions which involve the use of technical standards.

O. *Paperwork Reduction Act:* This rulemaking does not contain any information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a

collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

List of Subjects

37 CFR Part 1

Administrative practice and procedure, Courts, Freedom of information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

37 CFR Part 2

Administrative practice and procedure, Courts, Lawyers, Trademarks.

37 CFR Part 7

Administrative practice and procedure, Trademarks.

37 CFR Part 11

Administrative practice and procedure, Inventions and patents, Lawyers, Reporting and recordkeeping requirements.

37 CFR Part 41

Administrative practice and procedure, Inventions and patents, Lawyers.

37 CFR Part 42

Administrative practice and procedure, Inventions and patents, Lawyers.

For the reasons set forth in the preamble, 37 CFR parts 1, 2, 7, 11, 41, and 42 are amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

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

Authority: 35 U.S.C. 2(b)(2), unless otherwise noted.

■ 2. Section 1.5 is amended by revising paragraph (a) to read as follows:

§ 1.5 Identification of patent, patent application, or patent-related proceeding.

(a) No correspondence relating to an application should be filed prior to receipt of the application number from the Patent and Trademark Office. When a letter directed to the Patent and Trademark Office concerns a previously filed application for a patent, it must identify on the top page in a conspicuous location, the application number (consisting of the series code and the serial number; *e.g.,* 07/123,456), or the serial number and filing date assigned to that application by the Patent and Trademark Office, or the international application number of the international application. Any correspondence not containing such identification will be returned to the sender where a return address is available. The returned correspondence will be accompanied with a cover letter which will indicate to the sender that if the returned correspondence is resubmitted to the Patent and Trademark Office within two weeks of the mail date on the cover letter, the original date of receipt of the correspondence will be considered by the Patent and Trademark Office as the date of receipt of the correspondence. Applicants may use either the Certificate of Mailing or Transmission procedure under § 1.8 or the Priority Mail Express® procedure under § 1.10 for resubmissions of returned correspondence if they desire to have the benefit of the date of deposit in the United States Postal Service. If the returned correspondence is not resubmitted within the two-week period, the date of receipt of the resubmission will be considered to be the date of receipt of the correspondence. The two-week period to resubmit the returned correspondence will not be extended. In addition to the application number, all letters directed to the Patent and Trademark Office concerning applications for patent should also state the name of the first listed inventor, the title of the invention, the date of filing the same, and, if known, the group art unit or other unit within the Patent and Trademark Office responsible for considering the letter and the name of the examiner or other person to which it has been assigned.

* * * * *

■ 3. Section 1.6 is amended by revising the introductory text of paragraph (a) and revising paragraph (a)(2) to read as follows:

§ 1.6 Receipt of correspondence.

(a) *Date of receipt and Priority Mail Express® date of deposit.* Correspondence received in the Patent and Trademark Office is stamped with the date of receipt except as follows:

* * * * *

(2) Correspondence filed in accordance with § 1.10 will be stamped with the date of deposit as Priority Mail Express® with the United States Postal Service.

* * * * *

■ 4. Section 1.10 is revised to read as follows:

§ 1.10 Filing of correspondence by Priority Mail Express®.

(a)(1) Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the Priority Mail Express® Post Office to Addressee service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.

(2) The date of deposit with USPS is shown by the ''date accepted'' on the Priority Mail Express® label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).

(b) Correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the Priority Mail Express® mailing label with the ''date accepted'' clearly marked. Persons dealing indirectly with the employees of the USPS (such as by deposit in a Priority Mail Express® drop box) do so at the risk of not receiving a copy of the Priority Mail Express® mailing label with the desired ''date accepted'' clearly marked. The paper(s) or fee(s) that constitute the correspondence should also include the Priority Mail Express® mailing label number thereon. See paragraphs (c), (d) and (e) of this section.

(c) Any person filing correspondence under this section that was received by the Office and delivered by the Priority Mail Express® Post Office to Addressee service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the ''date accepted'' on the Priority Mail Express® mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the ''date accepted'' on the Priority Mail Express® mailing label or other official USPS notation, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the Priority Mail Express® mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by Priority Mail Express®; and

(3) The petition includes a true copy of the Priority Mail Express® mailing label showing the ''date accepted,'' and of any other official notation by the USPS relied upon to show the date of deposit.

(d) Any person filing correspondence under this section that was received by the Office and delivered by the Priority Mail Express® Post Office to Addressee service of the USPS, who can show that the ''date accepted'' on the Priority Mail Express® mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

(2) The number of the Priority Mail Express® mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by Priority Mail Express®; and

(3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the Priority Mail Express® Post Office to Addressee service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the Priority Mail Express® Post Office to Addressee service of the USPS.

(e) Any person mailing correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the Priority Mail Express® Post Office to Addressee service of the USPS but not received by the Office, may petition the Director to consider such correspondence filed in the Office on the USPS deposit date, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;

(2) The number of the Priority Mail Express® mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by Priority Mail Express®;

(3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the Priority Mail Express® mailing label thereon, a copy of any returned postcard receipt, a copy of the Priority Mail Express® mailing label showing the ''date accepted,'' a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the ''date accepted'' on the Priority Mail Express® mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the Priority Mail Express® Post Office to Addressee service prior to the last scheduled pickup for that day; and

(4) The petition includes a statement which establishes, to the satisfaction of the Director, the original deposit of the correspondence and that the copies of the correspondence, the copy of the Priority Mail Express® mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original Priority Mail Express® mailing label, returned postcard receipt, and official notation entered by the USPS.

(f) The Office may require additional evidence to determine if the correspondence was deposited as Priority Mail Express® with the USPS on the date in question.

(g) Any person who mails correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the Priority Mail Express® Post Office to Addressee service of the USPS, but has the correspondence returned by the USPS due to an interruption or emergency in Priority Mail Express® service, may petition the Director to consider such correspondence as filed on a particular date in the Office, provided that:

(1) The petition is filed promptly after the person becomes aware of the return of the correspondence;

(2) The number of the Priority Mail Express® mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by Priority Mail Express®;

(3) The petition includes the original correspondence or a copy of the original correspondence showing the number of the Priority Mail Express® mailing label thereon and a copy of the Priority Mail Express® mailing label showing the ''date accepted''; and

(4) The petition includes a statement which establishes, to the satisfaction of the Director, the original deposit of the correspondence and that the correspondence or copy of the correspondence is the original correspondence or a true copy of the correspondence originally deposited with the USPS on the requested filing date. The Office may require additional evidence to determine if the correspondence was returned by the USPS due to an interruption or emergency in Priority Mail Express® service.

(h) Any person who attempts to mail correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the Priority Mail Express® Post Office to Addressee service of the USPS, but has the correspondence refused by an employee of the USPS due to an interruption or emergency in Priority Mail Express® service, may petition the Director to consider such correspondence as filed on a particular date in the Office, provided that:

(1) The petition is filed promptly after the person becomes aware of the refusal of the correspondence;

(2) The number of the Priority Mail Express® mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the attempted mailing by Priority Mail Express®;

(3) The petition includes the original correspondence or a copy of the original correspondence showing the number of the Priority Mail Express® mailing label thereon; and

(4) The petition includes a statement by the person who originally attempted to deposit the correspondence with the USPS which establishes, to the satisfaction of the Director, the original attempt to deposit the correspondence and that the correspondence or copy of the correspondence is the original correspondence or a true copy of the correspondence originally attempted to be deposited with the USPS on the requested filing date. The Office may require additional evidence to determine if the correspondence was refused by an employee of the USPS due to an interruption or emergency in Priority Mail Express® service.

(i) Any person attempting to file correspondence under this section that was unable to be deposited with the USPS due to an interruption or emergency in Priority Mail Express® service which has been so designated by the Director, may petition the Director to consider such correspondence as filed on a particular date in the Office, provided that:

(1) The petition is filed in a manner designated by the Director promptly after the person becomes aware of the designated interruption or emergency in Priority Mail Express® service;

(2) The petition includes the original correspondence or a copy of the original correspondence; and

(3) The petition includes a statement which establishes, to the satisfaction of the Director, that the correspondence would have been deposited with the USPS but for the designated interruption or emergency in Priority

Mail Express® service, and that the correspondence or copy of the correspondence is the original correspondence or a true copy of the correspondence originally attempted to be deposited with the USPS on the requested filing date.

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

■ 5. The authority citation for 37 CFR part 2 continues to read as follows:

Authority: 15 U.S.C. 1123; 35 U.S.C. 2, unless otherwise noted.

■ 6. Section 2.119 is amended by revising paragraphs (b)(4) and (c) to read as follows:

§ 2.119 Service and signing of papers.

* * * * *

(b) * * *

(4) Transmission by the Priority Mail Express® Post Office to Addressee service of the United States Postal Service or by first-class mail, which may also be certified or registered;

* * * * *

(c) When service is made by first-class mail, Priority Mail Express®, or overnight courier, the date of mailing or of delivery to the overnight courier will be considered the date of service. Whenever a party is required to take some action within a prescribed period after the service of a paper upon the party by another party and the paper is served by first-class mail, Priority Mail Express®, or overnight courier, 5 days shall be added to the prescribed period.

* * * * *

■ 7. Section 2.195 is revised to read as follows:

§ 2.195 Receipt of trademark correspondence.

(a) *Date of receipt and Priority Mail Express® date of deposit.* Trademark correspondence received in the Office is given a filing date as of the date of receipt except as follows:

(1) The Office is not open for the filing of correspondence on any day that is a Saturday, Sunday, or Federal holiday within the District of Columbia. Except for correspondence transmitted electronically under paragraph (a)(2) of this section or transmitted by facsimile under paragraph (a)(3) of this section, no correspondence is received in the Office on Saturdays, Sundays, or Federal holidays within the District of Columbia.

(2) Trademark-related correspondence transmitted electronically will be given a filing date as of the date on which the Office receives the transmission.

(3) Correspondence transmitted by facsimile will be given a filing date as of the date on which the complete transmission is received in the Office unless that date is a Saturday, Sunday, or Federal holiday within the District of Columbia, in which case the filing date will be the next succeeding day that is not a Saturday, Sunday, or Federal holiday within the District of Columbia.

(4) Correspondence filed in accordance with § 2.198 will be given a filing date as of the date of deposit as Priority Mail Express® with the United States Postal Service.

(b) *Correspondence delivered by hand.* Correspondence may be delivered by hand during hours the Office is open to receive correspondence.

(c) *Facsimile transmission.* Except in the cases enumerated in paragraph (d) of this section, correspondence, including authorizations to charge a deposit account, may be transmitted by facsimile. The receipt date accorded to the correspondence will be the date on which the complete transmission is received in the Office, unless that date is a Saturday, Sunday, or Federal holiday within the District of Columbia. See § 2.196. To facilitate proper processing, each transmission session should be limited to correspondence to be filed in a single application, registration or proceeding before the Office. The application serial number, registration number, or proceeding number should be entered as a part of the sender's identification on a facsimile cover sheet.

(d) Facsimile transmissions are not permitted and if submitted, will not be accorded a date of receipt, in the following situations:

(1) Applications for registration of marks;

(2) Drawings submitted under § 2.51, § 2.52, § 2.72, or § 2.173;

(3) Correspondence to be filed with the Trademark Trial and Appeal Board, except notices of ex parte appeal;

(4) Requests for cancellation or amendment of a registration under section 7(e) of the Trademark Act; and certificates of registration surrendered for cancellation or amendment under section 7(e) of the Trademark Act; and

(5) Madrid-related correspondence submitted under § 7.11, § 7.21, § 7.14, § 7.23, § 7.24, or § 7.31.

(e) *Interruptions in U.S. Postal Service.* (1) If the Director designates a postal service interruption or emergency within the meaning of 35 U.S.C. 21(a), any person attempting to file correspondence by Priority Mail Express® Post Office to Addressee service who was unable to deposit the correspondence with the United States Postal Service due to the interruption or emergency may petition the Director to consider such correspondence as filed on a particular date in the Office.

(2) The petition must:

(i) Be filed promptly after the ending of the designated interruption or emergency;

(ii) Include the original correspondence or a copy of the original correspondence; and

(iii) Include a statement that the correspondence would have been deposited with the United States Postal Service on the requested filing date but for the designated interruption or emergency in Priority Mail Express® service; and that the correspondence attached to the petition is the original correspondence or a true copy of the correspondence originally attempted to be deposited as Priority Mail Express® on the requested filing date.

(3) Paragraphs (e)(1) and (e)(2) of this section do not apply to correspondence that is excluded from the Priority Mail Express® procedure pursuant to § 2.198(a)(1).

■ 8. Section 2.198 is revised to read as follows:

§ 2.198 Filing of correspondence by Priority Mail Express®.

(a)(1) Except for documents listed in paragraphs (a)(1)(i) through (vii) of this section, any correspondence received by the Office that was delivered by the Priority Mail Express® Post Office to Addressee service of the United States Postal Service (USPS) will be considered filed with the Office on the date of deposit with the USPS. The Priority Mail Express® procedure does not apply to:

(i) Applications for registration of marks;

(ii) Amendments to allege use under section 1(c) of the Act;

(iii) Statements of use under section 1(d) of the Act;

(iv) Requests for extension of time to file a statement of use under section 1(d) of the Act;

(v) Affidavits of continued use under section 8 of the Act;

(vi) Renewal requests under section 9 of the Act; and

(vii) Requests to change or correct addresses.

(2) The date of deposit with USPS is shown by the ''date accepted'' on the Priority Mail Express® label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the date of receipt in the Office as the filing date.

(b) Correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives

a legible copy of the Priority Mail Express® mailing label with the ''date accepted'' clearly marked. Persons dealing indirectly with the employees of the USPS (such as by deposit in a Priority Mail Express® drop box) do so at the risk of not receiving a copy of the Priority Mail Express® mailing label with the desired ''date accepted'' clearly marked. The paper(s) or fee(s) that constitute the correspondence should also include the Priority Mail Express® mailing label number thereon. See paragraphs (c), (d) and (e) of this section.

(c) Any person filing correspondence under this section that was received by the Office and delivered by the Priority Mail Express® Post Office to Addressee service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the ''date accepted'' on the Priority Mail Express® mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the ''date accepted'' on the Priority Mail Express® mailing label or other official USPS notation, provided that:

(1) The petition is filed within two months after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the Priority Mail Express® mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing; and

(3) The petition includes a true copy of the Priority Mail Express® mailing label showing the ''date accepted,'' and of any other official notation by the USPS relied upon to show the date of deposit.

(d) Any person filing correspondence under this section that was received by the Office and delivered by the Priority Mail Express® Post Office to Addressee service of the USPS, who can show that the ''date accepted'' on the Priority Mail Express® mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

(1) The petition is filed within two months after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

(2) The number of the Priority Mail Express® mailing label was placed on the paper(s) or fee(s) prior to the original mailing; and

(3) The petition includes a showing that establishes, to the satisfaction of the Director, that the correspondence was deposited in the Priority Mail Express® Post Office to Addressee service prior to the last scheduled pickup on the requested filing date. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or evidence that came into being within one business day after the deposit of the correspondence in the Priority Mail Express® Post Office to Addressee service of the USPS.

(e) If correspondence is properly addressed to the Office pursuant to § 2.190 and deposited with sufficient postage in the Priority Mail Express® Post Office to Addressee service of the USPS, but not received by the Office, the party who mailed the correspondence may petition the Director to consider such correspondence filed in the Office on the USPS deposit date, provided that:

(1) The petition is filed within two months after the person becomes aware that the Office has no evidence of receipt of the correspondence;

(2) The number of the Priority Mail Express® mailing label was placed on the paper(s) or fee(s) prior to the original mailing;

(3) The petition includes a copy of the originally deposited paper(s) or fee(s) showing the number of the Priority Mail Express® mailing label thereon, a copy of any returned postcard receipt, a copy of the Priority Mail Express® mailing label showing the ''date accepted,'' a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the ''date accepted'' on the Priority Mail Express® mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the correspondence was deposited in the Priority Mail Express® Post Office to Addressee service prior to the last scheduled pickup on the requested filing date; and

(4) The petition includes a statement that establishes, to the satisfaction of the Director, the original deposit of the correspondence and that the copies of the correspondence, the copy of the Priority Mail Express® mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original Priority Mail Express® mailing label, returned postcard receipt, and official notation entered by the USPS.

(f) The Office may require additional evidence to determine whether the correspondence was deposited as Priority Mail Express® with the USPS on the date in question.

PART 7—RULES OF PRACTICE IN FILINGS PURSUANT TO THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

■ 9. The authority citation for 37 CFR part 7 continues to read as follows:

Authority: 15 U.S.C. 1123, 35 U.S.C. 2, unless otherwise noted.

■ 10. Section 7.4 is amended by revising paragraph (b)(1) to read as follows:

§ 7.4 Receipt of correspondence.

* * * * *

(b) * * *

(1) International applications under § 7.11, subsequent designations under § 7.21, requests to record changes in the International Register under § 7.23 and § 7.24, and petitions to the Director to review an action of the Office's Madrid Processing Unit, when filed by mail, will be accorded the date of receipt in the Office, unless they are sent by Priority Mail Express® pursuant to § 2.198, in which case they will be accorded the date of deposit with the United States Postal Service.

* * * * *

PART 11—REPRESENTATION OF OTHERS BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

■ 11. The authority citation for 37 CFR part 11 continues to read as follows:

Authority: 5 U.S.C. 500, 15 U.S.C. 1123, 35 U.S.C. 2(b)(2), 32, 41.

■ 12. Section 11.35 is amended by revising the introductory text of paragraph (a)(2) to read as follows:

§ 11.35 Service of complaint.

(a) * * *

(2) By mailing a copy of the complaint by Priority Mail Express®, first-class mail, or any delivery service that provides ability to confirm delivery or attempted delivery to:

* * * * *

■ 13. Section 11.41 is amended by revising paragraph (b) to read as follows:

§ 11.41 Filing of papers.

* * * * *

(b) All papers filed after entry of an initial decision by the hearing officer shall be filed with the USPTO Director. A copy of the paper shall be served on

the OED Director. The hearing officer or the OED Director may provide for filing papers and other matters by hand, by Priority Mail Express®, or by other means.

■ 14. Section 11.42 is revised to read as follows:

§ 11.42 Service of papers.

(a) All papers other than a complaint shall be served on a respondent who is represented by an attorney by:

(1) Delivering a copy of the paper to the office of the attorney; or

(2) Mailing a copy of the paper by first-class mail, Priority Mail Express®, or other delivery service to the attorney at the address provided by the attorney under § 11.40(a)(1); or

(3) Any other method mutually agreeable to the attorney and a representative for the OED Director.

(b) All papers other than a complaint shall be served on a respondent who is not represented by an attorney by:

(1) Delivering a copy of the paper to the respondent; or

(2) Mailing a copy of the paper by first-class mail, Priority Mail Express®, or other delivery service to the respondent at the address to which a complaint may be served or such other address as may be designated in writing by the respondent; or

(3) Any other method mutually agreeable to the respondent and a representative for the OED Director.

(c) A respondent shall serve on the representative for the OED Director one copy of each paper filed with the hearing officer or the OED Director. A paper may be served on the representative for the OED Director by:

(1) Delivering a copy of the paper to the representative; or

(2) Mailing a copy of the paper by first-class mail, Priority Mail Express®, or other delivery service to an address designated in writing by the representative; or

(3) Any other method mutually agreeable to the respondent and the representative.

(d) Each paper filed in a disciplinary proceeding shall contain therein a certificate of service indicating:

(1) The date on which service was made; and

(2) The method by which service was made.

(e) The hearing officer or the USPTO Director may require that a paper be served by hand or by Priority Mail Express®.

(f) Service by mail is completed when the paper mailed in the United States is placed into the custody of the U.S. Postal Service.

■ 15. Section 11.51 is amended by revising paragraph (a) to read as follows:

§ 11.51 Depositions.

(a) Depositions for use at the hearing in lieu of personal appearance of a witness before the hearing officer may be taken by respondent or the OED Director upon a showing of good cause and with the approval of, and under such conditions as may be deemed appropriate by, the hearing officer. Depositions may be taken upon oral or written questions, upon not less than ten days' written notice to the other party, before any officer authorized to administer an oath or affirmation in the place where the deposition is to be taken. The parties may waive the requirement of ten days' notice and depositions may then be taken of a witness at a time and place mutually agreed to by the parties. When a deposition is taken upon written questions, copies of the written questions will be served upon the other party with the notice, and copies of any written cross-questions will be served by hand or Priority Mail Express® not less than five days before the date of the taking of the deposition unless the parties mutually agree otherwise. A party on whose behalf a deposition is taken shall file a copy of a transcript of the deposition signed by a court reporter with the hearing officer and shall serve one copy upon the opposing party. Expenses for a court reporter and preparing, serving, and filing depositions shall be borne by the party at whose instance the deposition is taken. Depositions may not be taken to obtain discovery, except as provided for in paragraph (b) of this section.

* * * * *

PART 41—PRACTICE BEFORE THE PATENT TRIAL AND APPEAL BOARD

■ 16. The authority citation for 37 CFR part 41 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2), 3(a)(2)(A), 21, 23, 32, 41, 134, 135, and Public Law 112–29.

■ 17. Section 41.106 is amended by revising paragraphs (d)(1) and (e)(3) to read as follows:

§ 41.106 Filing and service.

* * * * *

(d) *Specific filing forms*—(1) *Filing by mail.* A paper filed using the Priority Mail Express® service of the United States Postal Service will be deemed to be filed as of ''date accepted'' on the Priority Mail Express® mailing label; otherwise, mail will be deemed to be filed as of the stamped date of receipt at the Board.

* * * * *

(e) * * *

(3) Service must be by Priority Mail Express® or by means at least as fast and reliable as Priority Mail Express®. Electronic service is not permitted without Board authorization.

* * * * *

PART 42—TRIAL PRACTICE BEFORE THE PATENT TRIAL AND APPEAL BOARD

■ 18. The authority citation for 37 CFR part 42 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2), 6, 21, 23, 41, 135, 311, 312, 316, 321–326 and Public Law 112–29.

■ 19. Section 42.6 is amended by revising paragraph (e)(1) to read as follows:

§ 42.6 Filing of documents, including exhibits; service.

* * * * *

(e) * * *

(1) *Electronic or other mode.* Service may be made electronically upon agreement of the parties. Otherwise, service may be by Priority Mail Express® or by means at least as fast and reliable as Priority Mail Express®.

* * * * *

■ 20. Section 42.105 is amended by revising paragraph (b) to read as follows:

§ 42.105 Service of petition.

* * * * *

(b) Upon agreement of the parties, service may be made electronically. Service may be by Priority Mail Express® or by means at least as fast and reliable as Priority Mail Express®. Personal service is not required.

■ 21. Section 42.205 is amended by revising paragraph (b) to read as follows:

§ 42.205 Service of petition.

* * * * *

(b) Upon agreement of the parties, service may be made electronically. Service may be by Priority Mail Express® or by means at least as fast and reliable as Priority Mail Express®. Personal service is not required.

■ 22. Section 42.406 is amended by revising paragraph (b) to read as follows:

§ 42.406 Service of petition.

* * * * *

(b) Upon agreement of the parties, service may be made electronically. Service may be by Priority Mail Express® or by means at least as fast and reliable as Priority Mail Express®. Personal service is not required.

Dated: October 10, 2014.

Michelle K. Lee,

Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.

[FR Doc. 2014–24891 Filed 10–21–14; 8:45 am]

BILLING CODE 3510–16–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2014–0500; FRL–9918–11–Region 7]

Approval and Promulgation of Implementation Plans; State of Kansas; Infrastructure SIP Requirements for the 2010 Nitrogen Dioxide National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve elements of a State Implementation Plan (SIP) submission from the State of Kansas addressing the applicable requirements of Clean Air Act (CAA) section 110 for the 2010 National Ambient Air Quality Standards (NAAQS) for Nitrogen Dioxide (NO_2), which requires that each state adopt and submit a SIP to support implementation, maintenance, and enforcement of each new or revised NAAQS promulgated by EPA. These SIPs are commonly referred to as ''infrastructure'' SIPs. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA.

DATES: This final rule is effective November 21, 2014.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2014–0500. All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy at U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219 from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding legal 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: Ms. Lachala Kemp, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, KS 66219; *telephone number:* (913) 551–7214; *fax number:* (913) 551–7065; *email address: kemp.lachala@epa.gov.*

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

I. Background
II. Summary of SIP Revision
III. Final Action
IV. Statutory and Executive Order Review

I. Background

On August 28, 2014, (79 FR 51277), EPA published a notice of proposed rulemaking (NPR) for the State of Kansas. The NPR proposed approval of Kansas' submission that provides the basic elements specified in section 110(a)(2) of the CAA, or portions thereof, necessary to implement, maintain, and enforce the 2010 NO_2 NAAQS.

II. Summary of SIP Revision

On March 19, 2013, and May 9, 2013, EPA received SIP submissions from the state of Kansas that address the infrastructure elements specified in section 110(a)(2) for the 2010 NO_2 NAAQS. The submissions addressed the following infrastructure elements of section 110(a)(2): (A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M). Specific requirements of section 110(a)(2) of the CAA and the rationale for EPA's proposed action to approve the SIP submission are explained in the NPR and will not be restated here. No public comments were received on the NPR.

III. Final Action

EPA is approving Kansas' submissions which provides the basic program elements specified in section 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M) of the CAA, or portions thereof, necessary to implement, maintain, and enforce the 2010 NO_2 NAAQS, as a revision to the Kansas SIP. This action is being taken under section 110 of the CAA. As discussed in each applicable section of the NPR, EPA is not acting on section 110(a)(2)(I)—Nonattainment Area Plan or Plan Revisions Under Part D, and on the visibility protection portion of section 110(a)(2)(J).

IV. Statutory and Executive Order Review

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 22, 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, Nitrogen Dioxide, and Reporting and recordkeeping requirements.

Dated: September 30, 2014.

Rebecca 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 R—Kansas

■ 2. In § 52.870(e) the table is amended by adding new entry (39) in numerical order at the end of the table to read as follows:

§ 52.870 Identification of plan.

* * * * *

(e)* * *

EPA-APPROVED KANSAS NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic area or nonattainment area	State submittal date	EPA approval date	Explanation
*	* *		* *	* *
(39) Section 110(a)(2) Infrastructure Requirements for the 2010 NO_2 NAAQS.	Statewide	3/19/2013	10/22/2014 and [*Insert Federal Register citation*].	This action addresses the following CAA elements: 110 (a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M).

[FR Doc. 2014–24782 Filed 10–21–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2014–0173; FRL–9918–21–Region 8]

Approval and Promulgation of Implementation Plans; North Dakota; Revisions to the Air Pollution Control Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving changes to North Dakota's State Implementation Plan (SIP). On January 23, 2013, the Governor of North Dakota submitted to EPA revisions to several chapters of the North Dakota SIP. These revisions included the removal of subsections 33–15–03–04.4 and 33–15–05–01.2.a(l) of the North Dakota Administrative Code (NDAC). In this action, EPA is approving the removal of these subsections from the SIP because it is consistent with Clean Air Act (CAA) requirements. The State's submission corrects certain deficiencies related to the treatment of excess emissions from sources. EPA will address the remaining revisions from North Dakota's January 23, 2013 submission in other actions.

DATES: This final rule is effective November 21, 2014.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R08–OAR–2014–0173. 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 Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop St., Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Adam Clark, U.S. Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–7104, *clark.adam@epa.gov.*

SUPPLEMENTARY INFORMATION:

Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

(iii) The initials *NDAC* mean or refer to the North Dakota Administrative Code.

(iv) The initials *SIP* mean or refer to state implementation plan.

(v) The initials *SSM* mean or refer to startup, shutdown, and malfunction.

(vi) The words *State* or *North Dakota* mean the State of North Dakota, unless the context indicates otherwise.

I. Background

On January 23, 2013, the Governor of North Dakota submitted to EPA SIP revisions that would remove both NDAC 33–15–03–04.4 and NDAC 33–15–05–01.2.a(l) from the North Dakota SIP; the submission also contained other revisions to the North Dakota SIP. On July 16, 2014 (79 FR 41473), we proposed approval of the removal of subsections NDAC 33–15–03–04.4 and NDAC 33–15–05–01.2.a(l) from the North Dakota SIP, but we did not propose to take any action on the remaining revisions from the January 23, 2013 submittal.

In our proposed rule, we explained that, in accordance with the requirements of CAA section 110(a)(2)(A), SIPs must contain enforceable emission limitations and, in accordance with the definition of ''emission limitations'' in CAA section 302(k), such emission limitations must be continuous. In addition, under CAA section 304(a), any person may bring a civil action against any person alleged to have violated (if there is evidence that the alleged violation has been repeated) or to be in violation of an ''emission standard or limitation'' under the CAA. For the purposes of section 304, ''emission standard or limitation'' is defined in section 304(f) and includes SIP emission limitations. Thus, SIP emission limitations can be enforced in a section 304 action and so must be capable of enforcement. SIP provisions that create exemptions such that excess emissions during startup, shutdown, malfunctions (SSM) and other conditions are not violations of the applicable emission limitations are inconsistent with these fundamental requirements of the CAA with respect to emission limitations in SIPs.

For these reasons, we proposed to approve the State's removal of subsections NDAC 33–15–03–04.4 and NDAC 33–15–05–01.2.a(l) from the North Dakota SIP. In particular, NDAC 33–15–03–04.4 created exemptions from a number of cross-referenced opacity limits ''where the limits specified in this article cannot be met because of operations and processes such as, but not limited to, oil field service and drilling operations, but only so long as it is not technically feasible to meet said specifications.'' NDAC 33–15–05–01.2a(1) created an implicit exemption from particulate matter emissions limits for ''temporary operational breakdowns or cleaning of air pollution equipment'' if the source met certain conditions. Because these provisions contemplated outright exemptions from the otherwise applicable SIP emission limits, they were inconsistent with CAA requirements. In addition, NDAC 33–15–03–04.4 had inherent ambiguities that called into question its enforceability.

The State's removal of these provisions is sufficient to correct the inadequacies the provisions created and is consistent with the requirements of the CAA. As a result of their removal from the SIP, the improper exemptions from emissions limitations contained within these provisions will no longer be available to sources. Therefore, the emissions limitations will become continuous and more enforceable.

II. Response to Comments

The comment period for our June 16, 2014 proposal was open for 30 days. We received three brief comments on the proposed action. The Sierra Club submitted a comment in support of the proposed action, and two individuals submitted comments regarding other matters that are entirely unrelated to the proposed action. We acknowledge the supportive comment. We are not responding to the other comments on subjects unrelated to our proposal.

III. EPA's Final Action

We are approving the State's removal of NDAC 33–15–03–04.4 and NDAC 33–15–05–01.2.a(l) from the North Dakota SIP, as reflected in the State's January 23, 2013 SIP submission. This approval corrects the deficiencies contained in these provisions, as noted above, in our June 16, 2014 proposed rule, and in EPA's February 22, 2013 proposed SSM SIP Call (78 FR 12531). Based on this final approval, EPA notes that these two deficiencies in the North Dakota SIP identified in the proposed SSM SIP call have now been correctly resolved. Thus, EPA's final action on the SSM SIP call should not need to address these two deficiencies. We also note that a third deficient provision, NDAC 33–15–03–04.3, was identified in the February 22, 2013 proposed SSM SIP call; however, the January 23, 2013 submission did not revise NDAC 33–15–03–04.3. Finally, we are not taking action today on the remaining portions of the January 23, 2013 submission.

IV. Statutory and Executive Orders Review

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 final action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 22, 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, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: October 2, 2014.

Debra H. Thomas,

Acting Regional Administrator, Region 8.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart JJ—North Dakota

■ 2. In § 52.1820, the table in paragraph (c) is amended by revising the entries for ''33–15–03–04'' and ''33–15–05–01'' to read as follows:

§ 52.1820 Identification of plan.

* * * * *

(c) * * *

STATE OF NORTH DAKOTA REGULATIONS

State citation	Title/Subject	State effective date	EPA Approval date and citation [1]	Explanations
*	*	*	*	*
33–15–03 Restrictions of Visible Air Contaminants				
*	*	*	*	*
33–15–03–04	Exceptions	1/1/13	10/22/14, [Insert **Federal Register** citation].	
*	*	*	*	*
33–15–05 Emissions of Particulate Matter Restricted				
33–15–05–01	Restrictions of emissions of particulate matter from industrial processes.	1/1/13	10/22/14 [Insert **Federal Register** citation].	
*	*	*	*	*

[1] In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

* * * * *

[FR Doc. 2014–24996 Filed 10–21–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2013–0255; FRL–9917–56]

Metrafenone; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of metrafenone in or on multiple commodities that are identified and discussed later in this document. Interregional Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective October 22, 2014. Objections and requests for hearings must be received on or before December 22, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2013–0255, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. 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 OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Daniel Rosenblatt, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington,

DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices*@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2013–0255 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before December 22, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2013–0255, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of February 25, 2014 (79 FR 10458) (FRL–9906–77), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 3E8211) by IR–4, 500 College Road East, Suite 201 W, Princeton, NJ 08540. The petition requested that 40 CFR 180.624 be amended by establishing tolerances for residues of the fungicide metrafenone, (3-bromo-6-methoxy-2-methylphenyl)(2,3,4-trimethoxy-6-methylphenyl)methanone, in or on apricot at 0.7 parts per million (ppm); cherry subgroup 12–12A at 2.0 ppm; fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 4.5 ppm; hop, dried cones at 70 ppm; peach subgroup 12–12B at 0.7 ppm; and vegetable, cucurbit, group 9 at 0.5 ppm. The petition also requested to remove the existing tolerance in 40 CFR 180.624 for grape at 4.5 ppm upon establishment of the proposed tolerances. That document referenced a summary of the petition prepared by BASF, the registrant, which is available in the docket, *http://www.regulations.gov.* Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C.

Also, in the **Federal Register** of May 23, 2014 (79 FR 29729) (FRL–9910–29), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 3F8187) by BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709, requesting to establish a tolerance in 40 CFR part 180 for residues of metrafenone, (3-bromo-6-methoxy-2-methylphenyl)(2,3,4-trimethoxy-6-methylphenyl)methanone in or on vegetables, fruiting, group 8–10 at 1.0 ppm. That document referenced a summary of the petition prepared by BASF, which is available in the docket, *http://www.regulations.gov.* A comment was received on the notice of filing that was the same as the one submitted for petition 3E8211. EPA's response to this comment is discussed in Unit IV.C.

Lastly, in the **Federal Register** of September 12, 2013 (78 FR 56185) (FRL–9399–7), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 3F8163) by BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709, requesting to establish a tolerance in 40 CFR part 180 for residues of the fungicide metrafenone, (3-bromo-6-methoxy-2-methylphenyl)(2,3,4-trimethoxy-6-methylphenyl)methanone, in or on fruits, pome group 11–10 at 1.5 ppm. That document referenced a summary of the petition prepared by BASF, which is available in the docket, *http://www.regulations.gov.* No comments were received on the notice of filing.

Based upon review of the data supporting the petition, EPA has modified the level at which some of the tolerances are being established and revised some of the commodity definitions for the requested crops. The reasons for these changes are explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in

FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for metrafenone including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with metrafenone follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

The liver is the primary target organ for metrafenone in mice, rabbits and rats. Effects on the liver were seen in multiple studies throughout the database, including subchronic rat studies, the rabbit developmental toxicity study, and chronic studies in mice and rats. Liver effects observed in subchronic studies included increased liver weights, periportal cytoplasmic vacuolation, increased cholesterol, and hepatocellular hypertrophy. Liver effects observed in chronic studies included those from the subchronic studies as well as increased serum gamma glutamyl transferase, eosinophilic alterations, necrosis, polyploid hepatocytes, bile duct hyperplasia, liver masses, and hepatocellular adenomas. The additional effects in the chronic studies indicate a progression of toxicity with time. The effects on the liver are consistent with the results of the absorption, distribution, metabolism, and excretion (ADME) studies indicating that the highest tissue concentrations of metrafenone were found in the liver and gastrointestinal tract and that bile is the primary route of excretion.

Additionally, nephrotoxicity was observed following chronic exposure to metrafenone in mice and rats. The kidney effects observed in the chronic studies included subacute/chronic interstitial inflammation and chronic/progressive nephropathy, cysts, brown pigment in renal cells, increased urinary volume, and increased urinary protein.

In a 28-day dermal toxicity study in rats, there were no dermal or systemic effects observed up to the highest dose tested of 1,000 mg/kg/day, the limit dose. In a 28-day immunotoxicity study in female rats, no effect on the immune system was observed up to the highest dose tested of 1,000 mg/kg/day, the limit dose. This is consistent with the rest of the database where no effects on the immune system were observed in any study.

There was no evidence of qualitative or quantitative susceptibility in the developmental and reproduction toxicity studies. In the developmental rat study, no effects were observed in dams or fetuses up to the limit dose of 1,000 mg/kg/day. In the rabbit study, liver toxicity (increased liver weights, hypertrophy, and hepatocyte vacuolation) was observed in the dams but no developmental effects were observed up to the limit dose of 1,000 mg/kg/day.

In the rat reproduction toxicity study, there was no evidence of reproductive toxicity. Effects in the offspring (decreased pup weight) occurred at doses similar to those that cause toxicity in the parental animals (decreased body weight).

The required battery of mutagenicity studies was submitted, including bacterial reverse mutation assay, mammalian cell mutation (CHO cells), *in vitro* chromosome aberration (CHO cells), micronucleus assay and unscheduled DNA synthesis in mammalian cells in culture. There is no evidence that metrafenone is genotoxic.

In the mouse carcinogenicity study, liver tumors (increased incidence of hepatocellular adenomas and adenomas plus carcinomas) were observed in male mice at the highest dose of 1,109 mg/kg/day. In the rat chronic/carcinogenicity study, there was an increased incidence in hepatocellular adenomas in females at the high dose of 1,419 mg/kg/day. However, the tumors in the rat females were not considered in the weight-of-evidence finding because they were associated with excessive toxicity to the females, leading to a reduction of the dose during the study. The registrant submitted mechanistic studies to support a mode of action (MOA) for the liver tumors, but the studies were conducted in rats. Although the MOA was considered plausible, the Agency concluded the data on rats could not be used to support a MOA finding in mice. The Agency concluded that quantification of cancer risk using a non-linear approach would adequately account for all chronic toxicity (including carcinogenicity) that could result from exposure to metrafenone. The use of the chronic point of departure is protective based on the following reasons:

- A treatment-related increase in benign liver tumors was seen only in male CD–1 mice at doses that were adequate to assess the carcinogenicity.
- The liver tumors were observed at doses significantly higher (44x) than those currently used for risk assessment.
- No treatment-related tumors were seen in female mice.
- No treatment-related tumors were seen in male rats and liver tumors in female rats were seen only at the Limit Dose which was excessively toxic to females; no tumors were seen at the next dose of 5,000 ppm, which was considered adequate to assess carcinogenicity.
- There is no mutagenicity concern for metrafenone

Specific information on the studies received and the nature of the adverse effects caused by metrafenone as well the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in the document titled *''Metrafenone. Human Health Risk Assessment for the Section 3 Registration on: Apricot, Cherry (Crop Subgroup 12–12A); Fruiting Vegetables (Crop Group 8–10); Fruit, Small, Vine Climbing, Except Fuzzy Kiwifruit (Crop Subgroup 13–07F); Hops, Dried Cones; Peach (Crop Subgroup 12–12B), Pome Fruit (Crop Group 11–10), and Vegetable, Cucurbit (Crop Group 9); Evaluation of Conditional Data.''* on pages 31–40 in docket ID number EPA–HQ–OPP–2013–0255.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect

expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for metrafenone used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR METRAFENONE FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute Dietary (General population, including Infants and Children and females 13–49).	No appropriate single dose endpoint was identified in the submitted toxicity database.		
Chronic dietary (All populations)	NOAEL = 24.9 mg/kg/day UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.249 mg/kg/day. cPAD = 0.249 mg/kg/day.	Chronic/Carcinogenicity—rat LOAEL (mg/kg/day) = 260, based on hepatotoxicity and nephrotoxicity in both sexes.
Cancer (Oral, dermal, inhalation).	Quantification of cancer risk using a cancer potency factor is not required; the chronic reference dose is protective of potential cancer risk		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to metrafenone, EPA considered exposure under the petitioned-for tolerances as well as all existing metrafenone tolerances in 40 CFR 180.624. EPA assessed dietary exposures from metrafenone in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

No such effects were identified in the toxicological studies for metrafenone; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the 2003–2008 food consumption data from the U.S. Department of Agriculture's (USDA) National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, EPA assumed 100 percent crop treated (PCT) and tolerance level residues (adjusted to account for additional residues of concern).

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that the use of the chronic point of departure is appropriate for assessing cancer risk to metrafenone. Cancer risk was assessed using the same exposure estimates as discussed in Unit III.C.1.ii., *chronic exposure.*

iv. *Anticipated residue and PCT information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for metrafenone. Tolerance level residues and 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for metrafenone in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of metrafenone. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and Pesticide Root Zone Model Ground Water (PRZM GW), the estimated drinking water concentrations (EDWCs) of total metrafenone for chronic exposures are estimated to be 14.52 parts per billion (ppb) for surface water and 12.3 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For chronic dietary risk assessment, the water concentration of value 14.52 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Metrafenone is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found metrafenone to share a common mechanism of toxicity with any other substances, and metrafenone does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that metrafenone does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the

case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There was no evidence of qualitative or quantitative susceptibility in the developmental and reproduction toxicity studies. In the developmental rat study, no effects were observed in dams or fetuses up to the limit dose of 1,000 mg/kg/day. In the rabbit study, liver toxicity (increased liver weights, hypertrophy, and hepatocyte vacuolation) was observed in the dams but no developmental effects were observed up to the limit dose of 1,000 mg/kg/day.

In the rat reproduction toxicity study, there was no evidence of reproductive toxicity. Effects in the offspring (decreased pup weight) occurred at doses similar to those which cause toxicity in the parental animals (decreased body weight).

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for metrafenone is complete.

ii. There is no indication that metrafenone is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that metrafenone results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues (adjusted to account for additional residues of concern). EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to metrafenone in drinking water. These assessments will not underestimate the exposure and risks posed by metrafenone.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, metrafenone is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to metrafenone from food and water will utilize 16% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. There are no residential uses for metrafenone.

3. *Short- and Intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account short- and intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). A short- and intermediate-term adverse effect was identified; however, metrafenone is not registered for any use patterns that would result in short- and/or intermediate-term residential exposure. Short- and intermediate-term risk is assessed based on short- and intermediate-term residential exposure plus chronic dietary exposure. Because there is no short- and intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short- and intermediate-term risk), no further assessment of short- and intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating short- and intermediate-term risk for metrafenone.

4. *Aggregate cancer risk for U.S. population.* EPA considers the chronic aggregate risk assessment to be protective of any aggregate cancer risk.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to metrafenone residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (Method FAMS 105–01, a gas chromatography method with electron capture or mass spectrometry detector) is available to enforce the tolerance expression.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established MRLs for metrafenone.

C. Response to Comments

EPA received a comment to the Notice of Filing that made a request to reconsider ''loosening tolerances'' for several pesticide petitions, including for metrafenone. The commenter points to an American Academy of Pediatrics Policy statement regarding pesticide exposure in children, a Centers for Disease Control and Prevention report on human exposure to environmental chemicals, and a President's Cancer Panel regarding reducing environmental cancer risks in supporting the request to reconsider the tolerance amendments proposed for metrafenone.

The Agency understands the commenter's concerns and recognizes that some individuals believe that

certain pesticide chemicals should not be permitted in our food, or that pesticide tolerances should be ''significantly tightened'' as the commenter notes. However, the existing legal framework provided by section 408 of FFDCA states that tolerances may be set when EPA determines that aggregate exposure to that pesticide is safe, i.e., that there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue. When making this determination, EPA considers the toxicity, including any potential carcinogenicity, of the pesticide and all anticipated dietary exposures and all other exposures for which there is reliable information. EPA also gives special consideration to the potential susceptibility and exposures of infants and children to the pesticide chemical residue when making this determination. For metrafenone, the Agency has considered all the available data, including all available data concerning the potential for carcinogenicity of metrafenone and its metabolites, and concluded after conducting a risk assessment, that there is a reasonable certainty that no harm will result from aggregate human exposure to metrafenone and that, accordingly, the metrafenone tolerances are safe.

A second comment was received stating that ''I do no support use of this toxic chemical anywhere on earth.'' Additionally, the commenter wrote that ''any chemical should be fully investigated for its harm before being released for use.'' As noted above, the Agency understands the commenter's concerns and recognizes that some individuals believe that pesticide chemicals should not be permitted in our food or for use anywhere. As to being investigated for its harm, metrafenone has an extensive toxicity database that has been fully evaluated by EPA. As noted above, the Agency has considered all the available data and concluded that there is a reasonable certainty that no harm will result from aggregate human exposure to metrafenone and that, accordingly, the metrafenone tolerances are safe.

D. Revisions to Petitioned-For Tolerances

EPA has modified some of the tolerances that were originally requested in the petition. Instead of the requested tolerance for cucurbit vegetables at 0.5 ppm, EPA is establishing the tolerance at 0.50 ppm, in order to avoid the situation where a field sample containing residues significantly above the tolerance (0.54 ppm, for example) would be considered non-violative. For the same reason, EPA is revising the requested tolerances of 0.7 ppm in the peach subgroup (12–12B) and in apricot to 0.70 ppm.

EPA has also revised the tolerance for residues of metrafenone in fruiting vegetables from 1.0 ppm to 0.90 ppm based on available residue data and using the Organisation for Economic Cooperation and Development/ Maximum Residue Limit (OECD MRL) tolerance calculation procedures.

V. Conclusion

Therefore, tolerances are established for residues of metrafenone, including its metabolites and degradates, in or on apricot at 0.70 ppm; cherry subgroup 12–12A at 2.0 ppm; fruit, pome, group 11–10 at 1.5 ppm; fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 4.5 ppm; hop, dried cones at 70 ppm; peach subgroup 12–12B at 0.70 ppm; vegetable, cucurbit, group 9 at 0.50 ppm; and vegetable, fruiting, group 8–10 at 0.90 ppm.

In addition, the existing tolerance on grapes is being removed as unnecessary since a tolerance is being set for crop subgroup 13–07F, which includes grape. The tolerance for raisins is still required and is not being deleted.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 10, 2014.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.624 is amended by removing the entry for ''grape'', and by alphabetically adding the following commodities to the table in paragraph (a) to read as follows:

§ 180.624 Metrafenone; tolerances for residues.

(a) * * *

Commodity	Parts per million
Apricot	0.70
Cherry subgroup 12–12A	2.0
Fruit, pome, group 11–10	1.5
Fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F	4.5
* * * * *	
Hop, dried cones	70
Peach subgroup 12–12B	0.70
Vegetable, cucurbit, group 9	0.50
Vegetable, fruiting, group 8–10	0.90

* * * * *

[FR Doc. 2014–25135 Filed 10–21–14; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2014–0217; FRL–9916–97]

Polyoxyalkylated Sorbitan Fatty Acid Esters; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of polyoxyalkylated sorbitan fatty acid esters with C6 through C22 aliphatic alkanoic and/or alkenoic fatty acids, branched or linear, the resulting polyoxyalkylene sorbitan esters having a minimum molecular weight of 1,300 when used as an inert ingredient in a pesticide chemical formulation. Spring Trading Company, on behalf of Croda, Inc., submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of polyoxyalkylated sorbitan fatty acid esters with C6 through C22 aliphatic alkanoic and/or alkenoic fatty acids, branched or linear, the resulting polyoxyalkylene sorbitan esters having a minimum molecular weight of 1,300 on food or feed commodities.

DATES: This regulation is effective October 22, 2014. Objections and requests for hearings must be received on or before December 22, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0217, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. 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 OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Daniel J. Rosenblatt, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. Can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2014–0217 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before December 22, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2014–0217, by one of the following methods.

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Background and Statutory Findings

In the **Federal Register** of September 5, 2014 (79 FR 53012) (FRL–9914–98), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the receipt of a pesticide

petition (PP IN–10674) filed by Spring Trading Company, 10805 West Timberwagon Circle, Spring, TX 77380–4030, on behalf of Croda, Inc., 315 Cherry Lane, New Castle, DE 19720. The petition requested that 40 CFR 180.960 be amended by establishing an exemption from the requirement of a tolerance for residues of oxyalkylated sorbitan fatty acid esters with C6 through C22 aliphatic alkanoic and/or alkenoic fatty acids, branched or linear, the resulting polyoxyalkylene sorbitan esters having a minimum molecular weight of 1,300 (CAS No. 81776–11–6, 87090–31–1, 88895–72–1; 1472661–05–4, 161026–53–5, 103171–31–9, 1472661–17–8, 1472668–03–3, 1472655–32–5, 1472663–59–4, 1472663–64–1, 1472663–66–3, 1472663–92–5, 1472654–83–3, 1472644–84–0, 1472644–85–1, 1472644–87–3, 1472644–88–4, 1472644–80–6, 1472644–81–7). That document included a summary of the petition prepared by the petitioner and solicited comments on the petitioner's request. The Agency did not receive any comments.

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and use in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing an exemption from the requirement of a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .'' and specifies factors EPA is to consider in establishing an exemption.

III. Risk Assessment and Statutory Findings

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be shown that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify categories of polymers expected to present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b) and the exclusion criteria for identifying these low-risk polymers are described in 40 CFR 723.250(d). Polyoxyalkylated sorbitan fatty acid esters conforms to the definition of a polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low-risk polymers.

1. The polymer is not a cationic polymer nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. The polymer does contain as an integral part of its composition the atomic elements carbon, hydrogen, and oxygen.

3. The polymer does not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).

4. The polymer is neither designed nor can it be reasonably anticipated to substantially degrade, decompose, or depolymerize.

5. The polymer is manufactured or imported from monomers and/or reactants that are already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. The polymer is not a water absorbing polymer with a number average molecular weight (MW) greater than or equal to 10,000 daltons.

7. The polymer does not contain certain perfluoroalkyl moieties consisting of a CF3- or longer chain length as specified in 40 CFR 723.250(d)(6).

Additionally, the polymer also meets as required the following exemption criteria specified in 40 CFR 723.250(e).

8. The polymer's number average MW is greater than or equal to 1,000 and less than 10,000 daltons. The polymer contains less than 10% oligomeric material below MW 500 and less than 25% oligomeric material below MW 1,000.

Thus, polyoxyalkylated sorbitan fatty acid esters meets the criteria for a polymer to be considered low risk under 40 CFR 723.250. Based on its conformance to the criteria in this unit, no mammalian toxicity is anticipated from dietary, inhalation, or dermal exposure to polyoxyalkylated sorbitan fatty acid esters.

IV. Aggregate Exposures

For the purposes of assessing potential exposure under this exemption, EPA considered that polyoxyalkylated sorbitan fatty acid esters could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational non-dietary exposure was possible. The number average MW of polyoxyalkylated sorbitan fatty acid esters is 1,300 daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since polyoxyalkylated sorbitan fatty acid esters conform to the criteria that identify a low-risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

V. Cumulative Effects From Substances With a Common Mechanism of Toxicity

Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found polyoxyalkylated sorbitan fatty acid esters to share a common mechanism of toxicity with any other substances, and polyoxyalkylated sorbitan fatty acid esters does not appear to produce a toxic metabolite produced by other substances. For the purposes of this

tolerance action, therefore, EPA has assumed that polyoxyalkylated sorbitan fatty acid esters does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

VI. Additional Safety Factor for the Protection of Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA concludes that a different margin of safety will be safe for infants and children. Due to the expected low toxicity of polyoxyalkylated sorbitan fatty acid esters, EPA has not used a safety factor analysis to assess the risk. For the same reasons the additional tenfold safety factor is unnecessary.

VII. Determination of Safety

Based on the conformance to the criteria used to identify a low-risk polymer, EPA concludes that there is a reasonable certainty of no harm to the U.S. population, including infants and children, from aggregate exposure to residues of polyoxyalkylated sorbitan fatty acid esters.

VIII. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for polyoxyalkylated sorbitan fatty acid esters.

IX. Conclusion

Accordingly, EPA finds that exempting residues of polyoxyalkylated sorbitan fatty acid esters from the requirement of a tolerance will be safe.

X. Statutory and Executive Order Reviews

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these rules from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes, or otherwise have any unique impacts on local governments. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

Although this action does not require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994), EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. As such, to the extent that information is publicly available or was submitted in comments to EPA, the Agency considered whether groups or segments of the population, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide discussed in this document, compared to the general population.

XI. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 14, 2014.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.960, alphabetically add the following polymers to the table to read as follows:

§ 180.960 Polymers; exemptions from the requirement of a tolerance.

* * * * *

Polymer	CAS No.
* * * *	* * *
Polyoxyalkylated sorbitan fatty acid esters with C6 through C22 aliphatic alkanoic and/or alkenoic fatty acids, branched or linear, the resulting polyoxyalkylene sorbitan esters minimum number average molecular weight (in amu), 1,300.	81776–11–6, 87090–31–1, 88895–72–1, 103171–31–9, 161026–53–5, 1472644–80–6, 1472644–81–7, 1472644–84–0, 1472644–85–1, 1472644–87–3, 1472644–88–4, 1472654–83–3, 1472655–32–5, 1472661–05–4, 1472661–17–8, 1472663–59–4, 1472663–64–1, 1472663–66–3, 1472663–92–5, 1472668–03–3
* * * *	* * *

[FR Doc. 2014–25132 Filed 10–21–14; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 501, 514, and 552

[GSAR Change 59; GSAR Case 2014–G501; Docket No. 2014–0007; Sequence No. 1]

RIN 3090–AJ47

General Services Administration Acquisition Regulation (GSAR); Progressive Awards and Monthly Quantity Allocations

AGENCY: Office of Acquisition Policy, General Services Administration.

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) is converting the proposed rule as a final rule amending the General Services Administration Acquisition Regulation (GSAR) to remove GSAR clause Progressive Awards and Monthly Quantity Allocations.

DATES: *Effective Date:* October 22, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Eble, Procurement Analyst, at 215–446–5823, or email at *deborah.eble@gsa.gov,* for clarification of content. For information pertaining to the status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite GSAR Case 2014–G501.

SUPPLEMENTARY INFORMATION:

I. Background

GSA published a proposed rule in the **Federal Register** at 79 FR 24359, on April 30, 2014, amending the General Services Administration Acquisition Regulation (GSAR), to remove GSAR provision 552.214–71, Progressive Awards and Monthly Quantity Allocations, and provide other conforming changes. This rule is a result of the retrospective analysis conducted under Executive Order 13563, Improving Regulation and Regulatory Review, requiring agencies to review existing regulations and identify rules that are obsolete, unnecessary, unjustified, excessively burdensome or counterproductive and identify those rules that warrant repeal, amendment, or revision. GSA identified GSAR provision 552.214–71, Progressive Awards and Monthly Quantity Allocations as one of four information collections in GSA's Final Plan for Retrospective Analysis approved by the Office of Management and Budget on August 18, 2011. No comments were received on the proposed rule by the June 30, 2014 closing date. Therefore, the proposed rule is being converted to a final rule without change:

- Information Collection 3090–0200, Sealed Bidding, which references GSAR 552.214–71, Progressive Awards and Monthly Quantity Allocations, is deleted in its entirety.
- Under Subpart 501.106—GSAR references 514.201–7(a) and 552.214–71 and corresponding OMB Control Number 3090–0200, Sealed Bidding, are deleted.
- GSAR 514.201–7—Deleted in its entirety.
- GSAR 552.214–71—Deleted in its entirety.

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

III. Regulatory Flexibility Act

GSA has prepared a Final Regulatory Flexibility Analysis (FRFA) consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

> This final rule reduces the burden on small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* as the Information Collection 3090–0200, Sealed Bidding, citing provision 552.214–71, Progressive Awards and Monthly Quantity Allocations, is no longer used and is removed from the GSAR. Both large and small business entities will no longer be bound to submit data that the Government can freely obtain from variety of other sources.
>
> No comments were filed by the Chief Counsel for Advocacy of the Small Business Administration.

Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat. The Regulatory Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

IV. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. Chapter 35) does not apply. OMB approved the withdrawal and discontinuation of the Information Collection 3090–0200, Sealed Bidding, identifying GSAR Provision 552.214–71, Progressive Awards and Monthly Quantity Allocations, on August 14, 2014.

List of Subjects in 48 CFR Parts 501, 514, and 552

Government procurement.

Dated: October 16, 2014.

Jeffrey A. Koses,

Senior Procurement Executive, Director, Office of Acquisition Policy, Office of Governmentwide Policy.

Therefore, GSA amends 48 CFR parts 501, 514, and 552 as set forth below:

PART 501—GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION SYSTEM

■ 1. The authority citation for 48 CFR part 501 continues to read as follows:

Authority: 40 U.S.C. 121(c).

501.106 [Amended]

■ 2. Amend section 501.106 in the table, by removing, GSAR references ''514.201–7(a)'' and ''552.214–71'' and their corresponding OMB Control Number ''3090–0200''.

PART 514—SEALED BIDDING

■ 3. Revise the authority citation for 48 CFR part 514 to read as follows:

Authority: 40 U.S.C. 121(c).

514.201–7 [Removed and Reserved]

■ 4. Remove and reserve section 514.201–7.

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 5. The authority citation for 48 CFR part 552 continues to read as follows:

Authority: 40 U.S.C. 121(c).

552.214–71 [Removed and Reserved]

■ 6. Remove and reserve section 552.214–71.

[FR Doc. 2014–25158 Filed 10–21–14; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 390

[Docket No. FMCSA–2014—0355]

RIN 2126–AB77

Amendment to Emergency Relief Exemptions Pursuant to the Reliable Home Heating (RHH) Act

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Final rule.

SUMMARY: FMCSA adopts, as final, certain amendments to the Federal Motor Carrier Safety Regulations (FMCSRs) required by the Reliable Home Heating (RHH) Act. Currently, the FMCSRs include a provision which enables motor carriers providing direct assistance in responding to an emergency declared by a governor to do so without having to comply with certain Federal safety regulations. However, the duration of the relief is limited to 30 days unless FMCSA extends the exemption. This final rule amends the emergency relief provision in the FMCSRs so that the safety requirements in 49 CFR parts 390–399 will not apply if a Governor: Declares a state of emergency caused by a shortage of residential heating fuel; determines at the end of the 30-day exemption period currently authorized by the regulations that the emergency shortage has not ended; and extends the declaration of emergency for up to 2 additional 30-day periods. Because the rule is a non-discretionary, ministerial action as required by the RHH Act, it is issued without prior notice and opportunity for comment, pursuant to the good cause exception in the Administrative Procedure Act (APA).

DATES: Effective October 22, 2014.

ADDRESSES: You may view material bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2014–0355 using any of the following methods:

• *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Follow the on-line instructions for viewing material.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line Federal document management system is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments on-line.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Yager, Chief of Driver and Carrier Operations, by telephone (202) 366–4325 or by electronic mail at *tom.yager@dot.gov;* FMCSA, Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Executive Summary

Purpose and Summary of the Major Provisions

This rule makes nondiscretionary ministerial changes to FMCSA's emergency relief regulations in 49 Code of Federal Regulations (CFR) 390.23. The changes are required by Section 2(c) of the RHH Act, Public Law 113–125, 128 Stat. 1388, June 30, 2014. When shortages of residential heating fuel occur, the RHH amendments extend the normal 30-day exemption period for up to 90 days, provided that the Governor of the affected State determines that a second or third 30-day period must be allowed to enable motor carriers to provide residential heating fuel expeditiously.

Benefits and Costs

The rule provisions considered both individually and in the aggregate do not rise to the level of economic significance.

Legal Basis for the Rulemaking

This rule is required by Section 2(c) of the Reliable Home Heating (RHH) Act, Public Law 113–125, 128 Stat. 1388, June 30, 2014.

Section 390.23(a) of title 49, CFR, provides that 49 CFR parts 390–399 of the FMCSRs shall not apply to any motor carrier or driver operating a commercial motor vehicle (CMV) to provide emergency relief during an emergency declared by certain Federal or State officials, including a Governor, subject to certain time limits. Section 390.23(a)(1)(ii) limits a regional emergency (which would include a State-wide emergency) to a maximum of 30 days from the date of the initial declaration of the emergency.

Section 2(b) of the RHH Act provides that, if a Governor (1) declares a state of emergency caused by a shortage of residential heating fuel,[1] (2) determines

[1] Although the Act states that residential heating fuel ''includes'' heating oil, natural gas, and propane, FMCSA believes that list was intended to be exclusive, despite the use of the vague term ''includes.'' The rules of statutory interpretation

Continued

at the end of the 30-day exemption period authorized by section 390.23(a)(1)(ii) that the emergency shortage has not ended, and (3) extends the declaration of emergency for up to 2 additional 30-day periods, FMCSA shall not apply parts 390–399 of the FMCSRs to a motor carrier or driver operating a CMV to provide residential heating fuel in the geographic area designated by the emergency declaration for those 2 additional periods.

Section 2(c) of the RHH Act requires FMCSA to amend section 390.23(a)(1)(ii) to conform to the provisions of section 2(b). This rule adopts the required conforming amendment.

Because the RHH Act leaves FMCSA no discretion in the promulgation of this amendment, the Agency finds good cause under the APA [5 U.S.C. 553(b)] to publish this final rule without prior notice and opportunity for comment. Comments are unnecessary since they could not change the amendment required by the RHH Act. For the same reason, FMCSA finds good cause to make this rule effective upon publication in the **Federal Register**, as authorized by 5 U.S.C. 553(d)(3).

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review and DOT Regulatory Policies and Procedures as Supplemented by E.O. 13563)

FMCSA has determined this final rule is not a significant regulatory action within the meaning of Executive Order (E.O.) 12866, as supplemented by E.O. 13563 (76 FR 3821, January 21, 2011), and is also not significant within the meaning of DOT regulatory policies and procedures (44 FR 11034, February 26, 1979). As explained above, this final rule promulgates nondiscretionary statutory requirements. The cost of these changes will not exceed the $100 million annual threshold. Any costs associated with this action are attributable to the non-discretionary statutory provisions. This final rule is not expected to generate substantial congressional or public interest. Therefore, a regulatory impact analysis has not been conducted nor has there been a review by the Office of Management and Budget (OMB).

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (RFA) of 1980 (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FMCSA is not required to prepare a regulatory flexibility analysis under 5 U.S.C. 604(a) for this final rule because the Agency has not issued a notice of proposed rulemaking prior to this action.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, FMCSA wants to assist small entities in understanding this rule so that they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the FMCSA point of contact, Thomas Yager, listed in the **FOR FURTHER INFORMATION CONTACT** section of this rule.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the SBA's 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 FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy ensuring the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

Unfunded Mandates Reform Act of 1995

This final rule will not impose an unfunded Federal mandate, as defined by the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532 *et seq.*), that will result in the expenditure by a State, local, or tribal governments, in the aggregate, or by the private sector of $151 million (which is the value of $100 million in 2013 after adjusting for inflation) or more in any one year.

E.O. 13132 (Federalism)

A rule has implications for Federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. This action has been analyzed in accordance with E.O. 13132. FMCSA has determined that this rule would not have a substantial direct effect on States, nor would it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation.

E.O. 12988 (Civil Justice Reform)

This final rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988 to minimize litigation, eliminate ambiguity, and reduce burden.

E.O. 13045 (Protection of Children)

E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, Apr. 23, 1997), requires agencies issuing ''economically significant'' rules, if the regulation also concerns an environmental health or safety risk that an agency has reason to believe may disproportionately affect children, to include an evaluation of the regulation's environmental health and safety effects on children. The Agency determined this final rule is not economically significant. Therefore, no analysis of the impacts on children is required. In any event, the Agency does not believe that this action could create an environmental or safety risk that would disproportionately affect children.

E.O. 12630 (Taking of Private Property)

FMCSA reviewed this final rule in accordance with E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, and has determined it will not effect a taking of private property or otherwise have takings implications.

Privacy Impact Assessment

Section 522 of title I of division H of the Consolidated Appropriations Act, 2005, enacted December 8, 2004 (Pub. L. 108–447, 118 Stat. 2809, 3268, 5 U.S.C. 552a note), requires the Agency to conduct a privacy impact assessment (PIA) of a regulation that will affect the privacy of individuals. This rule does not require the collection of personally identifiable information (PII).

The Privacy Act (5 U.S.C. 552a) applies only to Federal agencies and any non-Federal agency which receives records contained in a system of records from a Federal agency for use in a matching program. That provision is not applicable to this rule.

E.O. 12372 (Intergovernmental Review)

The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

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generally treat a list of specific items as evidence of legislative intent to exclude other items [*expressio unius est exclusio alterius*]. Section 390.23(a)(1)(ii) has been amended accordingly.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information they conduct, sponsor, or require through regulations. This rule requires no information collection.

National Environmental Policy Act and Clean Air Act

FMCSA analyzed this rule in accordance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321, *et seq.*) and FMCSA's *NEPA Implementing Procedures and Policy for Considering Environmental Impacts,* Order 5610.1 (FMCSA Order), March 1, 2004 (69 FR 9680). FMCSA's Order states that ''[w]here FMCSA has no discretion to withhold or condition an action if the action is taken in accordance with specific statutory criteria and FMCSA lacks control and responsibility over the effects of an action, that action is not subject to this Order.'' *Id.* at chapter 1(D). Because the RHH Act requires the action taken here, FMCSA has no jurisdiction or control over, or responsibility for, the effects of this action, and the rulemaking falls under chapter 1(D). Therefore, no further analysis is considered.

In addition to the NEPA requirements to examine impacts on air quality, the Clean Air Act (CAA) as amended (42 U.S.C. 7401, *et seq.*) also requires FMCSA to analyze the potential impact of its actions on air quality and to ensure that FMCSA actions conform to State and local air quality implementation plans. This non-discretionary action is expected to fall within the CAA *de minimis* standards and is not subject to the Environmental Protection Agency's General Conformity Rule (40 CFR parts 51 and 93).

Additionally, FMCSA evaluated the effects of this final rule in accordance with Executive Order 12898 and determined that there are no environmental justice issues associated with its provisions nor any collective environmental impacts resulting from its promulgation. Environmental justice issues would be raised if there were a ''disproportionate'' and ''high and adverse impact'' on minority or low-income populations. This final rule is exempt from analysis under the National Environmental Policy Act. This final rule simply makes ministerial, mandatory changes and would not result in high and adverse environmental impacts.

E.O. 13211 (Energy Supply, Distribution, or Use)

FMCSA analyzed this action under E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. FMCSA determined that it is not a ''significant energy action'' under that E.O. because it is not economically significant and is not likely to have an adverse effect on the supply, distribution, or use of energy.

E.O. 13175 (Indian Tribal Governments)

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

National Technology Transfer and Advancement Act (Technical Standards)

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) are standards that are developed or adopted by voluntary consensus standards bodies. This final rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

List of Subjects in 49 CFR Part 390

Highway safety, Intermodal transportation, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, FMCSA amends 49 CFR part 390 as follows:

PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL

■ 1. The authority citation for part 390 is revised to read as follows:

Authority: 49 U.S.C. 504, 508, 31132, 31133, 31136, 31144, 31151, 31502; sec. 114, Pub. L. 103–311, 108 Stat. 1673, 1677–1678; sections 212, 217, 229, Pub. L. 106–159, 113 Stat. 1748, 1766, 1767; sec. 229, Pub. L. 106–159 (as transferred by sec. 4114 and amended by sections 4130–4132, Pub. L. 109–59, 119 Stat. 1144, 1726, 1743–1744); sec. 4136, Pub. L. 109–59, 119 Stat 1144, 1745; sections 32101(d) and 34934, Pub. L. 112–141, 126 Stat. 405, 778, 830; sec. 2, Pub. L. 113–125, 128 Stat. 1388; and 49 CFR 1.87.

■ 2. Amend § 390.23 by revising paragraph (a)(1)(ii) to read as follows:

§ 390.23 Relief from regulations.

(a) * * *

(1) * * *

(ii)(A) Except as provided in paragraph (a)(1)(ii)(B) of this section and § 390.25, the exemption shall not exceed the duration of the motor carrier's or driver's direct assistance in providing emergency relief, or 30 days from the date of the initial declaration of the emergency or the exemption from the regulations by the FMCSA Field Administrator, whichever is less.

(B) If a Governor who declares an emergency caused by a shortage of residential heating fuel (namely heating oil, natural gas, and propane), subsequently determines at the end of the 30-day period immediately following the declaration that the emergency shortage has not ended, and extends the declaration of an emergency for up to 2 additional 30-day periods, this exemption shall remain in effect up to the end of such additional periods, not to exceed 60 additional days, for a motor carrier or driver providing residential heating fuel in the geographic area designated by the Governor's declaration of emergency.

* * * * *

Issued under the authority delegated in 49 CFR 1.87: October 14, 2014.

T.F. Scott Darling, III

Acting Administrator.

[FR Doc. 2014–25127 Filed 10–21–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 130925836–4174–02]

RIN 0648–XD566

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Trawl Catcher Vessels in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using trawl gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2014 Pacific cod total allowable catch (TAC) apportioned to trawl catcher vessels in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), October 17, 2014, through 2400 hours, A.l.t., December 31, 2014.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679. Regulations governing sideboard protections for GOA groundfish fisheries appear at subpart B of 50 CFR part 680.

The 2014 Pacific cod TAC apportioned to trawl catcher vessels in the Central Regulatory Area of the GOA is 16,230 metric tons (mt), as established by the final 2014 and 2015 harvest specifications for groundfish of the GOA (79 FR 12890, March 6, 2014).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the 2014 Pacific cod TAC apportioned to trawl catcher vessels in the Central Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 15,230 mt and is setting aside the remaining 1,000 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using trawl gear in the Central Regulatory Area of the GOA. After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement 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 requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the directed fishing closure of Pacific cod by catcher vessels using trawl gear in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of October 16, 2014.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: October 17, 2014.

Alan D. Risenhoover,

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

[FR Doc. 2014–25103 Filed 10–17–14; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 204
Wednesday, October 22, 2014

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 65

[Docket No. FAA–2014–0820]

Establishment of Policy Regarding Aircraft Dispatcher Certification Courses

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of availability.

SUMMARY: This document announces the availability of a proposed new chapter of FAA Order 8900.1, and a proposed new AC related to Aircraft Dispatcher Certification Courses. The new chapter in FAA Order 8900.1 chapter establishes Policy not previously addressed in FAA Orders or ACs. The associated AC, 65–XX, provides guidelines to operators and potential operators of Aircraft Dispatcher Certification Courses.

DATES: Written comments must be received on or before December 22, 2014.

ADDRESSES: Send comments identified by docket number FAA–2014–0820 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

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

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

FOR FURTHER INFORMATION CONTACT: Theodora Kessaris, New Program Implementation and Technical Support Branch, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8166; facsimile: 202–267–5229; email: *Theodora.kessaris@faa.gov.*

SUPPLEMENTARY INFORMATION: This document announces the availability of proposed FAA Order 8900.1 Volume 3, Chapter 63, Aircraft Dispatcher Certification Courses and Proposed Advisory Circular (AC) 65–XX (Number to be Determined), FAA-Approved Aircraft Dispatcher Certification Courses.

Background

The FAA has determined a need to establish formal policy related to FAA-approved Aircraft Dispatcher Certification Courses, operated in accordance with 14 CFR part 65, subpart C. As of the date of this notice there are 44 FAA-approved Aircraft Dispatcher Certification Courses currently operating. The lack of FAA policy related to the approval and oversight of these courses has led to a wide range of inconsistencies with respect to individual course approvals. The new guidance clarifies the requirements found in part 65, subpart C.

The FAA's determination of need to establish policy is also supported by public comment which the FAA received to draft policy changes announced in docket number FAA–2011–1149. The 2011 docket announced draft changes to FAA Order 8900.1, Volume 13, Chapter 3, which applies to Designated Aircraft Dispatcher Examiners (DADE). The 2011 draft policy introduced the FAA's proposed requirements for the content of a Statement of Graduation provided by an Aircraft Dispatcher Certification Course operator in accordance with 14 CFR 65.70(d). Public comment to these proposed requirements pointed out that policy related to Aircraft Dispatcher Certification Course operators did not belong in a policy document related to DADEs. The comments suggested that requirements for a Statement of Graduation that are incumbent upon a course operator should be established someplace other than in a policy document related to DADES. The FAA agrees that policy related to Aircraft Dispatcher Certification Course Operators needs to be established outside of the policy related to DADEs. In light of the FAA's determination and public comment received to docket number FAA–2011–1149, the FAA is providing this notice to provide the public with an opportunity to comment on the proposed new policy related to FAA-approved Aircraft Dispatcher Certification Courses.

While the FAA generally does not request comment on internal orders, the agency has established a docket for public comments regarding this policy for inspectors in recognition of the interest of Aircraft Dispatcher Course Operators and applicants for an aircraft dispatcher certificate under part 65. The FAA has also placed in the docket, a copy of a draft revision to 8900.1, Volume 5, Chapter 5, Section 10, Aircraft Dispatcher Certification, for reference only. The agency will consider all comments received by December 22, 2014. Comments received after that date may be considered if consideration will not delay agency action on the review. A copy of the proposed order and AC is available for review in the assigned docket for the Order at *http://www.regulations.gov.*

Issued in Washington, DC, on October 10, 2014.

John Barbagallo,

Deputy Director, FAA Flight Standards Service.

[FR Doc. 2014–25060 Filed 10–21–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. FDA–2014–C–1552]

Colorcon, Inc.; Filing of Color Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by Colorcon, Inc., proposing that the color additive regulations be amended to provide for the safe use of spirulina extract as a color additive in coating formulations applied to dietary supplement and drug tablets and capsules.

DATES: The color additive petition was filed on September 22, 2014.

FOR FURTHER INFORMATION CONTACT: Molly A. Harry, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 240–402–1075.

SUPPLEMENTARY INFORMATION: Under section 721(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379e(d)(1)), we are giving notice that we have filed a color additive petition (CAP 4C0300), submitted by Colorcon, Inc., 275 Ruth Rd., Harleysville, PA 19438. The petition proposes to amend the color additive regulations in 21 CFR part 73 *Listing of Color Additives Exempt From Certification* to provide for the safe use of spirulina extract as a color additive in coating formulations applied to dietary supplement and drug tablets and capsules.

We have determined under 21 CFR 25.32(r) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: October 16, 2014.

Dennis M. Keefe,

Director, Office of Food Additive Safety, Center for Food Safety and Applied Nutrition.

[FR Doc. 2014–25089 Filed 10–21–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF EDUCATION

34 CFR Parts 75 and 77

RIN 1855–AA10

[Docket ID ED–2014–OII–0116]

Direct Grant Programs and Definitions That Apply to Department Regulations

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: On August 13, 2013, the Department of Education (the Department) published a notice of final regulations in the **Federal Register** to amend our Education Department General Administrative Regulations (EDGAR).

In this document, the Department proposes to further amend EDGAR to add a definition of ''What Works Clearinghouse Evidence Standards'' (WWC Evidence Standards) in our regulations to standardize references to this term. In addition, the Department proposes to amend the definition of ''large sample'' in our regulation. We also propose technical edits to our regulations to improve the consistency and clarity of the regulations. Finally, we propose to redesignate our regulations and to include in that redesignated section an additional provision that would allow the Secretary to give special consideration to projects supported by evidence of promise.

DATES: We must receive your comments on or before December 8, 2014.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Are you new to the site?''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about these proposed regulations, address them to Alli Moss, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W319, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Allison Moss, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W319, Washington, DC 20202. Telephone: (202) 205–7726 or by email: *allison.moss@ed.gov.*

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

SUPPLEMENTARY INFORMATION: The Department published a notice of final regulations in the **Federal Register** (78 FR 49338) on August 13, 2013 to amend EDGAR. In this document, we propose further amendments to EDGAR to standardize a term and make other amendments to improve the consistency and clarity of these regulations.

Invitation to Comment: We invite you to submit comments regarding these proposed regulations. To ensure that your comments have maximum effect in developing the final regulations, we urge you to identify clearly the specific section or sections of the proposed regulations that each of your comments addresses and to arrange your comments in the same order as the proposed regulations.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from these proposed regulations. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the Department's programs and activities.

During and after the comment period, you may inspect all public comments about these proposed regulations by accessing Regulations.gov. You may also inspect the comments in person in Room 4W335, 400 Maryland Avenue SW., Washington, DC, between 8:30 a.m. and 4:00 p.m., Washington, DC

time, Monday through Friday of each week except Federal holidays. Please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for these proposed regulations. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Background

References to the WWC Handbook

The Department proposes to add a definition of ''What Works Clearinghouse Evidence Standards'' to 34 CFR part 77. This definition would incorporate the most recent version of the What Works Clearinghouse (WWC) Procedures and Standards Handbook (WWC Handbook), Version 3.0, which was made public in March 2014. Instead of continuing to separately cite the WWC Handbook in various provisions of parts 75 and 77, we propose to add, to part 77, a single definition of the WWC Evidence Standards that incorporates the current version of the WWC Handbook, and then to use that defined term, as applicable, throughout parts 75 and 77.

The WWC Handbook, first published in 2008, documents the systematic review process and the standards by which the WWC reviews studies. Version 3.0 of the WWC Handbook significantly expands the examples used to illustrate how the WWC Evidence Standards are applied in various contexts. Although previous versions of the WWC Handbook focused on only one WWC product—the intervention report—Version 3.0 includes information on several additional WWC products, including practice guides, single-study reviews, and quick reviews.

By adding a definition of ''WWC Evidence Standards'' and updating the applicable references throughout 34 CFR parts 75 and 77 to incorporate the most recent version of the WWC Handbook, the Department will provide more effective guidance to applicants and grantees as they design and implement rigorous evaluations of their projects. Because Version 3.0 of the WWC Handbook provides further clarification, and does not introduce new requirements, on evaluation- and evidence-related concepts, updating the citations does not substantively change the regulations in 34 CFR parts 75 or 77.

Special Consideration for Discretionary Grant Applications Demonstrating ''Evidence of Promise''

Section 75.266 currently provides that the Secretary may give special consideration, through establishing a separate competition or awarding competitive preference, to discretionary grant applications supported by strong evidence of effectiveness or moderate evidence of effectiveness. In our experience using evidence in discretionary grant competitions, we think it may be beneficial to also include in 34 CFR 75.266 (which we propose to redesignate as 34 CFR 75.226) a provision for giving special consideration to applications supported by evidence of promise, which is a less rigorous standard, because evidence of effectiveness in the education field continues to develop. By including evidence of promise in newly redesignated 34 CFR 75.226, we would allow more flexibility to discretionary grant programs oriented towards supporting evidence-based projects.

Definition of ''Large Sample''

The Department proposes to modify the definition of ''large sample'' in 34 CFR part 77.1 to remove the requirement that analysis units be randomly assigned to treatment or control groups. In implementing our discretionary grant programs, we discovered a discrepancy between the existing definition, specifically its references to random assignment of students, teachers, classrooms, schools, or other single analysis units to treatment or control groups, and the definition of ''moderate evidence of effectiveness'' in 34 CFR 77.1. Under the definition of ''moderate evidence of effectiveness,'' a quasi-experimental design study (as defined in 34 CFR 77.1) that includes a large sample could meet the standard, but many such studies do not randomly assign units of analysis to treatment or control groups. We propose to revise the definition of ''large sample'' to eliminate the random assignment of analysis units into treatment or control groups as a mandatory element. Therefore, for instance, a quasi-experimental design study with a sample of 350 or more students (or other single analysis units), or 50 or more groups (such as classrooms or schools) that contains 10 or more students, could meet the definition of ''moderate evidence of effectiveness'' in 34 CFR 77.1.

Significant Proposed Regulations

We group major issues according to subject, with appropriate sections of the proposed 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 proposed regulatory changes that are technical or otherwise minor in effect.

I. WWC Evidence Standards (34 CFR Parts 75 and 77)

Current Regulations: The current regulations include multiple references to the WWC Evidence Standards, in each case accompanied by a footnote citing the WWC Handbook, throughout 34 CFR parts 75 and 77, as follows:

1. Factors (viii) and (ix) of the selection criterion ''Quality of the project evaluation'' in 34 CFR 75.210(h); and

2. Definitions in 34 CFR 77.1(c) of ''evidence of promise,'' ''moderate evidence of effectiveness,'' ''quasi-experimental design study,'' ''randomized controlled trial,'' and ''strong evidence of effectiveness.''

Proposed Regulations: In each provision of 34 CFR parts 75 and 77 that references the WWC Evidence Standards, we propose to update the reference to use a common term, and to define that term in part 77 with reference to Version 3.0 of the WWC Handbook.

Reasons: By updating all references to WWC Evidence Standards in 34 CFR parts 75 and 77, and adding a common definition that references Version 3.0 of the WWC Handbook, we would: (1) Help ensure that applicants and grantees are aware of the most accurate and appropriate resources that are available relating to the WWC Evidence Standards; (2) no longer need the multiple footnotes that reference the current version of the WWC Handbook; and (3) streamline the process for updating our regulations to reflect future versions of the WWC Handbook.

II. Special Consideration of Applications Supported by ''Evidence of Promise'' and Clarification of That Definition (34 CFR 77.1(c))

Current Regulations: Under 34 CFR 75.266, the Secretary may give special consideration to applications supported by strong or moderate evidence of effectiveness, by establishing a separate competition or awarding competitive preference. In 34 CFR 77.1(c), the definition of ''evidence of promise'' references ''quasi-experimental study'' instead of ''quasi-experimental design

study,'' a term defined later in the section.

Proposed Regulations: We propose to amend 34 CFR 75.266 to provide that the Secretary may give special consideration to applications supported by evidence of promise, and to redesignate that section as 34 CFR 75.226. We also propose to amend the definition of ''evidence of promise'' to replace the reference to ''quasi-experimental study'' with ''quasi-experimental design study,'' to clarify that the term used in the definition of ''evidence of promise'' is ''quasi-experimental design study,'' which is defined in 34 CFR 77.1(c). We also propose to change the paragraph designations in this definition for consistency.

Reasons: We propose these changes in order to provide greater flexibility to discretionary grant programs that reward evidence-based projects in their competitions, to correct the definition of ''evidence of promise,'' and to provide applicants and grantees consistent and clear information when referencing that definition. We propose to redesignate 34 CFR 75.266 as 34 CFR 75.226 so that the section will be included under the subheading ''Selection Procedures'' in subpart D of part 75 instead of under the subheading ''Miscellaneous.''

III. Definition of ''Large Sample'' (34 CFR 77.1(c))

Current Regulations: In 34 CFR 77.1(c), the definition of ''large sample'' currently refers to students, classrooms, schools, groups, or other single analysis units that ''were randomly assigned to a treatment or control group.''

Proposed Regulations: We propose to remove the reference to random assignment to treatment or control groups in the definition of ''large sample.''

Reasons: We propose this change to eliminate inconsistencies between the definition of ''large sample'' and the definition of ''moderate evidence of effectiveness.'' We do not believe that random assignment to a treatment or control group is necessary because the concept of random assignment is embedded within the definition of randomized controlled trial (as defined in 34 CFR 77.1(c)). In order for the ''large sample'' definition to align fully with the ''moderate evidence of effectiveness'' definition, the ''large sample'' definition must not require that units of analysis be randomly assigned into treatment or control groups.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed 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 upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing these proposed regulations only on a reasoned determination that their benefits would justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows, the Department believes that these proposed regulations are consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs associated with this regulatory action are those resulting from statutory requirements and those we have determined to be necessary for administering the Department's programs and activities.

Clarity of the Regulations

Executive Order 12866 and the Presidential memorandum ''Plain Language in Government Writing'' require each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make these proposed regulations easier to understand, including answers to questions such as the following:

- Are the requirements in the proposed regulations clearly stated?
- Do the proposed regulations contain technical terms or other wording that interferes with their clarity?
- Does the format of the proposed regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- Would the proposed regulations be easier to understand if we divided them into more (but shorter) sections? (A

''section'' is preceded by the symbol ''§ '' and a numbered heading; for example, § 77.1 Definitions that apply to Department regulations.)

• Could the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed regulations easier to understand? If so, how?

• What else could we do to make the proposed regulations easier to understand?

To send any comments that concern how the Department could make these proposed regulations easier to understand, see the instructions in the **ADDRESSES** section.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities because the proposed regulations primarily clarify and update regulations previously published in the **Federal Register**.

Paperwork Reduction Act of 1995

These proposed regulations do not contain any changes to the Department's current information collection requirements.

Intergovernmental Review

These proposed regulations affect direct grant programs of the Department that are subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for these programs.

Assessment of Educational Impact

In accordance with section 411 of the General Education Provisions Act, 20 U.S.C. 1221e–4, the Secretary particularly requests comments on whether these proposed regulations would 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 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

34 CFR Part 75

Accounting, Copyright, Education, Grant programs-education, Inventions and patents, Private schools, Reporting and recordkeeping requirements.

34 CFR Part 77

Education, Grant programs-education.

Dated: October 15, 2014.

Arne Duncan,

Secretary of Education.

For the reasons discussed in the preamble, the Secretary proposes to amend parts 75 and 77 of title 34 of the Code of Federal Regulations as follows:

PART 75—DIRECT GRANT PROGRAMS

■ 1. The authority citation for part 75 continues to read as follows:

Authority: 20 U.S.C. 1221e–3 and 3474, unless otherwise noted.

■ 2. Section 75.210 is amended by revising paragraphs (h)(2)(viii) and (ix) to read as follows.

§ 75.210 General selection criteria.

* * * * *

(h) * * *

(2) * * *

(viii) The extent to which the methods of evaluation will, if well-implemented, produce evidence about the project's effectiveness that would meet the What Works Clearinghouse Evidence Standards without reservations. * * *

(ix) The extent to which the methods of evaluation will, if well-implemented, produce evidence about the project's effectiveness that would meet the What Works Clearinghouse Evidence Standards with reservations.

* * * * *

■ 3. Section 75.266 is redesignated as § 75.226 and the newly redesignated section is revised to read as follows:

§ 75.226 What procedures does the Secretary use if the Secretary decides to give special consideration to applications supported by strong evidence of effectiveness, moderate evidence of effectiveness, or evidence of promise?

(a) As used in this section, ''strong evidence of effectiveness'' is defined in 34 CFR 77.1(c);

(b) As used in this section, ''moderate evidence of effectiveness'' is defined in 34 CFR 77.1(c);

(c) As used in this section, ''evidence of promise'' is defined in 34 CFR 77.1(c); and

(d) If the Secretary determines that special consideration of applications supported by strong evidence of effectiveness, moderate evidence of effectiveness, or evidence of promise is appropriate, the Secretary may establish a separate competition under the procedures in 34 CFR 75.105(c)(3), or provide competitive preference under the procedures in 34 CFR 75.105(c)(2), for applications supported by:

(1) Evidence of effectiveness that meets the conditions set out in paragraph (a) of the definition of ''strong evidence of effectiveness'' in 34 CFR 77.1(c);

(2) Evidence of effectiveness that meets the conditions set out in either paragraph (a) or (b) of the definition of ''strong evidence of effectiveness'' in 34 CFR 77.1(c);

(3) Evidence of effectiveness that meets the conditions set out in the definition of ''moderate evidence of effectiveness;'' or

(4) Evidence of effectiveness that meets the conditions set out in the definition of ''evidence of promise.''

(Authority: 20 U.S.C. 1221e–3 and 3474.)

PART 77—DEFINITIONS THAT APPLY TO DEPARTMENT REGULATIONS

■ 4. The authority citation for part 77 continues to read as follows:

Authority: 20 U.S.C. 1221e–3 and 3474, unless otherwise noted.

■ 5. In § 77.1 paragraph(c) is amended by:

■ A. Revising the definitions of *Evidence of promise, Large sample, Moderate evidence of effectiveness, Quasi-experimental design study, Randomized controlled trial,* and *Strong evidence of effectiveness.*

■ B. Adding, in alphabetical order, the definition of *What Works Clearinghouse Evidence Standards.*

The revisions and addition read as follows:

§ 77.1 Definitions that apply to all Department programs.

* * * * *

(c) * * *

* * * * *

Evidence of promise means there is empirical evidence to support the theoretical linkage(s) between at least one critical component and at least one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice. Specifically, evidence of promise means the conditions in paragraphs (a) and (b) of this section are met:

(a) There is at least one study that is a—

(1) Correlational study with statistical controls for selection bias;

(2) Quasi-experimental design study that meets the What Works Clearinghouse Evidence Standards with reservations; or

(3) Randomized controlled trial that meets the What Works Clearinghouse Evidence Standards with or without reservations.

(b) The study referenced in paragraph (a) found a statistically significant or substantively important (defined as a difference of 0.25 standard deviations or larger) favorable association between at least one critical component and one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice.

* * * * *

Large sample means an analytic sample of 350 or more students (or other single analysis units), or 50 or more groups (such as classrooms or schools) that contain 10 or more students (or other single analysis units).

* * * * *

Moderate evidence of effectiveness means one of the following conditions is met:

(a) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the What Works Clearinghouse Evidence Standards without reservations, found a statistically significant favorable impact on a relevant outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse), and includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice.

(b) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the What Works Clearinghouse Evidence Standards with reservations, found a statistically significant favorable impact on a relevant outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse), includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice, and includes a large sample and a multi-site sample. (*Note:* multiple studies can cumulatively meet the large and multi-site sample requirements as long as each study meets the other requirements in this paragraph.)

* * * * *

Quasi-experimental design study means a study using a design that attempts to approximate an experimental design by identifying a comparison group that is similar to the treatment group in important respects. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards with reservations (but not What Works Clearinghouse Evidence Standards without reservations).

* * * * *

Randomized controlled trial means a study that employs random assignment of, for example, students, teachers, classrooms, schools, or districts to receive the intervention being evaluated (the treatment group) or not to receive the intervention (the control group). The estimated effectiveness of the intervention is the difference between the average outcomes for the treatment group and for the control group. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards without reservations.

* * * * *

Strong evidence of effectiveness means one of the following conditions is met:

(a) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the What Works Clearinghouse Evidence Standards without reservations, found a statistically significant favorable impact on a relevant outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse), includes a sample that overlaps with the populations and settings proposed to receive the process, product, strategy, or practice, and includes a large sample and a multi-site sample. (*Note:* multiple studies can cumulatively meet the large and multi-site sample requirements as long as each study meets the other requirements in this paragraph.)

(b) There are at least two studies of the effectiveness of the process, product, strategy, or practice being proposed, each of which: Meets the What Works Clearinghouse Evidence Standards with reservations, found a statistically significant favorable impact on a relevant outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the studies or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse), includes a sample that overlaps with the populations and settings proposed to receive the process, product, strategy, or practice, and includes a large sample and a multi-site sample.

* * * * *

What Works Clearinghouse Evidence Standards means the standards set forth in the What Works Clearinghouse Procedures and Standards Handbook (Version 3.0, March 2014), which can be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

* * * * *

[FR Doc. 2014–24929 Filed 10–21–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 222

[Docket No. 140829733–4733–01]

RIN 0648–BE35

2015 Annual Determination To Implement the Sea Turtle Observer Requirement

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

ACTION: Proposed rule.

SUMMARY: The National Marine Fisheries Service (NMFS) publishes a proposed Annual Determination (AD) for 2015, pursuant to its authority under

the Endangered Species Act (ESA). Through the AD, NMFS identifies U.S. fisheries operating in the Atlantic Ocean, Gulf of Mexico, and Pacific Ocean that will be required to take observers upon NMFS' request. The purpose of observing identified fisheries is to learn more about sea turtle interactions in a given fishery, evaluate measures to prevent or reduce sea turtle takes and to implement the prohibition against sea turtle takes. Fisheries identified on the 2015 AD (see Table 1) will be eligible to carry observers as of January 1, 2015 and will remain on the AD for a five year period. The fisheries listed on the final determination will be required to carry observers upon NMFS' request until December 31, 2019.

DATES: Comments must be received by November 21, 2014.

ADDRESSES: You may submit comments on the proposed rule, identified by ''NOAA–NMFS–2014–0108'' by any of the following methods:

- *Electronic Submissions:* Submit all electronic comments through the Federal eRulemaking portal: *http://www.regulations.gov* (follow instructions for submitting comments).
- *Mail:* Submit written comments to Chief, Marine Mammal and Sea Turtle Conservation Division, Attn: Sea Turtle Annual Determination, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

Comments regarding the burden-hour estimates, or any other aspect of the collection of information requirements contained in this rule, should be submitted in writing to Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, and to the Office of Information and Regulatory Affairs at *OIRA_submissions@omb.eop.gov.*

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (e.g., name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter ''N/A'' in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Sara McNulty, Office of Protected Resources, 301–427–8402; Ellen Keane, Greater Atlantic Region, 978–282–8476; Dennis Klemm, Southeast Region, 727–824–5312; Dan Lawson, West Coast Region, 562–980–3209; Irene Kelly, Pacific Islands Region, 808–725–5141. Individuals who use a telecommunications device for the hearing impaired may call the Federal Information Relay Service at 1–800–877–8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION:

Availability of Published Materials

Information regarding the Marine Mammal Protection Act (MMPA) List of Fisheries (LOF) may be obtained at *http://www.nmfs.noaa.gov/pr/interactions/lof/* and information regarding Marine Mammal Stock Assessment Reports may be obtained at *http://www.nmfs.noaa.gov/pr/sars/* or from any NMFS Regional Office at the addresses listed below:

- NMFS, Greater Atlantic Region, 55 Great Republic Drive, Gloucester, MA 01930;
- NMFS, Southeast Region, 263 13th Avenue South, St. Petersburg, FL 33701;
- NMFS, West Coast Region, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802;
- NMFS, Pacific Islands Region, Protected Resources, 1845 Wasp Blvd., Building 176. Honolulu, HI 96818.

Purpose of the Sea Turtle Observer Requirement

Under the ESA, 16 U.S.C. 1531 *et seq.,* NMFS has the responsibility to implement programs to conserve marine life listed as endangered or threatened. All sea turtles found in U.S. waters are listed as either endangered or threatened under the ESA. Kemp's ridley (*Lepidochelys kempii*), loggerhead (*Caretta caretta;* North Pacific distinct population segment), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) sea turtles are listed as endangered. Loggerhead (*Caretta caretta;* Northwest Atlantic distinct population segment), green (*Chelonia mydas*), and olive ridley (*Lepidochelys olivacea*) sea turtles are listed as threatened, except for breeding colony populations of green turtles in Florida and on the Pacific coast of Mexico, and breeding colony populations of olive ridleys on the Pacific coast of Mexico, which are listed as endangered. Due to the inability to distinguish between populations of green and olive ridley turtles away from the nesting beach, NMFS considers these turtles endangered wherever they occur in U.S. waters. While some sea turtle populations have shown signs of recovery, many populations continue to decline.

Incidental take, or bycatch, in fishing gear is the primary anthropogenic source of sea turtle injury and mortality in U.S. waters. Section 9 of the ESA prohibits the take (including harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting or attempting to engage in any such conduct), including incidental take, of endangered sea turtles. Pursuant to section 4(d) of the ESA, NMFS has issued regulations extending the prohibition of take, with exceptions, to threatened sea turtles (50 CFR 223.205 and 223.206). Section 11 of the ESA provides for civil and criminal penalties for anyone who violates a regulation issued to implement the prohibition of take and the issuance of regulations to enforce the take prohibitions. NMFS may grant exceptions to the take prohibitions with an incidental take statement or an incidental take permit issued pursuant to ESA section 7 or 10, respectively. To do so, NMFS must determine the activity that will result in incidental take is not likely to jeopardize the continued existence of the affected listed species. For some Federal fisheries and most state fisheries, NMFS has not granted an exception for incidental takes of sea turtles primarily because we lack information about fishery-sea turtle interactions.

The most effective way for NMFS to learn more about sea turtle-fishery interactions in order to implement the take prohibitions and prevent or minimize take is to place observers aboard fishing vessels. In 2007, NMFS issued a regulation (50 CFR 222.402) establishing procedures to annually identify, pursuant to specified criteria and after notice and opportunity for comment, those fisheries in which the agency intends to place observers (72 FR 43176, August 3, 2007). These regulations specify that NMFS may place observers on U.S. fishing vessels, commercial or recreational, operating in U.S. territorial waters, the U.S. exclusive economic zone (EEZ), or on the high seas, or on vessels that are otherwise subject to the jurisdiction of the United States. Failure to comply with the requirements under this rule may result in civil or criminal penalties under the ESA.

NMFS will pay the direct costs for vessels to carry observers. These include observer salary and insurance costs. NMFS may also evaluate other potential direct costs, should they arise. Once selected, a fishery will be eligible to be observed for a period of five years without further action by NMFS. This

will enable NMFS to develop an appropriate sampling protocol to investigate whether, how, when, where, and under what conditions incidental takes are occurring; to evaluate whether existing measures are minimizing or preventing takes; and to implement ESA take prohibitions and conserve turtles.

Process for Developing an Annual Determination

Pursuant to 50 CFR 222.402, NOAA's Assistant Administrator for Fisheries (AA), in consultation with Regional Administrators and Fisheries Science Center Directors, develops a proposed AD identifying which fisheries are required to carry observers, if requested, to monitor potential interactions with sea turtles. NMFS provides an opportunity for public comment on any proposed determination. The determination is based on the best available scientific, commercial, or other information regarding sea turtle-fishery interactions; sea turtle distribution; sea turtle strandings; fishing techniques, gears used, target species, seasons and areas fished; and/or qualitative data from logbooks or fisher reports. Specifically, this determination is based on the extent to which:

(1) The fishery operates in the same waters and at the same time as sea turtles are present;

(2) The fishery operates at the same time or prior to elevated sea turtle strandings; or

(3) The fishery uses a gear or technique that is known or likely to result in incidental take of sea turtles based on documented or reported takes in the same or similar fisheries; and

(4) NMFS intends to monitor the fishery and anticipates that it will have the funds to do so.

The AA uses the most recent version of the annually published MMPA List of Fisheries (LOF) as the comprehensive list of commercial fisheries for consideration. The LOF includes all known state and Federal commercial fisheries that occur in U.S. waters and on the high seas. However, in preparing an AD we do not rely on the three-part MMPA classification scheme used for fisheries on the LOF. In addition, unlike the LOF, an AD may include recreational fisheries likely to interact with sea turtles on the basis of the best available information.

NMFS consulted with appropriate state and Federal fisheries officials to identify which fisheries, both commercial and recreational, should be considered in the AD. Recommendations were received from six state agencies. Gear types recommended for consideration included gillnet, trawl, trap/pot, pound net, seine, and hook-and line. NMFS considered all recommendations carefully in developing the proposed list of fisheries to be included. Although the comments and recommendations provided to NMFS by states were based upon the best available information on their fisheries, NMFS received more recommendations for fisheries to include on the 2015 AD than is feasible to propose at this time based on the four previously noted criteria (50 CFR 222.402(a)). The proposed AD is not an exhaustive or comprehensive list of all fisheries with documented or suspected takes of sea turtles. For other fisheries, NMFS may already be addressing incidental take through another mechanism (e.g., rulemaking to implement modifications to fishing gear and/or practices), may be observing the fishery under a separate statutory authority, or will consider including them in future ADs based on the four previously noted criteria (50 CFR 222.402(a)). Note also that fisheries not included on the 2015 AD may still be observed under a different authority than the ESA (e.g., MMPA, MSA).

Notice of the final determination will be published in the **Federal Register** and made in writing to individuals permitted for each fishery identified on the AD. NMFS will also notify state agencies and provide notification through publication in local newspapers, radio broadcasts, and other means, as appropriate. Once included in the final determination, a fishery will remain eligible for observer coverage for a period of five years to enable the design of an appropriate sampling program and to ensure collection of sufficient scientific data for analysis. If NMFS determines that more than five years are needed to obtain sufficient scientific data, NMFS will include the fishery in the proposed AD again prior to the end of the fifth year.

In the 2010 AD, NMFS identified 19 fisheries that were required to carry observers for a period of five years, through December 31, 2014, if requested by NMFS. Because of a lack of resources to implement new observer programs or expand existing programs, NMFS has not identified any additional fisheries in the AD since 2010.

Review of Fisheries Listed on the 2010 AD

Eleven of the 19 fisheries listed on the 2010 AD are proposed for inclusion in the 2015 AD and are described further below. These fisheries include: The Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl fishery, California Halibut, White Seabass and Other Species Set Gillnet Fishery (>3.5 in mesh), California Yellowtail, Barracuda, and White Seabass Drift Gillnet Fishery (mesh size >3.5 in. and <14 in.), Chesapeake Bay Inshore Gillnet Fishery, Long Island Inshore Gillnet Fishery, North Carolina Inshore Gillnet Fishery, Atlantic blue crab trap/pot, Atlantic Mixed Species Trap/Pot Fishery, Northeast/Mid-Atlantic American lobster trap/pot, Mid-Atlantic Haul/Beach Seine Fishery, and the Mid-Atlantic menhaden purse seine.

There were eight fisheries included on 2010 AD that are not proposed for inclusion in the 2015 AD. However, NMFS may determine that any of these fisheries should be included in a subsequent AD. A summary of these eight fisheries is provided below.

Atlantic Shellfish Bottom Trawl Fishery

The Atlantic shellfish bottom trawl fishery (estimated >58 vessels/persons) encompasses the calico scallop trawl, crab trawl, Georgia/South Carolina/Maryland whelk trawl, Gulf of Maine/Mid-Atlantic sea scallop trawl, and Gulf of Maine northern shrimp trawl (71 FR 2006, January 4, 2006). This fishery extends from Maine through Florida. The fishery is managed through Federal and interstate fishery management plans (FMPs).

This fishery is classified as Category III on the MMPA LOF; however, portions of the fishery have been observed at low levels under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) authority and by the Georgia Department of Natural Resources (GA DNR). Since 2010, under the authority of the MSA, and the AD, NMFS has observed trips in this fishery, including 33 trips in 2010, 10 trips in 2011, 12 trips in 2012, and 20 trips in 2013.

Bottom trawl gear is known to interact with sea turtles. However, as noted above, this fishery is currently observed under MSA authority. In accordance with the criteria for listing a fishery on the AD, described above, NMFS is not proposing this fishery for inclusion in the 2015 AD because NMFS does not intend to monitor the fishery beyond the existing coverage.

Mid-Atlantic Bottom Trawl Fishery

Bottom otter trawl nets include a variety of net types, including flynets, which are high profile trawls. The Mid-Atlantic bottom trawl fishery includes both the Mid-Atlantic bottom trawl fishery and the Mid-Atlantic flynet fishery as defined on the LOF.

The Mid-Atlantic bottom trawl fishery (631 vessels/persons), uses bottom trawl

gear to target species including, but not limited to, bluefish, croaker, monkfish, summer flounder (fluke), winter flounder, silver hake (whiting), spiny dogfish, smooth dogfish, scup, and black sea bass. The fishery occurs year-round from Cape Cod, Massachusetts, to Cape Hatteras, North Carolina, in waters west of 72°30′ W. long. and north of a line extending due east from the North Carolina/South Carolina border. The gear is managed by several state and Federal FMPs.

The Mid-Atlantic bottom trawl fishery and the Mid-Atlantic flynet fishery are currently classified as Category II on the MMPA LOF, which authorizes NMFS to observe these fisheries for marine mammal interactions, and to collect information on sea turtles should a take occur on an observed trip. These fisheries are also observed through MSA authority. Between 2007–2011, estimated observer coverage year-round in this fishery was 3%, 3%, 5%, 6%, and 8%, respectively, as reported in NOAA Technical Memorandum NMFS–NE–228, the U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments—2013.

Bottom trawl gear is known to interact with sea turtles. However, as noted above, components of this fishery are currently observed under MSA and MMPA authority. In accordance with the criteria for listing a fishery on the AD, described above, NMFS is not proposing this fishery for inclusion in the 2015 AD because NMFS does not intend to monitor the fishery beyond the existing coverage.

Mid-Atlantic Mid-Water Trawl (Including Pair Trawl) Fishery

The Mid-Atlantic mid-water trawl fishery (estimated 322 vessels/persons) primarily targets Atlantic mackerel, chub mackerel, and miscellaneous other pelagic species. This fishery consists of both single and pair trawls, which are designed, capable, or used to fish for pelagic species with no portion of the gear designed to be operated in contact with the bottom. The fishery for Atlantic mackerel occurs primarily from southern New England through the Mid-Atlantic from January to March and in the Gulf of Maine during the summer and fall (May to December).

The Mid-Atlantic mid-water trawl fishery is currently classified as Category II on the MMPA LOF, which authorizes NMFS to observe this fishery for marine mammal interactions, and to collect information on sea turtles should a take occur on an observed trip. During 2007–2011, estimated observer coverage year-round in this fishery was 3.9%, 13%, 13%, 25%, and 41% respectively, as reported in NOAA Technical Memorandum NMFS–NE–228, the U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments—2013. Trawl gear is known to interact with sea turtles. However, as noted above, this fishery is currently observed under MSA and MMPA authority. In accordance with the criteria for listing a fishery on the AD, described above, NMFS is not proposing this fishery for inclusion in the 2015 AD because NMFS does not intend to monitor the fishery beyond the existing coverage.

Mid-Atlantic Gillnet Fishery

The Mid-Atlantic gillnet fishery (estimated 5,509 vessels/persons) targets monkfish, spiny dogfish, smooth dogfish, bluefish, weakfish, menhaden, spot, croaker, striped bass, large and small coastal sharks, Spanish mackerel, king mackerel, American shad, black drum, skate spp., yellow perch, white perch, herring, scup, kingfish, spotted seatrout, and butterfish. The fishery uses drift and sink gillnets, including nets set in a sink, stab, set, strike, or drift fashion, with some unanchored drift or sink nets used to target specific species. The dominant material is monofilament twine with stretched mesh sizes from 2.5–12 in. (6.4–30.5 cm), and string lengths from 150–8,400 ft. (46–2,560 m). This fishery operates year-round west of a line drawn at 72°30′ W. long. south to 36°33.03′ N. lat. and east to the eastern edge of the EEZ and north of the North Carolina/South Carolina border, not including waters where inshore gillnet fisheries (i.e., Chesapeake Bay, North Carolina, Long Island Sound inshore gillnet fisheries) operate in bays, estuaries, and rivers. This fishery includes any residual large pelagic driftnet effort in the Mid-Atlantic and any shark and dogfish gillnet effort in the Mid-Atlantic zone described. The fishing occurs right off the beach (6 ft. [1.8 m]) or in nearshore coastal waters to offshore waters (250 ft. [76 m]).

Gear in this fishery is managed by several Federal FMPs and Interstate FMPs managed by the Atlantic States Marine Fisheries Commission (ASMFC). These fisheries are primarily managed by total allowable catch (TAC); individual trip limits (quotas); effort caps (limited number of days at sea per vessel); time and area closures; and gear restrictions and modifications.

This fishery is classified as Category I on the MMPA LOF, which authorizes NMFS to observe this fishery in state and Federal waters for marine mammal interactions and to collect information on sea turtles should a take occur on an observed trip. During 2007–2011, estimated observer coverage year-round in this fishery was 6%, 3%, 3%, 4%, and 2% respectively, as reported in NOAA Technical Memorandum NMFS–NE–228, the U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments—2013.

Gillnet gear is known to interact with sea turtles. However, as noted above, this fishery is currently observed under MSA and MMPA authority. In accordance with the criteria for listing a fishery on the AD, described above, NMFS is not proposing this fishery for inclusion in the 2015 AD because NMFS does not intend to monitor the fishery beyond the existing coverage.

Northeast Sink Gillnet Fishery

The Northeast sink gillnet fishery (estimated 4,375 vessels/persons) targets Atlantic cod, haddock, pollock, yellowtail flounder, winter flounder, witch flounder, American plaice, windowpane flounder, spiny dogfish, monkfish, silver hake, red hake, white hake, ocean pout, skate spp, mackerel, redfish, and shad. This fishery uses sink gillnet gear, which is anchored gillnet (bottom-tending net) gear fished in the lower one-third of the water column. The dominant material is monofilament twine with stretched mesh sizes from 6–12 in (15–30.5 cm) and string lengths from 600–10,500 ft. (183–3,200 m), depending on the target species. Large mesh (10–14 in [25–35.6 cm]) sink gillnets, either tied down or set upright without floats using a polyfoam core floatline, are used when targeting monkfish. The fishery operates from the U.S.-Canada border to Long Island, New York, at 72°30′ W. long. south to 36°33.03′ N. lat. (corresponding with the Virginia/North Carolina border) and east to the eastern edge of the EEZ, including the Gulf of Maine, Georges Bank, and Southern New England, and excluding Long Island Sound or other waters where gillnet fisheries are classified as Category III on the MMPA LOF. Fishing effort occurs year-round, peaking from May to July primarily on continental shelf regions in depths from 30–750 ft. (9–228.6 m), with some nets deeper than 800 ft. (244 m).

Several interstate and Federal FMPs manage this fishery. In addition, the Atlantic Large Whale Take Reduction Plan and the Harbor Porpoise Take Reduction Plan manage the fishery to reduce the risk of entanglement of right, humpback, and fin whales, and harbor porpoises, respectively. The fishery is primarily managed through TAC limits; individual trip limits (quotas); effort caps (limited number of days at sea per vessel); time and area closures; and gear restrictions.

This fishery is classified as Category I on the MMPA LOF, which authorizes NMFS to observe this fishery in state and Federal waters for marine mammal interactions and to collect information on sea turtles should a take occur on an observed trip. During 2007–2011, estimated observer coverage year-round in this fishery was 7%, 5%, 4%, 17%, and 19% respectively, as reported in NOAA Technical Memorandum NMFS–NE–228, the U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments—2013.

Gillnet gear is known to interact with sea turtles. However, as noted above, this fishery is currently observed under MSA and MMPA authority. In accordance with the criteria for listing a fishery on the AD, described above, NMFS is not proposing this fishery for inclusion in the 2015 AD because NMFS does not intend to monitor the fishery beyond the existing coverage.

Southeast Atlantic Gillnet Fishery

The Southeast Atlantic gillnet fishery (estimated 357 vessels/persons) targets finfish, including king mackerel, Spanish mackerel, whiting, bluefish, pompano, spot, croaker, little tunny, bonita, jack crevalle, cobia, and striped mullet. This fishery does not include gillnet effort targeting sharks as part of the Southeastern U.S. Atlantic shark gillnet fishery. This fishery uses gillnets set in sink, stab, set, or strike fashion. The fishery operates in waters south of a line extending due east from the North Carolina-South Carolina border and south and east of the fishery management council demarcation line between the Atlantic Ocean and the Gulf of Mexico. The majority of fishing effort occurs in Federal waters since South Carolina, Georgia, and Florida prohibit the use of gillnets, with limited exceptions, in state waters.

Fishing for king mackerel, Spanish mackerel, cobia, cero, and little tunny in Federal waters is managed under the Coastal Migratory Pelagic Resources FMP. None of the other target species are Federally-managed under the MSA. In state waters, state and ASMFC Interstate FMPs apply.

This fishery is classified as Category II on the MMPA LOF, which authorizes NMFS to observe this fishery in state and federal waters for marine mammal interactions, and to collect information on sea turtles should a take occur on an observed trip. NMFS has previously observed this fishery at moderate levels, primarily focused on target catch and bycatch species other than sea turtles. No observer coverage has been achieved since this fishery was listed on the 2010 AD. NMFS is not proposing this fishery for inclusion in the 2015 AD as NMFS does not intend to monitor this fishery specifically for sea turtles at this time.

Virginia Pound Net Fishery

The Virginia pound net fishery (estimated 67 vessels/persons) targets species, including croaker, menhaden, striped bass, and spot, using stationary gear in nearshore Virginia waters, primarily in the Chesapeake Bay and its tributaries. Pound net gear includes a leader posted perpendicular to the shoreline and extending outward, which funnels the fish into the pound, where the catch accumulates. This fishery includes all pound net effort in Virginia State waters, including waters inside the Chesapeake Bay. The fishery is managed under Interstate FMPs for Atlantic croaker and spot.

The Virginia pound net fishery is currently classified as Category II on the MMPA LOF, which authorizes NMFS to observe this fishery for marine mammal interactions, and to collect information on sea turtles should a take occur on an observed trip. Loggerhead, Kemp's ridley, leatherback, and green turtles have been observed taken in this fishery. The Northeast Fisheries Observer Program conducted monitoring in this fishery in 2009 from August 23 to October 4 and in 2010 from mid-May to early August.

NMFS currently requires the use of a modified pound net leader in certain areas of the Chesapeake Bay to reduce entanglements of sea turtles in this gear type (71 FR 36024, June 23, 2006). This fishery operates at the same time as historically elevated sea turtle strandings.

On April 17, 2014, NMFS published a proposed rule (79 FR 21695) to amend the Bottlenose Dolphin Take Reduction Plan (BDTRP) and its implementing regulations under the Marine Mammal Protection Act (MMPA). The BDTRP rule proposes the year-round use of modified pound net leaders for offshore Virginia pound nets in specified waters of the lower mainstem Chesapeake Bay and coastal state waters. Virginia pound net-related definitions, gear prohibitions, and non-regulatory measures are also proposed. Both regulatory and non-regulatory measures proposed in that rule are based on the Bottlenose Dolphin Take Reduction Team's consensus recommendations. The implementation of this final regulation would benefit sea turtles.

While the Virginia pound net fishery remains a concern for sea turtle incidental take, NMFS is not proposing its inclusion on the 2015 AD because NMFS does not intend to monitor the fishery at this time. Existing regulations to address sea turtle mortality in the pound net leaders and proposed regulations to address bottlenose dolphin mortality in pound net leaders provide benefit to sea turtles. Further, most of the takes that occur in the pound are live turtles that are released uninjured and, when observed, an alternative platform is used.

U.S. Mid-Atlantic Mixed Species Stop Seine/Weir/Pound Net (Except the North Carolina Roe Mullet Stop Net) Fishery

The Mid-Atlantic mixed species stop seine/weir/pound net fishery (unknown number of vessels/persons) targets several species, including, but not limited to, weakfish, striped bass, shark, catfish, menhaden, flounder, gizzard shad, and white perch. The fishery uses fixed or staked net gear (pound net, weir, staked trap) from Nantucket Sound to Chesapeake Bay (60 FR 31681, June 16, 1995); the Virginia pound net and the North Carolina roe mullet stop net fisheries are not included as part of this fishery.

This fishery is classified as Category III on the MMPA LOF and was listed on the 2010 AD, but it has never been observed. As discussed above, this gear type is known to interact with sea turtles, however, NMFS does not intend to monitor the fishery at this time and is not proposing this fishery for inclusion in the 2015 AD.

Implementation of Observer Coverage in a Fishery Listed in the 2015 AD

As part of the proposed 2015 AD, NMFS has included, to the extent practicable, information on the fisheries or gear types to be observed, geographic and seasonal scope of coverage, and any other relevant information. For each of these fisheries or gear types, NMFS intends to monitor the fishery and anticipates that it will have the funds to do so. After publication of a final AD, a 30-day delay in effective date for implementing observer coverage will follow, except for those fisheries where the AA has determined that there is good cause pursuant to the Administrative Procedure Act to make the rule effective without a 30-day delay.

The design of any observer program for fisheries identified through the AD process, including how observers would be allocated to individual vessels, will vary among fisheries, fishing sectors, gear types, and geographic regions and will ultimately be determined by the individual NMFS Regional Office, Science Center, and/or observer program. During the program design, NMFS will be guided by the following

standards for distributing and placing observers among fisheries identified in the AD and among vessels in those fisheries:

(1) The requirement to obtain the best available scientific information;

(2) The requirement that observers be assigned fairly and equitably among fisheries and among vessels in a fishery;

(3) The requirement that no individual person or vessel, or group of persons or vessels, be subject to inappropriate, excessive observer coverage; and

(4) The need to minimize costs and avoid duplication, where practicable.

Vessels subject to observer coverage under the AD must comply with observer safety requirements specified at 50 CFR 600.725 and 50 CFR 600.746. Specifically, 50 CFR 600.746(c) requires vessels to provide adequate and safe conditions for carrying an observer and conditions that allow for operation of normal observer functions. To provide such conditions, a vessel must comply with the applicable regulations regarding observer accommodations (see 50 CFR parts 229, 300, 600, 622, 635, 648, 660, and 679) and possess a current United States Coast Guard Commercial Fishing Vessel Safety Examination decal or a USCG certificate of examination. A vessel that fails to meet these requirements at the time an observer is to be deployed on the vessel is prohibited from fishing (50 CFR 600.746(f)) unless NMFS determines that an alternative platform (e.g., a second vessel) may be used, or determines that a vessel with inadequate or unsafe facilities is not required to take an observer under 50 CFR 222.404. In any case, all fishermen on a vessel must cooperate in the operation of observer functions. Observer programs designed or carried out in accordance with 50 CFR 222.404 would be required to be consistent with existing observer-related NOAA policies and regulations, such as those under the Fair Labor and Standards Act (29 U.S.C. 201 *et seq.*), the Service Contract Act (41 U.S.C. 351 *et seq.*), Observer Health and Safety regulations (50 CFR part 600), and other relevant policies.

Again, note that fisheries not included on the 2015 AD may still be observed under a different authority than the ESA (e.g., MMPA, MSA). Additional information on observer programs in commercial fisheries can be found on the NMFS National Observer Program's Web site: *http://www.st.nmfs.noaa.gov/observer-home/;* links to individual regional observer programs may also be found on this Web site.

Sea Turtle Distribution

Atlantic Ocean and Gulf of Mexico

Sea turtle species found in waters of the Atlantic Ocean and Gulf of Mexico include green, hawksbill, Kemp's ridley, leatherback, and loggerhead turtles. The waters off the U.S. east coast and Gulf of Mexico provide important foraging, breeding, and migrating habitat for these species. Further, the southeastern United States, from North Carolina through the Florida Gulf coast, is a major sea turtle nesting area for loggerhead, leatherback, and green turtles, and, to a lesser extent, Kemp's ridley and hawksbill turtles.

Four species—green, Kemp's ridley, leatherback, and loggerhead turtles—occur seasonally in New England and Mid-Atlantic continental shelf waters north of Cape Hatteras, North Carolina. The occurrence of these species in these waters is largely temperature dependent. In general, some turtles move up the coast from southern wintering areas as water temperatures warm in the spring. The trend is reversed in the fall as water temperatures decrease. By December, turtles that migrated northward have returned to more southern waters for the winter. Hard-shelled species are most commonly found south of Cape Cod, Massachusetts. Leatherbacks are regularly found as far north in U.S. waters as the Gulf of Maine in the summer and fall.

Green turtles are found in inshore and nearshore waters from Texas to Massachusetts, the U.S. Virgin Islands, and Puerto Rico. While foraging and developmental habitats also occur in the wider Caribbean, important feeding areas in Florida include the Indian River Lagoon, the Florida Keys, Florida Bay, Homosassa, Crystal River, Cedar Key, and St. Joseph Bay. The bays and sounds of North Carolina also provide important foraging habitat for green turtles.

In the Atlantic, hawksbills are most common in Puerto Rico and its associated islands and in the U.S. Virgin Islands. In the continental United States, the species is primarily recorded from south Texas and south Florida and infrequently from the remaining Gulf states and north of Florida. Kemp's ridleys are distributed throughout waters of the Gulf of Mexico and U.S. Atlantic coast from Florida to New England. The major nesting area for Kemp's ridleys is in Tamaulipas, Mexico, with limited nesting extending to the Texas coast.

Loggerheads occur throughout the Atlantic and Gulf of Mexico, ranging from inshore shallow water habitats to deeper oceanic waters. The largest nesting assemblage of loggerheads in the world is found in the southeastern United States.

Adult leatherbacks are capable of tolerating a wide range of water temperature, and have been sighted along the entire continental coast of the United States as far north as the Gulf of Maine and south to Puerto Rico, the U.S. Virgin Islands, and into the Gulf of Mexico. The southeast coast of Florida represents a small, but growing, nesting area for leatherbacks in the western North Atlantic.

U.S. Pacific Ocean

Leatherback sea turtles are found consistently off the U.S. west coast, usually north of Point Conception, California. They are known to migrate to central and northern California from their natal beaches in the Western Pacific to feed on jellyfish during summer and fall. Leatherback turtles usually appear in Monterey Bay and California coastal waters during August and September and move offshore in October and November. Other observed areas of summer leatherback concentration include northern California and the waters off Washington through northern Oregon, offshore from the Columbia River plume.

Green, loggerhead, and olive ridley sea turtles are rarely observed in the west coast EEZ, but records show that all species have stranded in California and the Pacific Northwest. Two small resident populations of green turtles have been identified in the southern California Bight, associated historically with the warm water outflows from power plants in San Diego Bay and the San Gabriel River in Long Beach, California. In the eastern Pacific, loggerheads have been reported as far north as Alaska and as far south as Chile. Occasional sightings are reported from the coasts of Washington and Oregon, but most records are of juveniles off the coast of California. Based upon limited observer records, loggerheads travel into the southern California Bight during El Niño events (or warm water conditions similar to an El Niño). The majority of fishery interactions with loggerheads during El Niño conditions have occurred during the summer. Olive ridleys have been recorded stranded all along the U.S. west coast. Olive ridleys are believed to use warm water currents along the west coast for foraging. The specific distribution of olive ridleys along the U.S. west coast is unknown at this time.

Sea turtles occur throughout the Pacific Islands Region including the

State of Hawaii and the U.S. territories of Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands (CNMI). Green and hawksbill turtles are most common in nearshore waters while leatherbacks, loggerheads, and olive ridleys occur in offshore pelagic waters. Stock structure and population dynamics for some species in this region are poorly understood.

Sea Turtle Strandings

NMFS reviewed data collected by the Sea Turtle Stranding and Salvage Network (STSSN) to identify stranding trends and inform development of this proposed rule. The STSSN along the U.S. Atlantic and Gulf of Mexico coasts has documented strandings of six species: Loggerhead, Kemp's ridley, green, leatherback, hawksbill, and olive ridley turtles, with loggerheads consistently representing the highest number of strandings. The Southeast United States consistently records the highest level of strandings during any given month, each year. Loggerhead sea turtles represent the highest number of annual strandings, followed by Kemp's ridley. Since 2010, the number of sea turtle strandings reported in the Northern Gulf of Mexico has increased, with Kemp's ridley strandings occurring in the highest numbers.

Based on the data reviewed, strandings have occurred in each month of the year, in the Northeast Atlantic, the Southeast Atlantic and the Gulf of Mexico; however, distinct trends are notable within each of these regions. In the Gulf and Southeast U.S. Atlantic regions, strandings consistently occur in every month of the year. In the Gulf region, the highest concentration of strandings occurs from March to July, with a notable peak in April and May. In the Southeast Atlantic region, the highest concentration of strandings occurs from March to November, with a notable peak in May and June. In the Northeast Atlantic region, strandings predominately occur between May and November of each year, with the highest concentration of strandings between June and September; strandings are uncommon in the winter and early spring.

On the U.S. west coast, strandings are infrequent compared to the Atlantic and Gulf of Mexico coasts. This is primarily due to species abundance and distribution. The STSSN in California has documented strandings of five species: Green, leatherback, loggerhead, hawksbill, and olive ridley turtles. Strandings were documented in all months; data indicate a peak in strandings between July and October. Green turtles represent the highest number of strandings.

In the Pacific Islands region, strandings occur throughout the year, primarily green turtles and secondarily hawksbills in Hawaii, Guam, American Samoa, and CNMI. In Oregon and Washington, very few strandings are reported. Historical records include a few green, loggerhead, and olive ridley strandings.

Fisheries Proposed for Inclusion on the 2015 Annual Determination

NMFS is proposing to include 14 fisheries (12 in the Atlantic Ocean/Gulf of Mexico and 2 in the Pacific Ocean) on the 2015 AD. The 14 fisheries, described below and listed in Table 1, represent several gear types, including trawl, gillnet, trap/pot, and weir/seine.

The 2014 LOF (78 FR 73477) was used as the comprehensive list of commercial fisheries to evaluate for inclusion on the AD. The fishery name, definition, and number of vessels/persons for fisheries listed on the AD are taken from the most recent LOF. Additionally, the fishery descriptions below include a particular fishery's current classification on the MMPA LOF (i.e., Category I, II, or III); Category I and II fisheries are required to carry observers under the MMPA if requested by NMFS. As noted previously, NMFS also has authority to observe fisheries in Federal waters under the MSA and collect sea turtle bycatch information.

Trawl Fisheries

Interactions with trawl fisheries are of particular concern for sea turtles, because forced submergence in any type of restrictive gear can lead to lack of oxygen and subsequent death by drowning. Metabolic changes that can impair a sea turtle's ability to function can occur within minutes of forced submergence (Lutcavage *et al.,* 1997).

Trawls that are not outfitted with turtle excluder devices (TEDs) may result in forced submergence. Currently, only otter trawl fisheries capable of catching shrimp and operating south of Cape Charles, Virginia, and in the Gulf of Mexico as well as trawl fisheries targeting summer flounder south of Cape Charles, Virginia, in the summer flounder fishery-sea turtle protection area (50 CFR 222.102) are required to use TEDs.

Southeastern U.S. Atlantic, Gulf of Mexico Shrimp Trawl Fishery

The Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl fishery (estimated 4950 vessels/persons) targets shrimp using various types of trawls; NMFS will focus on the component of the fishery that uses skimmer trawls for the 2015 AD. Skimmer trawls are used primarily in inshore/inland shallow waters (typically less than 20 ft. (6.1 m)) to target shrimp. The skimmer trawl has a rigid ''L''-shaped or triangular metal frame with the inboard portion of the frame attached to the vessel and the outboard portion attached to a skid that runs along the seabed.

Skimmer trawl use increased in response to TED requirements for shrimp bottom otter trawls. Skimmer trawls currently have no TED requirement but are subject to tow time limits of 55 minutes from April 1 to October 31 and 75 minutes from November 1 to March 31. Skimmer trawls are used in North Carolina, Florida (Gulf Coast), Alabama, Mississippi, and Louisiana. There are documented takes of sea turtles in skimmer trawls in North Carolina and the Gulf of Mexico. All Gulf of Mexico states, except Texas, include skimmer trawls as an allowable gear. In recent years, the skimmer trawl has become a major gear in the inshore shrimp fishery in the Northern Gulf and also has some use in inshore North Carolina. Louisiana hosts the vast majority of skimmer boats, with 2,248 skimmer and butterfly net trawlers reporting landings in 2008. In 2008, Mississippi had approximately 62 active skimmer, butterfly, and chopstick boats, Alabama had 60 active skimmer boats, and North Carolina had 97 skimmer vessels (NMFS 2014). However, skimmer vessels in North Carolina have declined in recent years to 64 active vessels in 2010.

Skimmer trawl effort overlaps with sea turtle distribution, and as noted above, takes have been reported. Although subject to tow times, the magnitude of sea turtle takes in this fishery are not well understood. In response to high numbers of sea turtle strandings since 2010, fishery observer effort was shifted from otter trawls to the inshore skimmer trawl fishery in the northern Gulf of Mexico during the summers of 2012, 2013, and 2014. In 2012, 119 sea days were observed in the skimmer fishery resulting in 24 sea turtles observations. In 2013, 145 sea days were observed, resulting in 8 sea turtle observations. To date in 2014, 10 sea turtles have been observed in the skimmer trawl fishery.

Continued observer coverage to understand the scope and impact of turtle takes in this fishery is needed to implement the prohibitions of take, inform management decisions on what actions may be necessary to minimize and prevent sea turtle takes, and further sea turtle conservation and recovery.

The Southeastern U.S. Atlantic/Gulf of Mexico shrimp trawl fishery is classified as Category II on the MMPA LOF, and mandatory observer coverage in Federal waters began in 2007 under the MSA. The fishery is currently observed at approximately 1% of total fishery effort. The fishery was previously included in the 2010 AD, which allowed for observer coverage to be shifted to skimmer trawls to specifically investigate bycatch of sea turtles. NMFS proposes to again include this fishery pursuant to the criteria identified at 50 CFR 222.402(a)(1) for including a fishery in the AD, because sea turtles are known to occur in the same areas where the fishery operates, takes have been previously documented in this fishery, and NMFS intends to continue to focus observer coverage in the component of the fishery that uses skimmer trawls.

Gulf of Mexico Mixed Species Trawl Fishery

The Gulf of Mexico Mixed Species Trawl Fishery (estimated 20 vessels/persons) targets fish using various types of trawl gear, including bottom otter trawl gear targeting sheepshead. This fishery is located in state waters, and is classified as Category III on the MMPA LOF. NMFS has not previously required vessels operating in this fishery to carry an observer under MMPA authority, and this fishery was not included in the 2010 AD. NMFS proposes to include this fishery in the 2015 AD pursuant to the criteria identified at 50 CFR 222.402(a)(1) for including a fishery in the AD, because sea turtles are known to occur in the same areas where the fishery operates, takes have been documented in similar gear types, mainly the shrimp trawl fishery, and NMFS intends to monitor this fishery.

Gillnet Fisheries

Sea turtles are vulnerable to entanglement and drowning in gillnets, especially when the gear is left unattended. The main risk to sea turtles from capture in gillnet gear is forced submergence. Sea turtle entanglement in gillnets can also result in severe constriction wounds and/or abrasions. Large mesh gillnets (e.g., 10–12 in. [25.4–30.5 cm] stretched mesh or greater) have been documented as particularly effective at capturing sea turtles. Additionally, sea turtles have been documented entangled in smaller mesh gillnets.

Given known interactions between sea turtles and this gear type, and the need to obtain more coverage on state inshore fisheries, NMFS proposes to include the California Halibut, White Seabass and Other Species Set Gillnet Fishery; California Yellowtail, Barracuda, and White Seabass Drift Gillnet Fishery; Chesapeake Bay Inshore Gillnet Fishery; Long Island Inshore Gillnet Fishery; North Carolina Inshore Gillnet Fishery; and Gulf of Mexico Gillnet Fishery in the 2015 AD. Each of these fisheries, with the exception of the Gulf of Mexico Gillnet Fishery, was listed on the 2010 AD.

California Halibut, White Seabass and Other Species Set Gillnet Fishery (>3.5 in Mesh)

The California halibut, white seabass, and other species set gillnet fishery (estimated 50 vessels/persons) targets halibut, white seabass, and other species from the U.S.-Mexico border north to Monterey Bay using 200 fathom (1,200 ft.; 366 m) gillnets with a stretch mesh size of 8.5 in (31.6 cm). Net soak duration is typically 8–10, 19–24, or 44–49 hours at a depth ranging from 15–50 fathoms (90–300 ft.; 27–91 m), with most sets from 15–35 fathoms (90–210 ft.; 27–64 m). No more than 1500 fathoms (9,000 ft.; 2,743 m) of gill or trammel net may be fished in combination for California halibut and angel shark. Fishing occurs year-round, with effort generally increasing during summer months and declining during the last three months of the year. The central California portion of the fishery from Point Arguello to Point Reyes has been closed since September 2002, following a state ban on gillnets inshore of 60 fathoms (360 ft.; 110 m). Since 1990, set gill nets have been prohibited in state waters south of Point Arguello and within 70 fathoms (420 ft.; 128 m) or one mile (1.6 km), whichever is less, around the Channel Islands. The California Department of Fish and Game (CDFG) manages the fishery as a limited entry fishery with gear restrictions and area closures.

This fishery is classified as Category II on the MMPA LOF, which authorizes NMFS to observe this fishery in state waters for marine mammal interactions and to collect information on sea turtles should a take occur on an observed trip. This fishery was included in the 2010 AD. This fishery was observed at 13% of all trips in 2010, 8% in 2011, and 6% in 2012. During that time, no sea turtle bycatch was observed in the fishery. NMFS proposes to again include this fishery pursuant to the criteria identified at 50 CFR 222.402(a)(1) for including a fishery in the AD, because it operates in the same waters that turtles are known to occur, this gear type is known to result in the incidental take of sea turtles based on documented takes, and NMFS intends to monitor this fishery.

California Yellowtail, Barracuda, and White Seabass Drift Gillnet Fishery (Mesh Size >3.5 in. and <14 in.)

The California yellowtail, barracuda, and white seabass drift gillnet fishery (30 vessels/persons) targets primarily yellowtail and white seabass, and secondarily barracuda, with target species typically determined by market demand on a short-term basis. Drift gillnets are up to 6,000 ft. (1,829 m) long and are set at the surface. The mesh size depends on target species and is typically 6.0–6.5 in (15–16.5 cm). When targeting yellowtail and barracuda, the mesh size must be ≥3.5 in (9 cm); when targeting white seabass, the mesh size must be ≥6 in (15.2 cm). From June 16 to March 14 not more than 20 percent, by number, of a load of fish may be white seabass with a total length of 28 in (71 cm). A maximum of ten white seabass per load may be taken if taken in gillnet or trammel nets with meshes from 3.5–6.0 in (9–15 cm) in length. The fishery operates year-round, primarily south of Point Conception with some effort around San Clemente Island and San Nicolas Island. This fishery is a limited entry fishery with various gear restrictions and area closures managed by the CDFG.

This fishery is classified as Category II on the MMPA LOF, which authorizes NMFS to observe this fishery in state waters for marine mammal interactions and to collect information on sea turtles should a take occur on an observed trip. This fishery was included in the 2010 AD. This fishery was observed at 5% of all trips in 2010, 3% in 2011, and 1% in 2012. During that time, no sea turtle bycatch was observed in the fishery. NMFS proposes to again include this fishery pursuant to the criteria identified at 50 CFR 222.402(a)(1) for including a fishery in the AD because it operates in the same waters that turtles are known to occur, this gear type is known to result in the incidental take of sea turtles based on documented takes, and NMFS intends to monitor this fishery.

Chesapeake Bay Inshore Gillnet Fishery

The Chesapeake Bay inshore gillnet fishery (estimated 1,126 vessels/persons) targets menhaden and croaker using gillnet gear with mesh sizes ranging from 2.875–5 in (7.3–12.7 cm), depending on the target species. The fishery operates between the Chesapeake Bay Bridge-Tunnel and the mainland. The fishery is managed under the Interstate FMPs for Atlantic menhaden and Atlantic croaker. Gillnets

in Chesapeake Bay also target striped bass and spot.

This fishery is classified as Category II on the MMPA LOF and was included in the 2010 AD. There has been limited observer coverage in this fishery since 2010, with 12 observed trips in 2010, 1 observed trip in 2011, and 3 observed trips in 2013. To date, observer coverage in gillnet fisheries has focused on Federally-managed fisheries. There is a need to better understand the gear fished in state waters and the extent to which this gear interacts with sea turtles. Given the risk of interaction and the limited data currently available on interactions, NMFS proposes to again include this fishery pursuant to the criteria identified at 50 CFR 222.402(a)(1) for listing a fishery on the AD because sea turtles are known to occur in the same areas where the fishery operates, takes have been previously documented in similar gear, the fishery operates during a period of high sea turtle strandings, and NMFS intends to monitor this fishery.

Long Island Inshore Gillnet Fishery

The Long Island Sound inshore gillnet fishery (estimated 20 vessels/persons) includes all gillnet fisheries operating west of a line from the north fork of the eastern end of Long Island, New York (Orient Point to Plum Island to Fishers Island) to Watch Hill, Rhode Island (59 FR 43703, August 25, 1994). Target species include bluefish, striped bass, weakfish, and summer flounder.

This fishery is classified as Category II on the MMPA LOF and was included in the 2010 AD. There has been limited observer coverage in this fishery since 2010. To date, observer coverage in gillnet fisheries has focused on Federally-managed fisheries. However, the NMFS Northeast Fisheries Observer Program has worked with the state of New York to develop a plan to achieve observer coverage in New York state waters between 2014 and 2017, which includes approximately 250 gillnet trips annually. There is a need to better understand the gear fished in state waters and the extent to which this gear interacts with sea turtles. Given the risk of interaction and the limited data currently available on interactions, and the new partnership with the State of New York, NMFS proposes to again include this fishery pursuant to the criteria identified at 50 CFR 222.402(a)(1) for listing a fishery on the AD. NMFS also makes this proposal because sea turtles are known to occur in the same areas where the fishery operates, takes have been previously documented in similar gear, the fishery operates during a period of high sea turtle strandings, and NMFS intends to monitor this fishery.

North Carolina Inshore Gillnet Fishery

The North Carolina inshore gillnet fishery (approximately 1,323 vessels/persons) targets species including southern flounder, weakfish, bluefish, Atlantic croaker, striped mullet, spotted seatrout, Spanish mackerel, striped bass, spot, red drum, black drum, and shad. This fishery includes any fishing effort using any type of gillnet gear, including set (float and sink), drift, and runaround gillnet for any target species inshore of the COLREGS lines in North Carolina. This fishery is managed under state and ASMFC interstate FMPs, applying net and mesh size regulations, and seasonal area closures in the Pamlico Sound Gillnet Restricted Area.

NMFS issued two ESA section 10(a)(1)(B) permits for the North Carolina state-wide inshore gillnet fishery to incidentally take sea turtles in 2013, and to incidentally take Atlantic sturgeon in 2014, which include all inshore, estuarine waters, including Core Sound and Pamlico Sound. The permits require the State of North Carolina to maintain a minimum of 7% observer coverage for large mesh gillnet in each state management area for the spring, summer, and fall seasons. It also requires a minimum of 2% observer coverage for small mesh gillnets. Since issuance of the sea turtle incidental take permit in September 2013, it is estimated that 216 green sea turtles (173 alive, 88 dead) and 15 Kemp's ridley sea turtles (all alive), have been incidentally taken in the inshore large mesh gillnet fishery. Additionally, 1 live green sea turtle was observed in the small mesh gillnet fishery.

This fishery is classified as Category II on the MMPA LOF and was included in the 2010 AD. NMFS has observed this fishery with limited coverage since 2010, observing 42 trips in 2010, 18 trips in 2011, 22 trips in 2012, and 28 trips in 2013. Although the state is currently required to maintain observer coverage in inshore waters, NMFS proposes to again include this fishery pursuant to the criteria identified at 50 CFR 222.402(a)(1) for listing a fishery on the AD because sea turtles are known to occur in the same areas where the fishery operates, takes have been previously documented in this fishery, the fishery operates during a period of high sea turtle strandings, and NMFS intends to monitor this fishery.

Gulf of Mexico Gillnet Fishery

The Gulf of Mexico Gillnet Fishery (estimated 724 vessels/persons) operates in state inshore waters, targeting finfish, including Spanish mackerel, king mackerel, striped mullet, Florida pompano, and southern flounder using sink gillnets and strike gillnets.

This fishery is classified as Category II on the MMPA LOF, which authorizes NMFS to observe this fishery for marine mammal interactions and to collect information on sea turtles should a take occur on an observed trip. To better characterize fishing effort and bycatch, the NMFS Southeast Gillnet Observer Program began placing observers on state commercial gillnet vessels in coastal Louisiana, Mississippi, and Alabama in 2012. NMFS proposes to include this fishery in the 2015 AD because sea turtles are known to occur in the same areas where the fishery operates and takes have been documented in similar other fisheries using gillnet gear, and NMFS intends to monitor this fishery.

Trap/Pot Fisheries

Sea turtles are known to become entangled in the buoy lines (also called vertical lines) of trap/pot gear, and there have been anecdotal reports that sea turtles may interact with the trap/pot itself. Turtles entangled in trap/pot gear may drown or suffer injuries (and potential subsequent mortality) due to constriction by the rope or line. Takes of both leatherback and hard-shelled sea turtles have been documented in this gear type. NMFS Greater Atlantic Region (GAR), formerly the Northeast Region, established the Northeast Atlantic Sea Turtle Disentanglement Network (STDN) in 2002 to respond to entanglements in vertical lines associated with trap/pot gear. Reports of entangled sea turtles come from fishermen, boaters, and the general public. Since 2002, entanglements in vertical lines have averaged 20.4 annually. Takes in 2012 and 2013 increased significantly with 41 and 56 takes documented in each year, respectively. These numbers include all vertical line interactions, the vast majority of which were identified as trap/pot gear (as opposed to gillnet gear). A more systematic data collection on these interactions is needed to begin understanding the extent to which interactions occur in order to implement the prohibitions against takes and how to prevent or mitigate takes.

Three pot/trap fisheries were included in the 2010 AD; Atlantic Blue Crab Trap/Pot Fishery, Atlantic Mixed Species Trap/Pot Fishery, and the Northeast/Mid-Atlantic American Lobster Trap/Pot Fishery. However, limited or no observer coverage has been achieved in these fisheries since listing on the 2010 AD. While some pot/

trap vessels can be observed through traditional methods, other vessels participating in these fisheries, especially in state waters, may be too small to carry observers, which create challenges for observer programs. Further discussions regarding the most appropriate and effective methodologies for observing the pot/trap fisheries will be beneficial. Therefore, as funds allow, the GAR is planning to convene, within the next year, subject matter experts to discuss new technologies that may apply to observing and mitigating sea turtle interactions in trap/pot fisheries, including the potential to observe through an alternative platform (i.e. a second vessel) program. New methods to more effectively monitor these fisheries may be developed and implemented as an outcome of this meeting.

Based on the input from the states, NMFS proposes to again include relist all three pot/trap fisheries in the 2015 AD.

Atlantic Blue Crab Trap/Pot Fishery

The Atlantic blue crab trap/pot fishery (estimated 8,557 vessels/persons) targets blue crab using pots baited with fish or poultry typically set in rows in shallow water. The pot position is marked by either a floating or sinking buoy line attached to a surface buoy. The fishery occurs year-round from the south shore of Long Island at 72°30′ W. long. in the Atlantic and east of the fishery management demarcation line between the Atlantic Ocean and the Gulf of Mexico (50 CFR 600.105), including state waters. The fishery is managed under state FMPs.

This fishery is classified as Category II on the MMPA LOF and was included in the 2010 AD. However, since NMFS included this fishery in the 2010 AD, NMFS has been unable to observe the fishery, as discussed above. Accordingly, NMFS proposes to again include this fishery pursuant to the criteria identified at 50 CFR 222.402(a)(1) for listing a fishery on the AD because sea turtles are known to occur in the same areas where the fishery operates, takes have been documented in similar gear types (i.e. lobster pot fishery), and NMFS intends to monitor this fishery.

Atlantic Mixed Species Trap/Pot Fishery

The Atlantic mixed species trap/pot fishery (estimated 3,467 vessels/persons) targets species including hagfish, shrimp, conch/whelk, red crab, Jonah crab, rock crab, black sea bass, scup, tautog, cod, haddock, pollock, redfish (ocean perch), white hake, spot, skate, catfish, and stone crab. The fishery includes all trap/pot operations from the Maine-Canada border south through the waters east of the fishery management demarcation line between the Atlantic Ocean and the Gulf of Mexico (50 CFR 600.105), but does not include the following trap/pot fisheries (as defined on the MMPA LOF): Northeast/Mid-Atlantic American lobster trap/pot; Atlantic blue crab trap/pot; Florida spiny lobster trap/pot; Southeastern U.S. Atlantic, Gulf of Mexico stone crab trap/pot; U.S. Mid-Atlantic eel trap/pot fisheries; and the Southeastern U.S. Atlantic, Gulf of Mexico golden crab fishery (68 FR 1421, January 10, 2003). The fishery is managed under various Interstate and Federal FMPs.

This fishery is classified as Category II on the MMPA LOF and was included in the 2010 AD. However, since listing this fishery on the 2010 AD, NMFS has been unable to observe the fishery, as discussed above. Accordingly, NMFS proposes to again include this fishery pursuant to the criteria identified at 50 CFR 222.402(a)(1) for listing a fishery on the AD because sea turtles are known to occur in the same areas where the fishery operates, takes have been documented in similar gear types (i.e. lobster pot fishery), and NMFS intends to monitor this fishery.

Northeast/Mid-Atlantic American Lobster Trap/Pot Fishery

The Northeast/Mid-Atlantic American lobster trap/pot fishery (estimated 11,693 vessels/persons) targets American lobster primarily with traps, while 2–3 percent of the target species is taken by mobile gear (trawls and dredges). The fishery operates in inshore and offshore waters from Maine to New Jersey and may extend as far south as Cape Hatteras, North Carolina. Approximately 80 percent of American lobster is harvested from state waters; therefore, the ASMFC has the primary regulatory role. The fishery is managed in state waters under the ASMFC Interstate FMP and in Federal waters under the Atlantic Coastal Fisheries Cooperative Management Act.

This fishery is classified as Category I on the MMPA LOF and was included in the 2010 AD. Since that time, NMFS observed 22 lobster trips in 2013 and 32 trips in 2014, with 216 observation days planned for the 2014–2015 schedule. NMFS STDN has documented 83 leatherback entanglements in lobster trap gear operating in Maine, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey since 2002. These entanglements have occurred between May and October (STDN, unpublished data), which is the time period when observer coverage for this fishery will be focused.

NMFS proposes to again include this fishery pursuant to the criteria identified at 50 CFR 222.402(a)(1) for listing a fishery on the AD because sea turtles are known to occur in the same areas where the fishery operates, takes have been documented in this fishery, and NMFS intends to monitor this fishery.

Weir/Seine/Floating Trap Fisheries

Pound net, weir, seine and floating trap fisheries may use mesh similar to that used in gillnets, but the gear is prosecuted differently from traditional gillnets. For example, pound net leaders have a mesh component similar to a gillnet; sea turtles have been documented entangled in pound net leaders. Pound net leaders in the Virginia portion of the Chesapeake Bay are subject to requirements designed to reduce sea turtle bycatch. Purse seines, weirs and floating traps also have the potential to entangle and drown sea turtles as they are set similarly to pound nets. Turtles have been documented in the pounds of pound net gear and/or weirs in Massachusetts, New York, Maryland, North Carolina, and Virginia. The turtles observed in these pounds have generally been alive and uninjured. In Virginia, sea turtles have been documented becoming entangled with the leader, which often results in mortality.

Four pound net/weir/seine fisheries were included on the 2010 AD: The Mid-Atlantic haul/beach seine, the Mid-Atlantic menhaden purse seine, the Mid-Atlantic mixed species stop seine/weir/pound net, and the Virginia pound net fishery. Based on the information provided by states and the best available scientific information, NMFS proposes to include again two of these fisheries: The Mid-Atlantic Haul/Beach Seine Fishery, Mid-Atlantic Menhaden Purse Seine Fishery, and add the Rhode Island Floating Trap Fishery on the 2015 AD.

Mid-Atlantic Haul/Beach Seine Fishery

The Mid-Atlantic haul/beach seine fishery (estimated 565 vessels/persons) targets striped bass, mullet, spot, weakfish, sea trout, bluefish, kingfish, and harvest fish using seines with one end secured (e.g., swipe nets and long seines) and seines secured at both ends or those anchored to the beach and hauled up on the beach. The beach seine system also uses a bunt and a wash net that are attached to the beach and extend into the surf. The beach seines soak for less than 2 hours. The fishery occurs in waters west of 72°30′ W. long. and north of a line extending

due east from the North Carolina-South Carolina border. Fishing on the Outer Banks, North Carolina occurs primarily in the spring (April to June) and fall (October to December). In the Chesapeake Bay, this gear has been historically fished in the southwest portion of the Bay with some effort in the northwest portion. Effort begins to increase in early May, peaks in early/mid-June, and continues into July. During this time, based on historical data from Virginia, approximately 100 haul seine trips occur. Beach haul seines have been documented to interact with sea turtles.

The fishery is managed under the Interstate FMPs for Bluefish and for Atlantic Striped Bass of the Atlantic Coast from Maine through North Carolina, and is subject to BDTRP implementing regulations.

This fishery is classified as Category II on the MMPA LOF and was included in the 2010 AD. NMFS observed this fishery at low levels prior to 2008, but it has not been observed since then. NMFS proposes to again include this fishery pursuant to the criteria identified at 50 CFR 222.402(a)(1) for listing a fishery on the AD based on suspected interactions with sea turtles given the nature of the gear and fishing methodology in addition to effort overlapping with sea turtle distribution. In the Chesapeake Bay, the fishery operates at the same time as historically elevated sea turtle strandings, and NMFS intends to monitor this fishery.

Mid-Atlantic Menhaden Purse Seine Fishery

The Mid-Atlantic menhaden purse seine fishery (estimated 5 vessels/persons) targets menhaden and thread herring using purse seine gear. Most sets occur within 3 mi (4.8 km) of shore with the majority of the effort occurring off North Carolina from November to January, and moving northward during warmer months to southern New England. The fishery is managed under the Interstate FMP for Atlantic Menhaden. In the Chesapeake Bay, this fishery operates to a limited extent during a period of high sea turtle strandings (May and June). This fishery is classified as Category II on the MMPA LOF and was listed on the 2010 AD. NMFS has observed this fishery at low levels, with 9 trips observed in 2010, and 3 trips observed in 2012. NMFS proposes to again include this fishery pursuant to the criteria identified at 50 CFR 222.402(a)(1) for listing a fishery on the AD, given the nature of the gear and fishing methodology in addition to effort overlapping with sea turtle distribution, and NMFS intends to monitor this fishery.

Rhode Island Floating Trap Fishery

The Rhode Island Floating Trap Fishery (estimated 9 vessels/persons) is a small fishery that sets traps similar to a weir/pound net seasonally (May–October) targeting scup, striped sea bass, and squid.

This fishery is classified as Category III on the MMPA LOF, and NMFS has not previously required vessels operating in this fishery to carry an observer under MMPA authority. This fishery was not included in the 2010 AD. Turtles have been documented in the pounds of pound net gear and/or weirs in Massachusetts, New York, Maryland, and Virginia, which operates similarly to the Rhode Island Floating Trap Fishery. There have also been anecdotal reports of sea turtle interactions in this fishery, but bycatch levels are unknown. NMFS proposes to include this fishery pursuant to the criteria identified at 50 CFR 222.402(a)(1) for listing a fishery on the AD because sea turtles are known to occur in the same areas where the fishery operates, takes have been documented in similar gear types, such as the Virginia and Maryland pound nets, and NMFS intends to monitor this fishery.

TABLE 1—STATE AND FEDERAL COMMERCIAL FISHERIES INCLUDED ON THE 2015 ANNUAL DETERMINATION

Fishery	Years eligible to carry observers
Trawl Fisheries	
Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl	2015–2019
Gulf of Mexico mixed species fish trawl	2015–2019
Gillnet Fisheries	
California halibut, white seabass and other species set gillnet (>3.5 in mesh)	2015–2019
California yellowtail, barracuda, and white seabass drift gillnet (mesh size >3.5 in. and <14 in.)	2015–2019
Chesapeake Bay inshore gillnet	2015–2019
Long Island inshore gillnet	2015–2019
North Carolina inshore gillnet	2015–2019
Gulf of Mexico gillnet	2015–2019
Trap/Pot Fisheries	
Atlantic blue crab trap/pot	2015–2019
Atlantic mixed species trap/pot	2015–2019
Northeast/Mid-Atlantic American lobster trap/pot	2015–2019
Pound Net/Weir/Seine Fisheries	
Mid-Atlantic haul/beach seine	2015–2019
Mid-Atlantic menhaden purse seine	2015–2019
Rhode Island floating trap	2015–2019

Classification

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. The factual basis leading to the certification is set forth below.

NMFS has estimated that approximately 32,540 vessels participating in the 14 fisheries listed in Table 1 would be eligible to carry an observer if requested. However, NMFS would only request a fraction of the total number of participants to carry an observer based on the sampling protocol identified for each fishery by regional observer programs. As noted throughout this proposed rule, NMFS would select vessels and focus coverage in times and areas where fishing effort overlaps with sea turtle distribution. Due to the unpredictability of fishing effort, NMFS cannot determine the specific number of vessels that would be requested to carry an observer.

If a vessel is requested to carry an observer, fishers will not incur any direct economic costs associated with carrying that observer. Potential indirect costs to individual fishers required to take observers may include: Lost space on deck for catch, lost bunk space, and lost fishing time due to time needed to process bycatch data. For effective monitoring, however, observers will rotate among a limited number of vessels in a fishery at any given time, and each vessel within an observed fishery has an equal probability of being requested to accommodate an observer. Therefore, the potential indirect costs to individual fishers are expected to be minimal because observer coverage would only be required for a small percentage of an individual's total annual fishing time. In addition, 50 CFR 222.404(b) states that an observer will not be placed on a vessel if the facilities for quartering an observer or performing observer functions are inadequate or unsafe, thereby exempting vessels too small to accommodate an observer from this requirement. As a result of this certification, an initial regulatory flexibility analysis is not required and was not prepared.

The information collection for the AD is approved under Office of Management and Budget (OMB) under OMB control number 0648–0593.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

This proposed rule has been determined to be not significant for the purposes of Executive Order 12866.

An environmental assessment (EA) was prepared under the National Environmental Policy Act (NEPA) on the issuance of the regulations to implement this observer requirement in 50 CFR part 222, subpart D. The EA concluded that implementing these regulations would not have a significant impact on the human environment. This proposed rule would not make any significant change in the management of fisheries included on the AD, and therefore, this proposed rule would not change the analysis or conclusion of the EA. If NMFS takes a management action for a specific fishery, for example, requiring fishing gear modifications, NMFS would first prepare any environmental document required under NEPA and specific to that action.

This proposed rule would not affect species listed as threatened or endangered under the ESA or their associated critical habitat. The impacts of numerous fisheries have been analyzed in various biological opinions, and this proposed rule would not affect the conclusions of those opinions. The inclusion of fisheries on the AD is not considered to be a management action that would adversely affect threatened or endangered species. If NMFS takes a management action, for example, requiring modifications to fishing gear and/or practices, NMFS would review the action for potential adverse effects to listed species under the ESA.

This proposed rule would have no adverse impacts on sea turtles and may have a positive impact on sea turtles by improving knowledge of sea turtles and the fisheries interacting with sea turtles through information collected from observer programs.

This proposed rule would not affect the land or water uses or natural resources of the coastal zone, as specified under section 307 of the Coastal Zone Management Act.

Dated: October 16, 2014.

Samuel D. Rauch, III,

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

[FR Doc. 2014–25154 Filed 10–21–14; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 79, No. 204

Wednesday, October 22, 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 COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Billfish Tagging Report.

OMB Control Number: 0648–0009.

Form Number(s): NOAA88–162.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 1,000.

Average Hours per Response: 5 minutes.

Burden Hours: 83.

Needs and Uses: This request is for extension of a currently approved information collection.

The National Oceanic and Atmospheric Administration's Southwest Fisheries Science Center operates a billfish tagging program. Tagging supplies are provided to volunteer anglers. When anglers catch and release a tagged fish they submit a brief report on the fish and the location of the tagging. The information obtained is used in conjunction with tag returns to determine billfish migration patterns, mortality rates, and similar information useful in the management of the billfish fisheries. This program is authorized under 16 U.S.C. 760(e), Study of migratory game fish; waters; research; purpose.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: October 17, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–25115 Filed 10–21–14; 8:45 am]

BILLING CODE 3520–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: West Coast Region Highly Migratory Species Vessel Identification Requirements.

OMB Control Number: 0648–0361.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 1,700.

Average Hours per Response: 45 minutes per vessel except for purse seine vessels, which includes skiff and helicopter marking, requiring an additional 30 minutes.

Burden Hours: 639.

Needs and Uses: This request is for extension of a currently approved information collection.

Regulations at 50 CFR 660.704 require that all vessels with permits issued under authority of the National Marine Fishery Service's (NMFS) Fishery Management Plan for United States (U.S.) West Coast Highly Migratory Species Fisheries display the vessel's official number. The numbers must be of a specific size and format and located at specified locations. The display of the identifying number aids in fishery law enforcement.

Affected Public: Business and other for-profit organizations.

Frequency: Biannually.

Respondent's Obligation: Mandatory.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: October 17, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–25113 Filed 10–21–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Virginia Modified Pound Net Leader Inspection Program.

OMB Control Number: 0648–0559.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 19.

Average Hours per Response: Calls to arrange meeting with inspector, and calls to request replacement tags, 5 minutes each. Meeting with inspector, 1 hour.

Burden Hours: 70.

Needs and Uses: This request is for extension of a currently approved information collection, an inspection program for modified pound net leaders in the Virginia waters of the mainstem Chesapeake Bay. Pound net fishermen must call the National Marine Fisheries Service (NMFS) to arrange for a meeting. At the meeting, they must allow for the inspection of gear to ensure the modified leader meets the definition of a modified pound net leader, as described in the regulations (§ 222.102). This inspection program is necessary to provide fishermen with the insurance that their leaders meet the regulatory

definition of a modified pound net leader before setting their gear, provide managers with the knowledge that the offshore leaders in a portion of the Virginia Chesapeake Bay are configured in a sea turtle-safe manner, and aid in enforcement efforts. This collection of information will end when Final Rule 0648–BB37 becomes effective and will be replaced by a training (consult the April 17, 2014 proposed rule (79 FR 21695) for details on the inspection program cessation).

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: October 17, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–25107 Filed 10–21–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Information Systems Technical Advisory Committee; Notice of Partially Closed Meeting

The Information Systems Technical Advisory Committee (ISTAC) will meet on November 5 and 6, 2014, 9:00 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution and Pennsylvania Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to information systems equipment and technology.

Wednesday, November 5

Open Session

1. Welcome and Introductions
2. Working Group Reports
3. Old Business
4. Industry Presentations
5. New business

Thursday, November 6

Closed Session

6. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 sections 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov,* no later than October 29, 2014.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that public presentation materials or comments be forwarded before the meeting to Ms. Springer.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 5, 2013, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 section (10)(d))), that the portion of the meeting concerning trade secrets and commercial or financial information deemed privileged or confidential as described in 5 U.S.C. 552b(c)(4) and the portion of the meeting concerning matters the disclosure of which would be likely to frustrate significantly implementation of an agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 sections 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Dated: October 20, 2014.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2014–25245 Filed 10–21–14; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–983]

Drawn Stainless Steel Sinks From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Determination of Antidumping Duty Investigation

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

SUMMARY: On June 27, 2014, the United States Court of International Trade (''CIT'' or ''Court'') issued its final judgment affirming the Department of Commerce's (''the Department'') final results of redetermination pursuant to remand of the final determination of the antidumping duty investigation concerning drawn stainless steel sinks from the People's Republic of China (''PRC'').[1] Consistent with the decision of the Court of Appeals for the Federal Circuit (''CAFC'') in *Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (''*Timken*''), as clarified by *Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (''*Diamond Sawblades*''), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's final determination [2] and is amending the final determination of the investigation with respect to the margin assigned to Shenzen Kehuaxing Industrial Ltd. (''Kehuaxing''), an exporter and producer of subject merchandise.

DATES: *Effective Date:* July 7, 2014.

FOR FURTHER INFORMATION CONTACT: Mandy Mallott, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6430.

SUPPLEMENTARY INFORMATION: Subsequent to the publication of the *Final Determination,* Kehuaxing and its importer, Artisan Manufacturing Corporation (''Artisan''), filed a complaint with the CIT to challenge the rate assigned to Kehuaxing in the *Final Determination.*

[1] *See Artisan Mfg. Corp.* v. *United States,* Ct. No. 13–00169 (CIT, June 27, 2014) (Court Order affirming remand redetermination).

[2] *See Drawn Stainless Steel Sinks From the People's Republic of China: Investigation, Final Determination,* 78 FR 13019 (February 26, 2013), amended by *Drawn Stainless Steel Sinks from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 78 FR 21592 (April 11, 2013) (collectively, ''*Final Determination*'').

On May 5, 2014, the Court issued a remand order to the Department regarding the assignment of the 76.53 percent PRC-wide rate to Kehuaxing, which resulted from the Department's rejection of Kehuaxing's untimely filed quantity and value questionnaire response, and the Department's subsequent rejection of Kehuaxing's separate rate application.[3] Pursuant to the Court's directive in the Remand Order, we requested and Kehuaxing timely provided these submissions for the record. We conducted a separate rate analysis and found that Kehuaxing demonstrated the absence of both *de jure* and *de facto* government control over its export activities and is thus eligible for a separate rate.[4]

Timken Notice

In its decision in *Timken,* 893 F.2d at 341, as clarified by *Diamond Sawblades,* the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (''the Act''), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's June 27, 2014 judgment in this case constitutes a final decision of that court that is not in harmony with the Department's *Final Determination*. This notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Determination

Because there is now a final court decision with respect to this case, the Department is amending the *Final Determination* with respect to Kehuaxing's weighted-average dumping margin, effective July 7, 2014. The revised weighted-average dumping margin is as follows:

Exporter	Producer	Percent margin
Shenzen Kehuaxing Industrial Ltd	Shenzen Kehuaxing Industrial Ltd	33.51%

Because no party appealed the CIT's decision before the period of appeal expired on August 26, 2014, the CIT's decision is now final and conclusive. Accordingly, the Department will instruct CBP to collect cash deposits for entries of subject merchandise exported and produced by Kehuaxing equal to the weighted-average dumping margin listed above, effective July 7, 2014, adjusted, where appropriate, for export subsidies and domestic subsidy pass-through offsets.

This notice is issued and published in accordance with sections 516A(e), 751(a)(1), and 777(i)(1) of the Act.

Dated: October 14, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–25209 Filed 10–21–14; 8:45 am]

BILLING CODE P

[3] *See Artisan Mfg. Corp.* v. *United States,* 978 F. Supp. 2d 1334 (Ct. Int'l Trade 2014) (''Remand Order'').

[4] *See* Final Results Of Redetermination Pursuant To Court Remand, *Artisan Manufacturing Corp.* v. *United States,* Court No. 13–00169; Slip Op. 14–52 (CIT 2014), dated June 4, 2014, available at *http://enforcement.trade.gov/remands/index.html.*

DEPARTMENT OF COMMERCE

International Trade Administration

Diamond Sawblades and Parts Thereof From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Sunset Review, Notice of Rescission of Sunset Review, and Advance Notification of New Sunset Review

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

FOR FURTHER INFORMATION CONTACT: David Goldberger, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; Telephone: (202) 482–4136.

Background

Every five years, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), the Department of Commerce (the Department) and the International Trade Commission automatically initiate and conduct a review to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

In December 2013, the Department initiated a sunset review of the antidumping duty order on diamond sawblades and parts thereof from the People's Republic of China five years from the imposition of the order in January 2009.[1] On July 11, 2014, The Department published the *2014 Sunset Review*.[2] Notwithstanding the holding of the United States Court of Appeals for the Federal Circuit (CAFC) that ''the statutory scheme impose{d} a mandatory duty on Commerce to issue antidumping duty orders covering the subject entries'' as of January 2009,[3] the U.S. Court of International Trade (CIT) held, on September 23, 2014, that the *2014 Sunset Review* was unlawful and premature, agreeing with the plaintiff that the five-year period should have been counted from November 2009. Thus, the CIT ordered the Department to rescind the *2014 Sunset Review* and to re-initiate the sunset review of the antidumping duty order on diamond sawblades and parts thereof from the People's Republic of China on November 4, 2014.[4]

Consistent with the decision of the CAFC in *Timken Co. v. United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), as clarified by *Diamond Sawblades,* the Department is notifying the public that the final judgment in this case is not in harmony with the Department's *2014 Sunset Review*. The Department is therefore rescinding the *2014 Sunset Review.*

Timken Notice

In its decision in *Timken,* 893 F.2d at 341, as clarified by *Diamond Sawblades,* the CAFC has held that, pursuant to section 516A(c)(1) of the Tariff Act of 1930, as amended, the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's September 23, 2014, judgment constitutes a final decision of that court that is not in harmony with the Department's *2014 Sunset Review*. This

[1] *See Initiation of Five-year (''Sunset'') Review,* 78 FR 72061 (December 2, 2013) (*Initiation Notice*).

[2] *See Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order,* 79 FR 40062 (July 11, 2014) (*2014 Sunset Review*).

[3] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374, 1382–1383 (Fed. Cir. 2010) (*Diamond Sawblades*).

[4] *See Diamond Sawblades Manufacturers' Coalition* v. *United States,* Court No. 13–00391, slip op. 2014–111, 2014 Ct. Intl. Trade LEXIS 112 (Ct. Int'l Trade Sep. 23, 2014) (*Diamond Sawblades Manufacturers' Coalition*).

notice is published in fulfillment of the publication requirements of *Timken*. The effective date of this *Timken* notice is October 3, 2014.

Rescission of the 2014 Sunset Review

Pursuant to the CIT order in *Diamond Sawblades Manufacturers' Coalition,* we are hereby rescinding the *2014 Sunset Review,* effective September 23, 2014.

Upcoming Sunset Review for November 2014 Pursuant to the CIT Order

Pursuant to the CIT order in *Diamond Sawblades Manufacturers' Coalition,* the first sunset review of the antidumping duty order on diamond sawblades and parts thereof from the People's Republic of China is now scheduled for initiation on November 4, 2014 and will appear in a notice of *Initiation of Five-Year (''Sunset'') Review* (*Notice of Initiation*).

The Department's procedures for the conduct of a sunset review are set forth in 19 CFR 351.218. The *Notice of Initiation* provides further information regarding what is required of all parties to participate in the sunset review.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for this sunset review. To facilitate the timely preparation of the service list, it is requested that those seeking recognition as interested parties to this sunset review contact the Department in writing within 10 days of the publication of the *Notice of Initiation*.

If the Department receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the sunset review will continue. Thereafter, any interested party wishing to participate in the sunset review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

We are publishing this notice pursuant to the CIT order in *Diamond Sawblades Manufacturers' Coalition* for the rescission of the *2014 Sunset Review* and as a service to the international trading community for the advance notification of the re-initiation of the sunset review. The advanced notification of a sunset review is not required by statute.

Dated: October 16, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–25206 Filed 10–21–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–805]

Stainless Steel Bar From Spain: Final Results of Antidumping Duty Administrative Review; 2012–2013

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on stainless steel bar (SSB) from Spain. The period of review (POR) is March 1, 2012, through February 28, 2013. The review covers one producer/exporter of the subject merchandise, Gerdau Aceros Especiales Europa, S.L. (Gerdau).[1] We determine that subject merchandise has not been sold at less than normal value during the POR.

DATES: *Effective Date:* October 22, 2014.

FOR FURTHER INFORMATION CONTACT: Minoo Hatten, 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; telephone: (202) 482–1690.

SUPPLEMENTARY INFORMATION:

Background

On April 23, 2014, the Department published the *Preliminary Results* and invited interested parties to comment.[2] Carpenter Technology Corporation, Crucible Industries LLC, Universal Stainless & Alloy Products Inc., and Valbruna Slater Stainless, Inc. (collectively, the petitioners) filed a case brief on May 30, 2014. Gerdau filed a rebuttal brief on June 4, 2014.

The deadline for the final results of this review was August 21, 2014. On July 16, 2014, we extended the deadline for the final results to October 20, 2014.[3]

Scope of the Order

The merchandise subject to the order is SSB. The SSB subject to the order is currently classifiable under subheadings 7222.10.00, 7222.11.00, 7222.19.00, 7222.20.00, 7222.30.00 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes.[4] The written description is dispositive.

Analysis of Comments Received

All issues raised in the case briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to this notice as an appendix. The Issues and 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). Access to 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 Issues and Decision Memorandum can be found at *http://enforcement.trade.gov/frn/index.html.*

Changes Since the Preliminary Results

Based on our analysis of the comments received, we did not make any revisions to the margin calculations for Gerdau.

Final Results of Review

As a result of this review, we determine that a weighted-average dumping margin of 0.00 percent exists for Gerdau for the period March 1, 2012, through February 28, 2013.

Disclosure

We intend to disclose the calculations performed to parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

[1] We determine that Gerdau is the successor-in-interest to Sidenor Industrial S.L. For further discussion, *see* the 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 Final Results of Antidumping Duty Administrative Review: Stainless Steel Bar from Spain; 2012–2013'' dated concurrently with and hereby adopted by this notice (Issues and Decision Memorandum).

[2] *See Stainless Steel Bar From Spain: Preliminary Results of Antidumping Duty Administrative Review; 2012–2013,* 79 FR 22622 (April 23, 2014) (*Preliminary Results*).

[3] *See* memorandum from Sandra Dreisonstok, International Trade Compliance Analyst, to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Stainless Steel Bar from Spain: Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2012–2013'' dated July 16, 2014. In this memorandum, we inadvertently calculated an extended deadline of October 14, 2014 (60 days from the date of signature) instead of October 20, 2014 (60 days from the date of publication). *See* September 10, 2014, memorandum to the file from Sandra Dreisonstok, International Trade Compliance Analyst, clarifying this error.

[4] A full description of the scope of the order is contained in the *Preliminary Results,* and accompanying Preliminary Decision Memorandum.

Assessment Rates

The Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. Because Gerdau's weighted-average dumping margin is zero, we will instruct CBP not to assess duties on any of its entries in accordance with the *Final Modification for Reviews, i.e.,* ''{w}here the weighted-average margin of dumping for the exporter is determined to be zero or *de minimis,* no antidumping duties will be assessed.'' [5]

For entries of subject merchandise during the POR produced by Gerdau for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[6]

We intend to issue instructions to CBP 15 days after publication of these final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of SSB from Spain entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Tariff Act of 1930, as amended (the Act): (1) The cash deposit rate for Gerdau will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 25.77 percent,[7] the all-others rate established in the less-than-fair-value investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: October 16, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. List of Comments
  1. Non-*Bona Fides* U.S. Sales
  2. Post-Sale Invoicing of International Freight
III. Background
IV. Scope of the Order
V. Discussion of the Issues
VI. Successor-in-Interest
VII. Recommendation

[FR Doc. 2014–25196 Filed 10–21–14; 8:45 am]

BILLING CODE 3510–DS–P

[5] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101, 80102 (February 14, 2012).

[6] For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[7] *See, e.g., Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar From Spain,* 59 FR 66931 (December 28, 1994).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–874, A–557–816, A–523–808, A–583–854, A–552–818]

Certain Steel Nails From the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Postponement of Preliminary Determination of Antidumping Duty Investigations

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

DATES: *Effective Date:* October 22, 2014.

FOR FURTHER INFORMATION CONTACT: Drew Jackson at 202–482–4406 (the Republic of Korea (Korea)), Ericka Ukrow at 202–482–0405 (Malaysia), Lilit Astvatsatrian at 202–482–6412 (the Sultanate of Oman (Oman)), Scott Hoefke at 202–482–4947 (Taiwan), or Edythe Artman at 202–482–3931 (the Socialist Republic of Vietnam (Vietnam)), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Postponement of Preliminary Determinations

On June 25, 2014, the Department of Commerce (the Department) published a notice of initiation of antidumping duty investigations of certain steel nails from India, Korea, Malaysia, Oman, Taiwan, The Republic of Turkey, and Vietnam.[1] The notice of initiation stated that the Department, in accordance with section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.205(b)(1), would issue its preliminary determinations for these investigations, unless postponed, no later than 140 days after the date of initiation.[2] Accordingly, the preliminary determinations of the antidumping duty investigations of certain steel nails from Korea, Malaysia, Oman, Taiwan, and

[1] *See Certain Steel Nails From India, the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations (Initiation Notice),* 79 FR 36019 (June 25, 2014) (''*Initiation Notice*''). Note that the investigations for India and The Republic of Turkey were terminated as a result of the International Trade Commission's negative preliminary determination for those countries. *See Initiation Notice,* 79 FR at 36024 and the July 21, 2014, letter from the United States International Trade Commission.

[2] *See Initiation Notice,* 79 FR at 36024. Note that the signature date of the *Initiation Notice,* June 18, 2014, is the date of the initiation of these investigations.

Vietnam are currently due no later than November 5, 2014.

On October 10, 2014, Mid Continent Steel & Wire, Inc. (Petitioner), pursuant to section 733(c)(1)(A) of the Act and 19 CFR 351.205(e), made timely requests for postponement of the preliminary determinations in these investigations.[3] Petitioner requested a 42-day postponement of the preliminary determinations in light of the extraordinarily complicated nature of these proceedings, and in order to provide the Department with sufficient time to review the questionnaire responses and issue appropriate requests for clarification and additional information.

For the reasons stated above and because there are no compelling reasons to deny the requests, the Department, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determinations to no later than 182 days after the date on which the Department initiated these investigations. Therefore, the new deadline for issuing these preliminary determinations is December 17, 2014. In accordance with section 735(a)(1) of the Act, the deadline for the final determinations of these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: October 16, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–25192 Filed 10–21–14; 8:45 am]

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[3] *See* Letter from Petitioner to the Secretary of Commerce, ''Certain Steel Nails From the Republic of Korea: Petitioner's Request for Postponement of the Preliminary Determinations,'' (October 10, 2014); Letter from Petitioner to the Secretary of Commerce, ''Certain Steel Nails From Malaysia: Petitioner's Request for Postponement of Preliminary Determination,'' (October 10, 2014); Letter from Petitioner to the Secretary of Commerce, ''Certain Steel Nails From the Sultanate of Oman: Petitioner's Request for Postponement of Preliminary Determination,'' (October 10, 2014); Letter from Petitioner to the Secretary of Commerce, ''Certain Steel Nails From Taiwan: Petitioner's Request for Postponement of Preliminary Determination,'' (October 10, 2014); and Letter from Petitioner to the Secretary of Commerce, ''Certain Steel Nails From the Socialist Republic of Vietnam: Petitioner's Request for Postponement of Preliminary Determination,'' (October 10, 2014).

DEPARTMENT OF COMMERCE

International Trade Administration

[Docket No. 140822703–4703–01]

Call for Applications for the International Buyer Program Calendar Year 2016

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice and Call for Applications.

SUMMARY: In this notice, the U.S. Department of Commerce (DOC) International Trade Administration (ITA) announces that it will begin accepting applications for the International Buyer Program (IBP) for calendar year 2016 (January 1, 2016 through December 31, 2016). The announcement also sets out the objectives, procedures and application review criteria for the IBP. The purpose of the IBP is to bring international buyers together with U.S. firms in industries with high export potential at leading U.S. trade shows. Specifically, through the IBP, the ITA selects domestic trade shows which will receive ITA assistance in the form of global promotion in foreign markets, provision of export counseling to exhibitors, and provision of matchmaking services at the trade show. This notice covers selection for IBP participation during calendar year 2016.

DATES: Applications for the IBP must be received by December 22, 2014.

ADDRESSES: Applications may be submitted by any of the following methods: (1) Mail/Hand Delivery Service: International Buyer Program, Trade Promotion Programs, International Trade Administration, U.S. Department of Commerce, Ronald Reagan Building, 1300 Pennsylvania Ave. NW., Suite 800M—Mezzanine Level—Atrium North, Washington, DC 20004; (2) Facsimile: (202) 482–7800; or (3) email: *IBP2016@trade.gov.* Facsimile and email applications will be accepted as interim applications, but must be followed by a signed original application that is received by the program no later than five (5) business days after the application deadline. To ensure that applications are received by the deadline, applicants are strongly urged to send applications by express delivery service (e.g., U.S. Postal Service Express Delivery, Federal Express, UPS, etc.).

FOR FURTHER INFORMATION CONTACT: Vidya Desai, Acting Director, International Buyer Program, Trade Promotion Programs, International Trade Administration, U.S. Department of Commerce, 1300 Pennsylvania Ave. NW., Ronald Reagan Building, Suite 800M—Mezzanine Level—Atrium North, Washington, DC 20004; Telephone (202) 482–2311; Facsimile: (202) 482–7800; Email: *IBP2016@trade.gov.*

SUPPLEMENTARY INFORMATION: The IBP was established in the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100–418, codified at 15 U.S.C. 4724) to bring international buyers together with U.S. firms by promoting leading U.S. trade shows in industries with high export potential. The IBP emphasizes cooperation between the DOC and trade show organizers to benefit U.S. firms exhibiting at selected events and provides practical, hands-on assistance such as export counseling and market analysis to U.S. companies interested in exporting. Shows selected for the IBP will provide a venue for U.S. companies interested in expanding their sales into international markets.

Through the IBP, ITA selects U.S. trade shows with participation by U.S. firms interested in exporting that ITA determines to be leading international trade shows, for promotion in overseas markets by U.S. Embassies and Consulates. The DOC is authorized to provide successful applicants with assistance in the form of overseas promotion of the show; outreach to show participants about exporting; recruitment of potential buyers to attend the events; and staff assistance in setting up international trade centers at the events. Worldwide promotion is executed through ITA officers at U.S. Embassies and Consulates in more than 70 countries representing the United States' major trading partners, and also in Embassies in countries where ITA does not maintain offices.

The International Trade Administration (ITA) is accepting applications from trade show organizers for the IBP for trade events taking place between January 1, 2016 and December 31, 2016. Selection of a trade show is valid for one event, i.e., a trade show organizer seeking selection for a recurring event must submit a new application for selection for each occurrence of the event. For events that occur more than once in a calendar year, the trade show organizer must submit a separate application for each event.

For the IBP in calendar year 2016, the ITA expects to select approximately 15 events from among the applicants. The ITA will select those events that are determined to most clearly meet the statutory mandate in 15 U.S.C. 4721 to

promote U.S. exports, especially those of small- and medium-sized enterprises, and the selection criteria articulated below.

There is no fee required to submit an application. If accepted into the program for calendar year 2016, a participation fee of $9,800 for shows of five days or fewer is required. For trade shows more than five days in duration, or requiring more than one International Trade Center, a participation fee of $15,000 is required. For trade shows ten days or more in duration, and/or requiring more than two International Trade Centers, the participation fee will be determined by DOC and stated in the written notification of acceptance. Successful applicants will be required to enter into a Memorandum of Agreement (MOA) with ITA within 10 days of written notification of acceptance into the program. The participation fee is due within 45 days of written notification of acceptance into the program.

The MOA constitutes an agreement between ITA and the show organizer specifying which responsibilities for international promotion and export assistance services at the trade shows are to be undertaken by ITA as part of the IBP and, in turn, which responsibilities are to be undertaken by the show organizer. Anyone requesting application information will be sent a sample copy of the MOA along with the application and a copy of this **Federal Register** Notice. Applicants are encouraged to review the MOA closely as IBP participants are required to comply with all terms, conditions, and obligations in the MOA. Trade show organizer obligations include, but are not limited to, providing waived or reduced admission fees for international attendees who are participating in the IBP, the construction of an International Trade Center at the trade show, production of an export interest directory, and provision of complimentary hotel accommodations for DOC staff as explained in the MOA. One of the most important commitments is for the trade show organizer to include in the terms and conditions of its exhibitor contracts provisions for the protection of intellectual property rights (IPR); has procedures in place at the trade show to address IPR infringement which, at a minimum, provide information to help U.S. exhibitors procure legal representation during the trade show; and agrees to assist the DOC to reach and educate U.S. exhibitors on the Strategy Targeting Organized Piracy (STOP!), IPR protection measures available during the show, and the means to protect IPR in overseas markets, as well as in the United States. ITA responsibilities include, but are not limited to, the worldwide promotion of the trade show and, where feasible, recruitment of international buyers to that show, provision of on-site export assistance to U.S. exhibitors at the show, and the reporting of results to the show organizer.

Selection as an IBP partner does not constitute a guarantee by DOC of the show's success. IBP partnership status is not an endorsement of the show except as to its international buyer activities. Non-selection of an applicant for IBP partnership status should not be viewed as a determination that the event will not be successful in promoting U.S. exports.

Eligibility: All 2016 U.S. trade events are eligible to apply for IBP participation, through the show organizer.

Exclusions: Trade shows that are either first-time or horizontal (non-industry specific) events generally will not be considered.

General Evaluation Criteria: The ITA will evaluate shows to be International Buyer Program partners using the following criteria:

(a) Export Potential: The trade show promotes products and services from U.S. industries that have high export potential, as determined by DOC sources, including industry analysts' assessment of export potential, ITA best prospects lists and U.S. export statistics.

(b) Level of International Interest: The trade show meets the needs of a significant number of overseas markets and corresponds to marketing opportunities as identified by ITA. Previous international attendance at the show may be used as an indicator.

(c) Scope of the Show: The event offers a broad spectrum of U.S. made products and services for the subject industry. Trade shows with a majority of U.S. firms as exhibitors are given priority.

(d) U.S. Content of Show Exhibitors: Trade shows with exhibitors featuring a high percentage of products produced in the United States or products with a high degree of U.S. content will be preferred.

(e) Stature of the Show: The trade show is clearly recognized by the industry it covers as a leading event for the promotion of that industry's products and services both domestically and internationally, and as a showplace for the latest technology or services in that industry.

(f) Level of Exhibitor Interest: There is expressed interest on the part of U.S. exhibitors in receiving international business visitors during the trade show. A significant number of U.S. exhibitors should be seeking to begin exporting or to expand their sales into additional export markets.

(g) Level of Overseas Marketing: There has been a demonstrated effort by the applicant to market this event and prior related events. For this criterion, the applicant should describe in detail, among other information, the international marketing program to be conducted for the event, and explain how efforts should increase individual and group international attendance.

(h) Logistics: The trade show site, facilities, transportation services, and availability of accommodations at the site of the exhibition are capable of accommodating large numbers of attendees whose native language will not be English.

(i) Level of Cooperation: The applicant demonstrates a willingness to cooperate with the ITA to fulfill the program's goals and adhere to the target dates set out in the MOA and in the event timetables, both of which are available from the program office (see the **FOR FURTHER INFORMATION CONTACT** section above). Past experience in the IBP will be taken into account in evaluating the applications received.

(j) Delegation Incentives: The IBP Office will be evaluating the level and/or range of incentives offered to delegations and/or delegation leaders recruited by U.S. overseas Embassies and Consulates. Examples of incentives to international visitors and to organized delegations include: Special organized events, such as receptions, meetings with association executives, briefings, and site tours; and complimentary accommodations for delegation leaders (beyond those required in the MOA).

Review Process: ITA will evaluate all applications received based on the criteria set out in this notice. Vetting will include soliciting input from ITA industry analysts, as well as domestic and international field offices, focusing primarily on the export potential, level of international interest, and stature of the show. In reviewing applications, ITA will also consider scheduling and sector balance in terms of the need to allocate resources to support selected events.

Application Requirements: Show organizers submitting applications for the 2016 IBP are requested to submit: (1) A narrative statement addressing each question in the application, Form OMB 0625–0151 (found at *www.export.gov/ibp*); (2) a signed statement that ''The information submitted in this application is correct and the applicant will abide by the terms set forth in the

Call for Applications for the 2016 International Buyer Program (January 1, 2016 through December 31, 2016);'' and (3) two copies of the application: one copy of the application printed on company letterhead, and one electronic copy of the application submitted on a CD–RW (preferably in Microsoft Word® format), on or before the deadline noted above. There is no fee required to apply. ITA expects to issue the results of its review process in April 2015.

Legal Authority: The statutory program authority for the ITA to conduct the International Buyer Program is 15 U.S.C. 4724. The DOC has the legal authority to enter into MOAs with show organizers under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 (MECEA), as amended (22 U.S.C. 2455(f) and 2458(c)). MECEA allows ITA to accept contributions of funds and services from firms for the purposes of furthering its mission.

The Office of Management and Budget (OMB) has approved the information collection requirements of the application to this program (Form OMB 0625–0151) under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) (OMB Control No. 0625–0151). Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

For further information please contact: Vidya Desai, Acting Director, International Buyer Program (*IBP2016@trade.gov*).

Elnora Moye,

Trade Program Assistant.

[FR Doc. 2014–24677 Filed 10–21–14; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

National Ocean and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska Commercial Operator's Annual Report (COAR)

AGENCY: National Ocean and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before December 22, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, (907) 586–7008 or *patsy.bearden@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

The Alaska Commercial Operator's Annual Report (COAR) is a report that collects harvest and production information broken out by specific criteria such as gear type, area, delivery and product type, and pounds and value. The COAR is due by April 1 of the year following any buying or processing activity.

Any person or company who received a Fisheries Business License from the Alaska Department of Revenue and an Intent to Operate Permit by Alaska Department of Fish and Game (ADF&G) is required to annually submit the COAR to the State of Alaska, Alaska Department of Fish and Game (ADF&G), under Alaska Administrative Code (AAC), chapter 5 AAC 39.130. In addition, any person or company who receives an Exclusive Economic Zone (EEZ)-only permit from ADF&G annually must submit a COAR to ADF&G. Any owner of a catcher/processor or mothership with a Federal permit operating in the EEZ off Alaska is required to annually submit a COAR to ADF&G under 50 CFR part 679.5(p).

The COAR provides information on ex-vessel and first wholesale values for statewide fish and shellfish products. Containing information from shoreside processors, stationary floating processors, motherships, and catcher/processors, this data collection yields equivalent annual product value information for all respective processing sectors and provides a consistent time series according to which groundfish resources may be managed more efficiently.

II. Method of Collection

The method of submittal is completion of a fillable file of the COAR onscreen or completion of a paper form and mailed.

III. Data

OMB Control Number: 0648–0428.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 204.

Estimated Time per Response: 8 hr.

Estimated Total Annual Burden Hours: 1,632.

Estimated Total Annual Cost to Public: $816.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 16, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–25034 Filed 10–21–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Ocean and Atmospheric Administration

Proposed Information Collection; Comment Request; Non-Economic Valuation of Subsistence Salmon in Alaska

AGENCY: National Ocean and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before December 22, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Amber Himes-Cornell, 206–526–4221 or *amber.himes@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a new information collection.

The National Oceanic and Atmospheric Administration's (NOAA) National Ocean Service (NOS) and National Marine Fisheries Service's Alaska Fisheries Science Center propose to collect data on non-economic values related to subsistence salmon fishing and use in Alaska. Data are needed to support Natural Resource Damage Assessment (NRDA) and resource restoration analysis and activities. NRDA is a legal process to determine the type and amount of restoration needed to compensate the public for harm to natural resources and their human uses that occur as a result of an oil spill or other hazardous substance release. Through the NRDA process, NOAA and co-trustees identify the extent of natural resource injuries and the amount and type of restoration required to restore public trust resources to baseline conditions.

For this study, researchers have developed a survey instrument to quantify non-economic values, including (1) the value subsistence fishing adds to an individual or community's way of life, (2) the value of the subsistence resources in cultural or religious practices, roles, language, knowledge and skill transfer and (3) the value of the subsistence resources harvested. Alaska, with an abundance of natural and energy resources that are co-located with subsistence harvesting grounds, is a logical place for NOAA to develop assessment tools. This pilot project tests a set of survey questions for their ability to provide NOAA with adequate information to assess non-economic values of subsistence resource harvest that might be damaged by a hazardous substance release event. We focus on Alaska's subsistence salmon fishery because of its size, geographic range, and significance to multiple types of communities, families and individual commercial, recreational, and subsistence fishermen. We further focus on subsistence use of salmon because of its importance to rural residents and Alaska Natives who rely on natural resources for food, shelter, clothing, the maintenance of cultural traditions, and other aspects of Alaskan Native life. The data collection is expected to take place between fall 2015 and spring 2016.

II. Method of Collection

Members of the research team will administer a questionnaire in person in an interview-style setting with each respondent.

III. Data

OMB Control Number: 0648-xxxx.

Form Number(s): None.

Type of Review: Regular submission (request for a new information collection).

Affected Public: Individuals or households.

Estimated Number of Respondents: 600.

Estimated Time per Response: 45 minutes.

Estimated Total Annual Burden Hours: 450.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 16, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–25026 Filed 10–21–14; 8:45 am]

BILLING CODE 3510–JS–P

DEPARTMENT OF COMMERCE

National Ocean and Atmospheric Administration

Proposed Information Collection; Comment Request; Contingent Valuation Surveys To Assess Value of Selected Hurricane Sandy Restoration Efforts in New York and New Jersey

AGENCY: National Ocean and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before December 22, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230, (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Pete Wiley, NOAA Office for Coastal Management, 1305 East West Hwy., Silver Spring, MD 20910, 301–563–1141, *peter.wiley@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a new information collection.

Superstorm Sandy caused significant damage to the New York and New Jersey coast. There are numerous ongoing and planned projects to repair the damage caused by the storm. The Disaster Relief Appropriations Act of 2012 provided NOAA with funding to assess the ecosystem service values associated with restoration options being considered in the wake of Sandy. Two geographic areas that were particularly impacted by the Storm were the Forsythe National Wildlife Refuge in

New Jersey and Jamaica Bay in New York. Under this collection effort, the NOAA Office for Coastal Management will implement a contingent valuation survey to assess the value of the ecosystem services that will be generated by restoration projects being implemented in both areas. Data will be collected from individuals who reside in the New York and New Jersey areas. NOAA will implement two separate surveys: One for each geographic area.

There are a number of restoration projects that are ongoing in the Forsythe National Wildlife Refuge and in Jamaica Bay. After reviewing the scope and focus of many of those restoration projects, NOAA has decided to focus on two specific projects. For the Forsythe National Wildlife Refuge, NOAA will focus on the work being done under a $15 million project being conducted by the U.S. Fish and Wildlife Service. The Forsythe project will focus on restoring and enhancing the salt marsh at the Refuge to act as a natural protection from storms and to act as a habitat for wildlife. In assessing ecosystem service benefits for the Forsythe restoration work, NOAA will focus on the value of the salt marsh for storm protection, habitat, and recreation, as well as other possible ecosystem services.

The Jamaica Bay area has a number of planned and ongoing projects. NOAA has decided to focus on work being conducted at Spring Creek Park on the northern point of Jamaica Bay. The restoration work at the park will involve improving habitat and storm and flood protection. NOAA will focus on the associated ecosystem services from habitat improvements and the added storm and flood protection.

NOAA is currently contacting and working with partners and stakeholders at each site to ensure the relevancy of this work.

II. Method of Collection

NOAA will collect these data using a web-based survey instrument and will be using an online panel. The panel will consist of individuals who reside in the two areas. A number of firms maintain online panels to use in survey efforts. These firms recruit individuals to be part of the panels and target their recruitment efforts to develop panels that are representative of the general population. Individuals who are part of these panels have agreed to participate in online surveys. To access the panel, NOAA will contract with one of the firms who maintains an online panel.

III. Data

OMB Control Number: 0648–xxxx.
Form Number(s): None.
Type of Review: Regular submission (request for a new information collection).
Affected Public: Individuals and households.
Estimated Number of Respondents: 400.
Estimated Time per Response: 20 minutes.
Estimated Total Annual Burden Hours: 134 hours.
Estimated Total Annual Cost to Public: $0 in capital and reporting/recordkeeping costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 16, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–25054 Filed 10–21–14; 8:45 am]

BILLING CODE 3510–JS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Catcher Processor Socio-Cultural Study

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before December 22, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 66165, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Amber Himes-Cornell, (206) 526–4221 or *amber.himes@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a new information collection.

Historically, changes in fisheries management regulations have been shown to result in impacts to individuals within the fishery. An understanding of social impacts in fisheries—achieved through the collection of data on fishing communities, as well as on individuals who fish—is a requirement under several federal laws. Laws such as the National Environmental Policy Act (NEPA) and the Magnuson- Stevens Fishery Conservation and Management Act (MSA) (as amended 2007) describe such requirements. The collection of this data not only helps to inform legal requirements for the existing management actions, but will inform future management actions requiring equivalent information.

Fisheries rationalization programs have an impact on those individuals participating in the affected fishery, as well as their communities and may also have indirect effects on other fishery participants. The North Pacific Fishery Management Council is considering the implementation of a new, yet to be defined, rationalization program for the Gulf of Alaska groundfish trawl fishery. A data collection was conducted in 2014 (OMB Control No. 0648–0685) to obtain relevant socio-cultural information about current participants in most sectors of this fishery.

The proposed data collection complements this 2014 effort by collecting comparable information from individuals participating in the catcher processor fleet that operates in the North Pacific. The data collected will be used to develop a baseline description of the catcher processor sector operating in the North Pacific that can be used to analyze impacts that future fisheries management changes, such as the new bycatch management changes being

developed for the Gulf of Alaska trawl fishery, may have on catcher processor businesses, as well as individuals and communities that are dependent on this sector. The measurement of these changes, combined with those noted in the 2014 survey, will lead to a greater understanding of the social impacts new management measures may have on the individuals and communities.

II. Method of Collection

Data collection will be undertaken through the use of a survey instrument. Data will be collected using a mixed method approach through a combination of paper surveys, electronic surveys, and in-person interviews to obtain the greatest breadth of information as possible.

III. Data

OMB Control Number: 0648-xxxx.

Form Number: None.

Type of Review: Regular submission (request for a new information collection).

Affected Public: Individuals or households; business or other for-profit organizations.

Estimated Number of Respondents: 435.

Estimated Time per Response: 20–30 minutes.

Estimated Total Annual Burden Hours: 160 hours.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 16, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–25047 Filed 10–21–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD562

Endangered and Threatened Species; Initiation of a Status Review for the Guadalupe Fur Seal

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

ACTION: Notice of initiation of a status review; request for information.

SUMMARY: The National Marine Fisheries Service (NMFS) announces a status review of the Guadalupe fur seal (*Arctocephalus townsendi*) under the Endangered Species Act of 1973 (ESA). A status review is a periodic undertaking conducted to ensure that the listing classification of a species is accurate. A status review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any such information on the Guadalupe fur seal population in the eastern Pacific waters that has become available since the last Guadalupe fur seal status review in 1984.

DATES: To allow us adequate time to conduct these reviews, we must receive your information no later than December 22, 2014. However, we will continue to accept new information about any listed species at any time.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2014–0131, by any of the following methods:

1. *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal *www.regulations.gov.* To submit comments via the e-Rulemaking Portal, first click the ''submit a comment'' icon, then enter NOAA–NMFS–2014–0131 in the keyword search. Locate the document you wish to comment on from the resulting list and click on the ''Submit a Comment'' icon on the right of that line.

2. *Facsimile (fax):* 562–980–4027, Attn: Christina Fahy.

3. *Mail or hand-delivery:* Christina Fahy, National Marine Fisheries Service, West Coast Regional Office, 501 West Ocean Blvd.; Suite 4200; Long Beach, California 90802.

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.

FOR FURTHER INFORMATION CONTACT: Christina Fahy, West Coast Region, 562–980–4023.

SUPPLEMENTARY INFORMATION: Section 4(c)(2)(A) of the ESA requires that we conduct a review of listed species at least once every five years. On the basis of such reviews under section 4(c)(2)(B), we determine whether a particular species should be removed from the list (delisted), or reclassified from endangered to threatened, or from threatened to endangered. Delisting a species must be supported by the best scientific and commercial data available, substantiating that the species is neither endangered nor threatened for one or more of the following reasons: (1) The species is considered extinct; (2) the species is considered to be recovered; and/or (3) the original data available when the species was listed, or the interpretation of such data, were in error. Any change in Federal classification would require a separate rulemaking process. The regulations in 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under active review. This notice announces active review of the Guadalupe fur seal, currently listed globally as threatened.

Public Solicitation of New Information

To ensure that the review is complete and based on the best available scientific and commercial information, we are soliciting new information from the public, relevant governmental agencies, tribes, the scientific

community, industry, environmental entities, and any other interested parties concerning the status of the Guadalupe fur seal.

Status reviews consider the best scientific and commercial data and all new information that has become available since the listing determination or most recent status review. Categories of requested information include: (1) Species biology including, but not limited to, population trends, distribution, abundance, demographics, and genetics; (2) habitat conditions including, but not limited to, amount, distribution, and suitability; (3) conservation measures that have been implemented that benefit the species; (4) status and trends of threats; and (5) other new information, data, or corrections including, but not limited to, taxonomic or nomenclatural changes, identification of erroneous information contained in the list, and improved analytical methods. Any new information will be considered during the status review.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: October 16, 2014.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–25017 Filed 10–21–14; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 10 a.m., Friday, October 31, 2014.

PLACE: Three Lafayette Centre, 1155 21st Street NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance, enforcement, and examinations matters. In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's Web site at *http://www.cftc.gov.*

CONTACT PERSON FOR MORE INFORMATION: Christopher Kirkpatrick, 202–418–5964.

Christopher J. Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2014–25225 Filed 10–20–14; 11:15 am]

BILLING CODE 6351–01–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sunshine Act Meeting

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice of public business meeting.

SUMMARY: Pursuant to the provisions of the ''Government in the Sunshine Act,'' notice is hereby given of the Defense Nuclear Facilities Safety Board's (Board) public business meeting described below.

DATES: *Time and Date of Meeting:* 9 a.m.–12:30 p.m., October 30, 2014.

ADDRESSES: *Place:* Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., Suite 352, Washington, DC 20004–2901.

FOR FURTHER INFORMATION CONTACT: Mark Welch, General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., Suite 700, Washington, DC 20004–2901, (800) 788–4016. This is a toll-free number.

SUPPLEMENTARY INFORMATION: *Status:* Open.

Matters to be Considered: This public business meeting will be conducted pursuant to the Government in the Sunshine Act, the Board's implementing regulations for the Government in the Sunshine Act, and the Board's Procedures dated February 2014. The meeting will proceed in accordance with the previously approved business meeting agenda. The Board will receive testimony from the agency Office Directors and the technical staff group leaders. First, the Board's General Manager will report to the Board concerning the Office of the General Manager's draft Fiscal Year (FY) 2015 Work Plan. Next, the Board's Acting General Counsel will report to the Board on the Office of the General Counsel's draft FY 2015 Work Plan. The Board's Technical Director and the five technical group leaders will then report to the Board on the Office of the Technical Director's draft FY 2015 Work Plan. The five groups within the Office of the Technical Director include the Nuclear Weapons Program group, the Nuclear Materials Processing and Stabilization group, the Nuclear Facility Design and Infrastructure group, the Nuclear Programs and Analysis group, and the Performance Assurance group. Finally, the General Manager will report to the Board on the Board's draft FY 2015 Staffing Plan. Following each of the Office Director presentations, and as described in the business meeting agenda, Board members may enter into discussions and move to amend the Work Plan presented by that Office Director. Following conclusion of amendments and deliberations, the Board is expected to vote on whether to approve or disapprove the individual Work Plans. The Board will also deliberate and vote on whether to approve or disapprove the Board's Staffing Plan.

The business meeting agenda is posted on the Board's public Web site. The public is invited to view this business meeting and provide comments at the conclusion of the meeting at approximately 12:15 p.m. A transcript of the business meeting, along with a DVD video recording, will be made available by the Board for inspection and viewing by the public at the Board's Washington office. The Board specifically reserves its right to further schedule and otherwise regulate the course of the business meeting, to recess, reconvene, postpone, or adjourn the meeting, conduct further reviews, and otherwise exercise its rights under the Government in the Sunshine Act and the Board's Procedures.

Dated: October 17, 2014.

Peter S. Winokur,

Chairman.

[FR Doc. 2014–25197 Filed 10–20–14; 11:15 am]

BILLING CODE 3670–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2014–ICCD–0145]

Agency Information Collection Activities; Comment Request; College Affordability and Transparency Explanation Form (CATEF) 2015–2017

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before December 22, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0145 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept

comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E105, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Ashley Higgins, 202–219–7061.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: College Affordability and Transparency Explanation Form (CATEF) 2015–2017.

OMB Control Number: 1840–0822.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector, State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 655.

Total Estimated Number of Annual Burden Hours: 2,172.

Abstract: The Office of Postsecondary Education (OPE) is seeking a renewed three-year clearance for the College Affordability and Transparency Explanation Form (CATEF) data collection. OPE has collected this information since 2011–12 and the collection of information through CATEF is required by § 132 of the Higher Education Act of 1965 as amended (HEA), 20 U.S.C. § 1015a with the goal of increasing the transparency of college tuition prices for consumers. This submission is for the 2014–15, 2015–16, and 2016–17 collection years. CATEF collects follow-up information from institutions that appear on the tuition and fees and/or net price increase College Affordability and Transparency Center (CATC) Lists for being in the five percent of institutions in their institutional sector that have the highest increases, expressed as a percentage change, over the three-year time period for which the most recent data are available. The information collected through CATEF is used to write a summary report for Congress which is also posted on the CATC Web site (accessible through the College Navigator).

Dated: October 16, 2014.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–25028 Filed 10–21–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Personnel Development To Improve Services and Results for Children With Disabilities; Personnel Preparation in Special Education, Early Intervention, and Related Services

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

ACTION: Notice.

Overview Information:

Personnel Development to Improve Services and Results for Children with Disabilities—Personnel Preparation in Special Education, Early Intervention, and Related Services Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.325K.

Dates:

Applications Available: October 22, 2014.

Deadline for Transmittal of Applications: December 5, 2014.

Deadline for Intergovernmental Review: February 3, 2015.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purposes of this program are to (1) help address State-identified needs for personnel preparation in special education, early intervention, related services, and regular education to work with children, including infants and toddlers, with disabilities; and (2) ensure that those personnel have the necessary skills and knowledge, derived from practices that have been determined through scientifically based research and experience, to be successful in serving those children.

Priority: In accordance with 34 CFR 75.105(b)(2)(iv), this priority is from allowable activities specified in the statute (see sections 662 and 681 of the Individuals with Disabilities Education Act (IDEA)).

Absolute Priority: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Personnel Preparation in Special Education, Early Intervention, and Related Services.

Background:

The purpose of the Personnel Preparation in Special Education, Early Intervention, and Related Services priority is to improve the quality and increase the number of personnel who are fully credentialed to serve children, including infants and toddlers, with disabilities—especially in areas of chronic personnel shortage—by supporting projects that prepare special education, early intervention, and related services personnel at the baccalaureate, master's, and specialist levels. State demand for fully credentialed special education, early intervention, and related services personnel to serve infants, toddlers, and children with disabilities exceeds the available supply (Bruder, 2004a; Bruder, 2004b; McLeskey & Billingsley, 2008; McLeskey, Tyler, & Flippin, 2004). These shortages of fully credentialed personnel can negatively affect the quality of services provided to infants, toddlers, and children with disabilities and their families (McLeskey et al., 2004).

Personnel preparation programs that prepare personnel to enter the fields of

special education, early intervention, and related services as fully credentialed personnel who are well qualified, have the necessary competencies, and effectively use evidence-based practices to improve outcomes for children with disabilities are critical to overcome the personnel shortages in these fields. Federal support of these personnel preparation programs is needed to increase the supply of personnel with the necessary competencies to effectively serve infants, toddlers, and children with disabilities and their families, and to make sure students with disabilities have access to and meet college- and career-ready standards.

Priority:

Except as provided for Focus Area D projects, to meet this priority, an applicant must propose a project associated with a pre-existing baccalaureate, master's, or specialist degree personnel preparation program that will prepare and support scholars[1] to complete, within the project period of the grant, a degree, State certification, professional license, or State endorsement in special education, early intervention, or a related services field. Projects also can be associated with personnel preparation programs that (a) prepare individuals to be assistants in related services professions (e.g., physical therapist assistants, occupational therapist assistants) or educational interpreters; or (b) provide an alternate route to certification or that support dual certification (special education and regular education) for teachers. For purposes of this priority, the term ''personnel preparation program'' refers to the program with which the applicant's proposed project is associated.

To be considered for funding under the Personnel Preparation in Special Education, Early Intervention, and Related Services absolute priority, applicants must meet the application requirements contained in this priority. All projects funded under this absolute priority also must meet the programmatic and administrative requirements specified in the priority.

The requirements of this priority are as follows:

(a) Demonstrate, in the narrative section of the application under ''Significance of the Project,'' how the proposed project will—

(1) Address national, State, or regional shortages of personnel who are fully credentialed to serve children with disabilities, ages birth through 21, including high-need children with disabilities,[2] by preparing special education, early intervention, or related services personnel at the baccalaureate, master's, or specialist levels. To address this requirement, the applicant must present—

(i) Appropriate and applicable data that demonstrate a national, State, or regional need for the personnel the applicant proposes to prepare; and

(ii) Data that demonstrate the effectiveness of the applicant's personnel preparation program to date in areas such as: The average amount of time it takes program participants to complete the program; the percentage of program graduates finding employment related to their preparation within one year of graduation; the effectiveness of program graduates in providing special education, early intervention, or related services, which could include data on the learning and developmental outcomes of children with disabilities they serve; or the percentage of program graduates who maintain employment for three or more years in the area for which they were prepared and who are fully qualified under IDEA.

Note: Data provided in response to this requirement should be no older than five years from the start date of the project proposed in the application. When reporting percentages, the denominator (e.g., total number of students or program graduates) must be provided.

(2) Increase the number of personnel who demonstrate the competencies needed to provide high-quality instruction, evidence-based interventions, and services for children with disabilities, ages birth through 21, including high-need children with disabilities, that result in improvements in learning and developmental outcomes (e.g., academic, social, emotional, behavioral), and successful transition to postsecondary education and the workforce. To address this requirement, the applicant must—

(i) Identify the competencies[3] that special education, early intervention, or related services personnel need in order to provide high-quality services using evidence-based instruction and interventions that will lead to improved learning and developmental outcomes; ensure access to college- and career-ready standards; lead to successful transition to college and career for children with disabilities, including high-need children with disabilities; and maximize the use of effective technology to deliver instruction, interventions, and services; and

(ii) Provide the conceptual framework of the personnel preparation program, including any empirical support, that will promote the acquisition of the identified competencies (see paragraph (a)(2)(i) of this priority) needed by special education, early intervention, or related services personnel, and how these competencies relate to the proposed project.

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

(1) Will recruit and retain high-quality scholars and ensure equal access and treatment for eligible project participants who are members of groups who have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. To meet this requirement, the applicant must describe—

(i) The selection criteria that it will use to identify high-quality applicants for admission to the proposed project;

(ii) The recruitment strategies that it will use to attract high-quality applicants and any specific recruitment strategies targeting high-quality applicants from traditionally underrepresented groups, including individuals with disabilities; and

(iii) The approach, including mentoring, monitoring, and accommodations, that will be used to support scholars to complete the personnel preparation program.

(2) Reflects current research and evidence-based practices, and is designed to prepare scholars in the

[1] For the purposes of this priority, the term ''scholar'' means an individual who is pursuing a degree, license, endorsement, or certification related to special education, related services, or early intervention services and who receives scholarship assistance under section 662 of IDEA (see 34 CFR 304.3(g)).

[2] For the purposes of this priority, ''high-need children with disabilities'' refers to children (ages birth through 21, depending on the State) who are eligible for services under IDEA, and who may be further disadvantaged and at risk of educational failure because they: (1) Are living in poverty, (2) are far below grade level, (3) are at risk of not graduating with a regular high school diploma on time, (4) are homeless, (5) are in foster care, (6) have been incarcerated, (7) are English learners, (8) are pregnant or parenting teenagers, (9) are new immigrants, (10) are migrant, or (11) are not on track to being college- or career-ready by graduation.

[3] For the purposes of this priority, the term ''competencies'' means what a person knows and can do: the knowledge, skills, and dispositions necessary to effectively function in a role (National Professional Development Center on Inclusion, 2011). These competencies should ensure that personnel are able to use challenging national and State content standards, child achievement and functional standards, and State assessments, to improve instructional practices, services, and learning and developmental outcomes (e.g., academic, social, emotional, behavioral); and college- and career-readiness of children with disabilities.

identified competencies. To address this requirement, the applicant must describe how the proposed project will—

(i) Incorporate current research and evidence-based practices that improve outcomes (e.g., meeting college- and career-ready standards) for children with disabilities (including relevant research citations) into the project's required coursework and clinical experiences; and

(ii) Use current research and evidence-based professional development practices for adult learners to instruct scholars.

(3) Is of sufficient quality, intensity, and duration to prepare scholars in the identified competencies. To address this requirement, the applicant must describe how—

(i) The components of the proposed project (e.g., coursework, clinical experiences, or internships) will support scholars' acquisition and enhancement of the identified competencies;

(ii) The components of the proposed project (e.g., coursework, clinical experiences, or internships) will be integrated to allow scholars to use their content knowledge in clinical practice, and how scholars will be provided with ongoing guidance and feedback; and

(iii) The proposed project will provide ongoing induction opportunities and support to program graduates.

(4) Will collaborate with appropriate partners, including—

(i) High-need LEAs;[4] high-poverty schools;[5] low-performing schools, including persistently lowest-achieving schools;[6] priority schools (in the case of States that have received the U.S. Department of Education's (Department's) approval of a request for Elementary and Secondary Education Act of 1965, as amended (ESEA) flexibility),[7] or publicly funded preschool programs, including Head Start programs and programs serving children eligible for services under IDEA Part C and Part B, Section 619, that are located within the geographic boundaries of a high-need LEA. The purpose of these partnerships is to provide clinical practice for scholars aimed at developing the identified competencies; and

(ii) Other programs on campus or at partnering universities for the purpose of sharing resources, supporting program development and delivery, and addressing personnel shortages.

(5) Will use technology, as appropriate, to promote scholar learning, enhance the efficiency of the project, collaborate with partners, and facilitate ongoing mentoring and support for scholars.

(6) Will align with and use resources, as appropriate, available through technical assistance centers, which may include centers funded by the Department.

(c) Include, in the narrative section of the application under ''Quality of Project Evaluation,'' how—

(1) The proposed project will use comprehensive and appropriate methodologies to evaluate the effectiveness of the project, including the effectiveness of project processes and outcomes.

(2) The proposed project will collect and analyze data related to specific and measurable goals, objectives, and outcomes of the project. To address this requirement, the applicant must describe—

(i) How scholar competencies and other project processes and outcomes will be measured for formative evaluation purposes, including proposed instruments, data collection methods, and possible analyses; and

(ii) How data on the quality of services provided by proposed project graduates, including data on the learning and developmental outcomes (e.g., academic, social, emotional, behavioral, meeting college- and career-ready standards) and on growth toward these outcomes of the children with disabilities that the project graduates serve, will be collected and analyzed.

Note: Following the completion of the project period, grantees are encouraged—but not required—to engage in ongoing data collection activities.

(3) The methods of evaluation will produce quantitative and qualitative data for objective performance measures that are related to the outcomes of the proposed project.

(4) The methods of evaluation will provide performance feedback and allow for periodic assessment of progress towards meeting the project outcomes. To address this requirement, the applicant must describe how—

(i) Findings from the evaluation will be used as a basis for improving the proposed project to prepare special education, early intervention, or related services personnel to provide high-quality interventions and services to improve outcomes of children with disabilities; and

(ii) The proposed project will report evaluation results to the Office of Special Education Programs (OSEP) in the annual and final performance reports.

(d) Demonstrate, in the narrative under ''Project Assurances,'' or appendices, as applicable, that the following program requirements are met. The applicant must—

(1) Include, in the application as Appendix B, syllabi for all required coursework of the proposed project, including syllabi for new or proposed courses.

(2) Ensure that the proposed number of scholars to be recruited into the

[4] For the purposes of this priority, the term ''high-need LEA'' means an LEA (a) that serves not fewer than 10,000 children from families with incomes below the poverty line; or (b) for which not less than 20 percent of the children served by the LEA are from families with incomes below the poverty line.

[5] For the purposes of this priority, the term ''high-poverty school'' means a school in which at least 50 percent of students are eligible for free or reduced-price lunches under the Richard B. Russell National School Lunch Act or in which at least 50 percent of students are from low-income families as determined using one of the criteria specified under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965, as amended (ESEA). For middle and high schools, eligibility may be calculated on the basis of comparable data from feeder schools. Eligibility as a high-poverty school under this definition is determined on the basis of the most currently available data (*www2.ed.gov/legislation/FedRegister/other/2010–4/121510b.html*).

[6] For the purposes of this priority, the term ''persistently lowest-achieving schools'' means, as determined by the State—

(a)(1) Any Title I school in improvement, corrective action, or restructuring that—

(i) Is among the lowest-achieving five percent of Title I schools in improvement, corrective action, or restructuring or the lowest-achieving five Title I schools in improvement, corrective action, or restructuring in the State, whichever number of schools is greater; or

(ii) Is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years; and

(2) Any secondary school that is eligible for, but does not receive, Title I funds that—

(i) Is among the lowest-achieving five percent of secondary schools or the lowest-achieving five secondary schools in the State that are eligible for, but do not receive, Title I funds, whichever number of schools is greater; or

(ii) Is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years.

(b) To identify the lowest-achieving schools, a State must take into account both—

(i) The academic achievement of the ''all students'' group in a school in terms of proficiency on the State's assessments under section 1111(b)(3) of the ESEA in reading/language arts and mathematics combined; and

(ii) The school's lack of progress on those assessments over a number of years in the ''all students'' group.

For the purposes of this priority, the Department considers schools that are identified as Tier I or Tier II schools under the School Improvement Grants Program (see 75 FR 66363 [October 28, 2010]) as part of a State's approved FY 2009, FY 2010, FY 2011, or FY 2012 application to be persistently lowest-achieving schools. A list of these Tier I and Tier II schools can be found on the Department's Web site at *www2.ed.gov/programs/sif/index.html.*

[7] For the purposes of this priority, the term ''priority school'' means a school that has been identified by the State as a priority school pursuant to the State's approved request for ESEA flexibility.

program can graduate from the program by the end of the grant's project period. The strategies for recruiting scholars (including individuals with disabilities), the program components and their sequence, and proposed budget must be consistent with this project requirement.

(3) Ensure that prior approval from the OSEP project officer will be obtained before admitting additional scholars beyond the number of scholars proposed in the application and before transferring a scholar to another OSEP-funded grant.

(4) Ensure that the project will meet the service obligation requirements in 34 CFR part 304, particularly those related to informing all scholarship recipients of their service obligation commitment. Failure by a grantee to properly meet these requirements would be a violation of the grant award that could result in sanctions, including the grantee being liable for returning any misused funds to the Department. Specifically, the grantee must prepare and ensure that each scholarship recipient signs the following two documents:

(i) A Pre-Scholarship Agreement prior to the scholar receiving a scholarship for an eligible program (OMB Control Number 1820–0686); and

(ii) An Exit Certification immediately upon the scholar leaving, completing, or otherwise exiting that program (OMB Control Number 1820–0686).

(5) Ensure that the project will meet the statutory requirements in section 662(e) through 662(h) of IDEA.

(6) Ensure that at least 65 percent of the total requested budget over the five years will be used for scholar support.

(7) Ensure that the institution of higher education (IHE) will not require scholars to work (e.g., as graduate assistants) as a condition of receiving support (e.g., tuition, stipends, books) from the proposed project unless the work is specifically required to advance scholars' competencies or complete other requirements in their personnel preparation program. Please note that this prohibition on work as a condition of receiving support does not apply to the service obligation requirements in section 662(h) of IDEA.

(8) Ensure that the budget includes attendance of the project director at a three-day project directors' meeting in Washington, DC, during each year of the project.

(9) Ensure that if the proposed project maintains a Web site, relevant information and documents are in a format that meets government or industry-recognized standards for accessibility.

(10) Ensure that the project director submits annual data on each scholar who receives grant support. Applicants are encouraged to visit the Personnel Development Program Scholar Data Report Web site at: *http://oseppdp.ed.gov* for further information about this data collection requirement. Typically, data collection begins in January of each year, and grantees are notified by email about the data collection period for their grant. This data collection must be submitted electronically by the grantee and does not supplant the annual grant performance report required of each grantee for continuation funding (see 34 CFR 75.590).

Focus Areas:

Within this absolute priority, the Secretary intends to support projects under the following four focus areas: (A) Preparing Personnel to Serve Infants, Toddlers, and Preschool-Age Children with Disabilities; (B) Preparing Personnel to Serve School-Age Children with Low-Incidence Disabilities; (C) Preparing Personnel to Provide Related Services to Children, Including Infants and Toddlers, with Disabilities; and (D) Preparing Personnel in Minority Institutions of Higher Education to Serve Children, Including Infants and Toddlers, with Disabilities. Interdisciplinary projects are encouraged to apply under Focus Area A, B, C, or D. Interdisciplinary projects are projects that deliver core content through coursework and clinical experiences shared across disciplines.

Note: Applicants must identify the specific focus area (i.e., A, B, C, or D) under which they are applying as part of the competition title on the application cover sheet (SF form 424, line 4). Applicants may not submit the same proposal under more than one focus area.

Focus Area A: Preparing Personnel to Serve Infants, Toddlers, and Preschool-Age Children with Disabilities. OSEP intends to fund six awards under this focus area. For the purpose of Focus Area A, early intervention personnel are those who are prepared to provide services to infants and toddlers with disabilities ages birth to three, and early childhood personnel are those who are prepared to provide services to children with disabilities ages three through five (and in States where the age range is other than ages three through five, we will defer to the State's certification for early childhood). In States where certification in early intervention is combined with certification in early childhood, applicants may propose a combined early intervention and early childhood personnel preparation project under this focus area. We encourage interdisciplinary projects under this focus area. For purposes of this focus area, interdisciplinary projects are projects that deliver core content through coursework and clinical experiences shared across disciplines for early intervention providers or early childhood special educators, and related services personnel to serve infants, toddlers, and preschool-age children with disabilities. Projects preparing only related services personnel to serve infants, toddlers, and preschool-age children with disabilities are not eligible under this focus area (see Focus Area C). Scholars in the program should be able to demonstrate the competencies outlined in a State's Workforce Knowledge and Competency Framework,[8] as appropriate.

Focus Area B: Preparing Personnel to Serve School-Age Children with Low-Incidence Disabilities. OSEP intends to fund twelve awards under this focus area. For the purpose of Focus Area B, personnel who serve children with low-incidence disabilities are special education personnel prepared to serve school-age children with low-incidence disabilities, including visual impairments, hearing impairments, simultaneous visual and hearing impairments, significant intellectual disabilities, orthopedic impairments, traumatic brain injury, and persistent and severe learning and behavioral problems that need the most intensive individualized supports. Programs preparing special education personnel to provide services to children with visual impairments or blindness that can be appropriately provided in braille must prepare those individuals to provide those services in braille,

[8] For the purposes of this priority, ''Workforce Knowledge and Competency Framework'' is defined by the definitions published in the Notice Inviting Applications for New Awards for Fiscal Year 2013 Race to the Top-Early Learning Challenge (RTT–ELC) (78 FR 53992 [August 30, 2013]): a set of expectations that describes what Early Childhood Educators (including those working with children with disabilities and English learners) should know and be able to do. The Workforce Knowledge and Competency Framework, at a minimum (a) is evidence-based; (b) incorporates knowledge and application of the State's Early Learning and Development Standards, the Comprehensive Assessment Systems, child development, health, and culturally and linguistically appropriate strategies for working with families; (c) includes knowledge of early mathematics and literacy development and effective instructional practices to support mathematics and literacy development in young children; (d) incorporates effective use of data to guide instruction and program improvement; (e) includes effective behavior management strategies that promote positive social-emotional development and reduce challenging behaviors; and (f) incorporates feedback from experts at the State's postsecondary institutions and other early learning and development experts and Early Childhood Educators.

including the Unified English Braille Code (UEB). Projects preparing educational interpreters are eligible under this focus area. We encourage interdisciplinary projects under this focus area. For purposes of this focus area, interdisciplinary projects are projects that deliver core content through coursework and clinical experiences shared across disciplines for low-incidence and related services personnel to serve school-aged children with low incidence disabilities. Projects preparing early intervention or preschool personnel are not eligible under this focus area (see Focus Area A).

Focus Area C: Preparing Personnel to Provide Related Services to Children, Including Infants and Toddlers, with Disabilities. OSEP intends to fund eight awards under this focus area. Programs preparing related services personnel to serve children, including infants and toddlers, with disabilities are eligible within Focus Area C. For the purpose of this focus area, related services include, but are not limited to, psychological services, physical therapy (including therapy provided by personnel prepared at the Doctor of Physical Therapy (DPT) level), adapted physical education, occupational therapy, therapeutic recreation, social work services, counseling services, audiology services (including services provided by personnel prepared at the Doctor of Audiology (AudD) level), speech and language services, and applied behavior analysis services provided by personnel at the Board Certified Behavior Specialists level. Preparation programs in States where personnel prepared to serve children with speech and language impairments are considered to be special educators are eligible under this focus area. We encourage interdisciplinary projects under this focus area.

For purposes of this focus area, interdisciplinary projects are projects that deliver core content through coursework and clinical experiences shared across disciplines for related services personnel who serve children, including infants and toddlers, with disabilities. Projects preparing educational interpreters are not eligible under this focus area (see Focus Area B).

Focus Area D: Preparing Personnel in Minority Institutions of Higher Education to Serve Children, Including Infants and Toddlers, with Disabilities. OSEP intends to fund ten awards under this focus area. Programs in minority IHEs are eligible under Focus Area D if they prepare one of the following: (a) Personnel to serve infants, toddlers, and preschool-age children with disabilities; (b) personnel to serve school-age children with low-incidence disabilities, including those with persistent and severe learning or behavioral problems that need the most intensive individualized supports; or (c) personnel to provide related services to children, including infants and toddlers, with disabilities. Minority IHEs include IHEs with a minority enrollment of 50 percent or more, which may include Historically Black Colleges and Universities, Tribal Colleges, and Predominantly Hispanic Serving Colleges and Universities. We encourage interdisciplinary projects under this focus area. For purposes of this focus area, interdisciplinary projects are projects that deliver core content through coursework and clinical experiences shared across disciplines for: (a) Early intervention providers or early childhood special educators and related services personnel who serve infants, toddlers, and preschool-age children with disabilities; (b) low-incidence and related services personnel who serve school-age children with low-incidence disabilities; or (c) related services personnel who serve children, including infants and toddlers, with disabilities. Programs in minority IHEs preparing personnel in Focus Area A, B, or C are eligible within Focus Area D. Programs preparing high-incidence special education personnel are not eligible under this priority.

Note: In Focus Area D, OSEP intends to fund in FY 2015 at least three high-quality applications from Historically Black Colleges and Universities and, as a result, may fund applications out of rank order.

Note: A project funded under Focus Area D may budget for less than the 65 percent required for scholar support if the applicant can provide sufficient justification for a designation less than this required percentage. Sufficient justification for proposing less than 65 percent of the budget for scholar support would include support for activities such as program development, program expansion, or the addition of a new area of emphasis. Some examples of projects that may be eligible to designate less than 65 percent of their budget for scholar support include the following:

(1) A project that is proposing to develop and deliver a newly established baccalaureate, master's, and specialist level personnel preparation program or add a new area of emphasis may request up to a year of funding for program development (e.g., hiring of a new faculty member or consultant to assist in course development, providing professional development and training for faculty). In the initial project year, scholar support would not be required. The project must demonstrate that the newly established program or area of emphasis is approved and ready for implementation in order to receive continuation funds in year two.

(2) A project that is proposing to expand or enhance an existing program may request funding for capacity building (e.g., hiring of a clinical practice supervisor, providing professional development and training for faculty) or purchasing needed resources (e.g., additional teaching supplies or specialized equipment to enhance instruction).

Note: Applicants proposing projects to develop, expand, or add a new area of emphasis to special education or related services programs must provide, in their applications, information on how these new areas will be sustained once Federal funding ends.

References

Bruder, M. B. (December, 2004a). *The National Landscape of Early Intervention in Personnel Preparation Standards under Part C of the Individuals with Disabilities Education Act (IDEA)* (Study I Data Report). Farmington, CT: A. J. Pappanikou Center for Excellence in Developmental Disabilities. Retrieved from: *www.uconnucedd.org/pdfs/projects/per_prep/pp_data_report_study1_partc_11_14_08.pdf.*

Bruder, M. B. (December, 2004b). *The National Landscape of Early Childhood Special Education in Personnel Preparation Standards under 619 of the Individuals with Disabilities Education Act (IDEA)* (Study I Data Report). Farmington, CT: A. J. Pappanikou Center for Excellence in Developmental Disabilities. Retrieved from: *www.uconnucedd.org/pdfs/projects/per_prep/pp_data_report_study1_619_11_19_08%20ccs.pdf.*

McLeskey, J., & Billingsley, B. (2008). How does the quality and stability of the teaching force influence the research-to-practice gap? *Remedial and Special Education, 29*(5), 293–305.

McLeskey, J., Tyler, N., & Flippin, S. S. (2004). The supply and demand for special education teachers: A review of research regarding the chronic shortage of special education teachers. *Journal of Special Education, 38*(1), 5–21.

National Professional Development Center on Inclusion. (August, 2011). *Competencies for early childhood educators in the context of inclusion: Issues and guidance for States.* Chapel Hill, NC: The University of North Carolina, FPG Child Development Institute, Author.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on the proposed priorities and requirements. Section 681(d) of IDEA, however, makes

the public comment requirements of the APA inapplicable to the priority in this notice.

Program Authority: 20 U.S.C. 1462 and 1481.

Applicable Regulations: This Notice Inviting Applications (NIA) is being published before the Department adopts the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 CFR part 200. We expect to publish interim final regulations that would adopt those requirements before December 26, 2014, and make those regulations effective on that date. Because grants awarded under this NIA will likely be made after ED adopts the requirements in 2 CFR part 200, we list as applicable regulations both those that are currently effective and those that will be effective at the time ED makes grants.

The current regulations follow: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 86, 97, 98, and 99. (b) The Education Department debarment and suspension regulations in 2 CFR part 3485. (c) The regulations for this program in 34 CFR part 304.

At the time we award grants under this NIA, the following regulations will apply: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Education Department debarment and suspension regulations as adopted in 2 CFR part 3485 and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards as adopted in 2 CFR part 3474. (c) The regulations for this program in 34 CFR part 304.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply only to institutions of higher education (IHEs).

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested $83,700,000 for the Personnel Development to Improve Services and Results for Children with Disabilities program for FY 2015, of which we intend to use an estimated $9,000,000 for this competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2016 from the list of unfunded applicants from this competition.

Estimated Range of Awards: See chart.

Estimated Average Size of Awards: See chart.

Maximum Award: See chart.

Estimated Number of Awards: See chart.

Project Period: See chart.

PERSONNEL DEVELOPMENT TO IMPROVE SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES (84.325K) APPLICATION NOTICE FOR FISCAL YEAR 2015

CFDA No. and name	Applications available	Deadline for transmittal of applications	Deadline for intergovernmental review	Estimated range of awards	Estimated average size of awards	Maximum award for each budget period of 12 months	Estimated number of awards	Project period	Contact person
84.325K Personnel Preparation in Special Education, Early Intervention, and Related Services.	March 22, 2014	December 5, 2014	February 3, 2015.						
Focus Area A: Preparing Personnel to Serve Infants, Toddlers, and Pre-school Age Children with Disabilities.				$225,000–$250,000	$237,500	* $250,000	6	Up to 60 mos	Maryann McDermott, 202–245–7439, *maryann.mcdermott@ed.gov,* PCP, Room 4062.
Focus Area B: Preparing Personnel to Serve School-Age Children with Low Incidence Disabilities.				$225,000–$250,000	237,500	* 250,000	12	Up to 60 mos	Maryann McDermott, 202–245–7439, *maryann.mcdermott@ed.gov,* PCP, Room 4062.
Focus Area C: Preparing Personnel to Provide Related Services to Children, Including Infants and Toddlers, with Disabilities.				$225,000–$250,000	237,500	* 250,000	8	Up to 60 mos	Sarah Allen, 202–245–7875, *sarah.allen@ed.gov,* PCP, Room 4105.
Focus Area D: Preparing Personnel in Minority Institutions of Higher Education to Serve Children, Including Infants and Toddlers, with Disabilities.				$225,000–$250,000	237,500	* 250,000	10	Up to 60 mos	Dawn Ellis, 202–245–6417, *dawn.ellis@ed.gov,* PCP, Room 4092.

* We will reject any application that proposes a budget exceeding the maximum award for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Note: The Department is not bound by any estimates in this notice.

III. Eligibility Information

1. *Eligible Applicants:* IHEs and private nonprofit organizations.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Other General Requirements:*

(a) Recipients of funding under this program must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Each applicant for, and recipient of, funding under this program must involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.* To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.325K.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to no more than 50 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.
- Use a font that is 12 point or larger.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit and double-spacing requirement does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the resumes, the reference list, the letters of support, or the appendices. However, the page limit and double-spacing requirement does apply to all of Part III, the application narrative, including all text in charts, tables, figures, graphs, and screen shots.

We will reject your application if you exceed the page limit in the application narrative section; or if you apply standards other than those specified in the application package.

3. *Submission Dates and Times:*

Applications Available: October 22, 2014.

Deadline for Transmittal of Applications: December 5, 2014.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: February 3, 2015.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and

before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov tip sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Personnel Preparation in Special Education, Early Intervention, and Related Services competition, CFDA number 84.325K, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Personnel Preparation in Special Education, Early Intervention, and Related Services competition at *www.Grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.325, not 84.325K).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material. Additional, detailed information on how to attach files is in the application instructions.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along

with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system;

and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Mary Ann McDermott, U.S. Department of Education, 400 Maryland Avenue SW., Room 4062, Potomac Center Plaza (PCP), Washington, DC 20202–2600. FAX: (202) 245–7617.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.325K), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.325K), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The standing panel requirements under section 682(b) of IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications. However, if the Department decides to select an equal number of applications in each group

for funding, this may result in different cut-off points for fundable applications in each group.

4. *Special Conditions:* Under current 34 CFR 74.14 and 80.12 and, when grants are made under this NIA, 2 CFR 3574.10, the Secretary may impose specific conditions and, in appropriate circumstances, high risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable or, when grants are awarded, the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

(c) The Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the Department has established a set of performance measures, including long-term measures, that are designed to yield information on various aspects of the effectiveness and quality of the Personnel Development to Improve Services and Results for Children with Disabilities Program. These measures include: (1) The percentage of Special Education Personnel Development projects that incorporate evidence-based practices into their curriculum; (2) the percentage of scholars completing Special Education Personnel Development-funded programs who are knowledgeable and skilled in evidence-based practices for infants, toddlers, children, and youth with disabilities; (3) the percentage of Special Education Personnel Development-funded scholars who exit preparation programs prior to completion due to poor academic performance; (4) the percentage of Special Education Personnel Development-funded degree/certification recipients who are working in the area(s) for which they were prepared upon program completion; (5) the percentage of Special Education Personnel Development-funded degree/certification recipients who are working in the area(s) for which they were prepared upon program completion and who are fully qualified under IDEA; (6) the percentage of Special Education Personnel Development degree/certification recipients who maintain employment in the area(s) for which they were prepared for three or more years and who are fully qualified under IDEA; and (7) the Federal cost per fully qualified degree/certification recipient.

In addition, the Department will be gathering information on the following outcome measures: (1) The number and percentage of degree/certification recipients who are employed in high-need schools; (2) the number and percentage of degree/certification recipients who are employed in a school for at least three years; and (3) the number and percentage of degree/certification recipients whose employers are satisfied with the performance of the individuals.

Grantees may be asked to participate in assessing and providing information on these aspects of program quality.

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contacts

For Further Information Contact: See chart in the *Award Information* section in this notice for the name, room number, telephone number, and email address of the contact person for each Focus Area of this competition. You can write to the Focus Area contact person at the following address: U.S. Department of Education, 400 Maryland Avenue SW., Potomac Center Plaza (PCP), Washington, DC 20202–2600.

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

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: October 17, 2014.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2014–25182 Filed 10–21–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Personnel Development To Improve Services and Results for Children With Disabilities—Preparation of Special Education, Early Intervention, and Related Services Leadership Personnel

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

ACTION: Notice.

Overview Information

Personnel Development To Improve Services and Results for Children With Disabilities—Preparation of Special Education, Early Intervention, and Related Services Leadership Personnel

Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.325D.

DATES:

Applications Available: October 22, 2014.

Deadline for Transmittal of Applications: December 12, 2014.

Deadline for Intergovernmental Review: February 10, 2015.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purposes of this program are to (1) help address State-identified needs for personnel preparation in special education, related services, early intervention, and regular education to work with children, including infants and toddlers, with disabilities; and (2) ensure that those personnel have the necessary skills and knowledge, derived from practices that have been determined through scientifically based research and experience, to be successful in serving those children.

Priority: In accordance with 34 CFR 75.105(b)(2)(iv), this priority is from allowable activities specified in the statute (see sections 662 and 681 of the Individuals with Disabilities Education Act (IDEA)).

Absolute Priority: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Preparation of Special Education, Early Intervention, and Related Services Leadership Personnel

Background

The purpose of the Preparation of Special Education, Early Intervention, and Related Services Leadership Personnel priority is to support pre-existing programs that prepare special education, early intervention, and related services personnel at the graduate level who are well-qualified for, and can act effectively in, leadership positions in universities, State educational agencies (SEAs), lead agencies (LAs), local educational agencies (LEAs), early intervention services programs (EIS programs), or schools.

There is a well-documented need for leadership personnel who are prepared at the doctoral and postdoctoral levels to fill faculty and leadership positions in special education, early intervention, and related services (Sindelar & Taylor, 1988; Smith & Lovett, 1987; Smith, Montrosse, Robb, Tyler, & Young, 2011; Smith, Pion, & Tyler, 2004; Smith, Robb, West, & Tyler, 2010; Woods & Snyder, 2009). In the report, *Assessing Trends in Leadership: Special Education's Capacity to Produce a Highly Qualified Workforce,* Smith et al. (2011) stated:

Although the field has faced a consistent shortage of faculty, the predicted supply/demand imbalance is of historic proportions. To meet projected demand, the nation's doctoral programs will need to produce over six times the current number of SE [special education] doctoral graduates. * * * Unless abated, this shortage will impair the field's capacity to generate new knowledge and produce a sufficient number of SE teacher educators who can in turn produce enough well-prepared teachers to meet the needs of students with disabilities and their families. (p. 38)

Moreover, Smith et al. (2011) report that some special education doctoral programs anticipate ½ to ⅔ of their faculty will retire in the next six years. These leaders teach evidence-based practices to future special education, early intervention, and related services professionals who will work in a variety of educational settings and provide services directly to children and youth with disabilities. These leaders also conduct research to increase the knowledge of effective interventions and services for these children (Smith et al., 2010).

State and local agencies also need leadership personnel who are prepared at the graduate level (i.e., master's, education specialist, and doctoral degrees, depending on State certification requirements) to fill special education and early intervention administrator positions. These administrators supervise and evaluate the implementation of evidence-based instructional programs to make sure that State or local agencies are meeting the needs of children with disabilities. Administrators also ensure that schools and programs meet Federal, State, and local requirements for special education, early intervention, and related services (Lashley & Boscardin, 2003).

Federal support can increase the supply of personnel who have the necessary knowledge and skills to assume leadership positions in special education, early intervention, and related services in universities, SEAs, LAs, LEAs, EIS programs, or schools. Critical competencies for special education, early intervention, and related services personnel vary depending on the type of personnel and the requirements of the preparation program but can include, for example, skills needed for postsecondary instruction, administration, policy development, professional practice, leadership, or research. However, all leadership personnel need to have current knowledge of effective interventions and services that improve outcomes for children with disabilities, including high-need children with disabilities.[1]

Priority

The purpose of the Preparation of Special Education, Early Intervention, and Related Services Leadership Personnel priority is to support pre-existing graduate degree programs and postdoctoral learning experiences that prepare special education, early intervention, and related services personnel who are well-qualified for, and can act effectively in, leadership positions in universities, SEAs, LAs, LEAs, EIS programs, or schools. This priority supports two types of programs:

[1] For a definition of ''high-need children with disabilities,'' please see footnote 2.

Type A programs are designed to prepare special education, early intervention, or related services personnel to serve as higher education faculty. Type A programs culminate in a doctoral degree or provide postdoctoral learning opportunities.

Note: Preparation programs that lead to clinical doctoral degrees in related services (e.g., a Doctor of Audiology (AuD) degree or Doctor of Physical Therapy (DPT) degree) are not included in this priority. These types of preparation programs are eligible to apply for funding under the Personnel Preparation in Special Education, Early Intervention, and Related Services priority (CFDA 84.325K) that the Office of Special Education Programs (OSEP) intends to fund in FY 2015.

Type B programs are designed to prepare special education or early intervention administrators to work in SEAs, LAs, LEAs, EIS programs or providers, or schools. Type B programs prepare personnel for positions such as SEA special education administrators, LEA or regional special education directors, school-based special education directors, including those in youth correctional facilities, preschool coordinators, and early intervention coordinators. Type B programs culminate in a master's, education specialist, or doctoral degree or provide postdoctoral learning opportunities.

Note: OSEP intends to fund in FY 2015 at least three high-quality applications proposing Type B programs and may fund applications out of rank order.

Note: The preparation of school principals is not included in this priority.

Note: Applicants must identify the specific program type, A or B, for which they are applying for funding as part of the competition title on the application cover sheet (SF form 424, item 15). Applicants may not submit the same proposal for more than one program type.

To be considered for funding under the Preparation of Special Education, Early Intervention, and Related Services Leadership Personnel absolute priority, all program applicants must meet the application requirements contained in the priority. All projects funded under the absolute priority also must meet the programmatic and administrative requirements specified in the priority.

The requirements of this priority are as follows:

(a) Demonstrate, in the narrative section of the application under ''Significance of the Project,'' how—

(1) The project addresses national, State, or regional needs for leadership personnel to administer programs or provide, or prepare others to provide, interventions and services that improve outcomes of children with disabilities, ages birth through 21, including high-need children with disabilities.[2] To address this requirement, the applicant must—

(i) Present appropriate and applicable national, State, or regional data demonstrating the need for the leadership personnel the applicant proposes to prepare; and

(ii) Present data on the effectiveness of the graduate program to date in areas such as: The effectiveness of program graduates as educators of teachers, service providers, or administrators, including any results from evaluating the impact of those teachers, service providers, or administrators on the outcomes of children with disabilities; the average amount of time it takes for program graduates to complete the program; the percentage of program graduates finding employment directly related to their preparation; and the professional accomplishments of program graduates (e.g., public service, honors, or publications) that demonstrate their leadership in special education, early intervention, or related services; and

Note: Data on the effectiveness of a graduate program should be no older than five years prior to the start date of the project proposed in the application. When reporting percentages, the denominator (i.e., the total number of students) must be provided.

(2) Scholar competencies to be acquired in the program relate to knowledge and skills needed by the leadership personnel the applicant proposes to prepare, including knowledge of technologies designed to provide instruction. To address this requirement, the applicant must—

(i) Identify the competencies needed by leadership personnel in postsecondary instruction, administration, policy development, professional practice, leadership, or research in order to administer programs or provide, or prepare others to provide, interventions and services that improve outcomes of children with disabilities, ages birth through 21, including high-need children with disabilities; and

(ii) Provide the conceptual framework of the leadership preparation program, including any empirical support, that will promote the acquisition of the identified competencies needed by leadership personnel and, where applicable, how these competencies relate to the project's specialized preparation area.

(b) Demonstrate, in the narrative section of the application under ''Quality of the Project Services,'' how—

(1) The project will recruit and support high-quality scholars. The narrative must—

(i) Describe the selection criteria the applicant will use to identify high-quality applicants for admission in the program;

(ii) Describe the recruitment strategies the applicant will use to attract high-quality applicants and any specific recruitment strategies targeting high-quality applicants from traditionally underrepresented groups, including individuals with disabilities; and

(iii) Describe the approach the applicant will use to help all scholars, including individuals with disabilities, complete the program; and

(2) The project is designed to promote the acquisition of the competencies needed by leadership personnel to administer programs or provide, or prepare others to provide, interventions and services that improve outcomes, including college- and career-readiness of children with disabilities. To address this requirement, the applicant must—

(i) Describe how the components of the project, such as coursework, internship or practicum experiences, research requirements, and other opportunities provided to scholars to analyze data, critique research and methodologies, and practice newly acquired knowledge and skills, will enable the scholars to acquire the competencies needed by leadership personnel for postsecondary instruction, administration, policy development, professional practice, leadership, or research in special education, early intervention, or related services;

(ii) Describe how the components of the project are integrated in order to support the acquisition and enhancement of the identified competencies needed by leadership personnel in special education, early intervention, or related services;

(iii) Describe how the components of the project prepare scholars to administer programs or provide, or prepare others to provide, interventions and services that improve outcomes, including college- and career-readiness, of children with disabilities in a variety of settings, including in high-need

[2] For purposes of this priority, ''high-need children with disabilities'' refers to children (ages birth through 21, depending on the State) who are eligible for services under IDEA, and who may be further disadvantaged and at risk of educational failure because they: (1) Are living in poverty, (2) are far below grade level, (3) are at risk of not graduating with a regular high school diploma on time, (4) are homeless, (5) are in foster care, (6) have been incarcerated, (7) are English learners, (8) are pregnant or parenting teenagers, (9) are new immigrants, (10) are migrant, or (11) are not on track to being college- or career-ready by graduation.

LEAs,[3] high-poverty schools,[4] low-performing schools, including persistently lowest-achieving schools,[5] priority schools (in the case of States that have received the Department's approval of a request for ESEA flexibility),[6] and early childhood programs located within the geographical boundaries of a high-need LEA;

(iv) Demonstrate, through a letter of support from the partnering agency, school, or program, a relationship with one or more high-need LEAs; publicly funded preschool programs, including Head Start programs, located within the geographic boundaries of a high-need LEA; or programs serving children eligible for services under Part C or Part B, section 619 of IDEA located within the geographic boundaries of a high-need LEA, that it has agreed to provide scholars with a high-quality internship or practicum experience in a school in a high-need LEA, publicly funded preschool, or early intervention program;

(v) Describe how the project will use resources, as appropriate, available through technical assistance centers, which may include centers funded by the U.S. Department of Education; and

(vi) Describe the approach that faculty members will use to mentor scholars with the goal of helping them acquire competencies needed by leadership personnel and promote career goals in special education, early intervention, or related services.

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

(1) The applicant will evaluate the effectiveness of the proposed leadership project. The applicant must describe the outcomes to be measured for both the project and the scholars, particularly the acquisition of scholar competencies and their impact on the services provided by future teachers, service providers, or administrators; the evaluation methodologies to be employed, including proposed instruments, data collection methods, and possible analyses; and the proposed standards or targets for determining effectiveness;

(2) The applicant will collect and use data on current scholars and scholars who graduate from the program to improve the proposed program on an ongoing basis; and

(3) The grantee will report the evaluation results to OSEP in its annual and final performance reports.

(d) Demonstrate, in the narrative under ''Required Project Assurances,'' or appendices as directed, that the following program requirements are met. The applicant must—

(1) Include in the application appendix—

(i) Course syllabi for all coursework in the major and any required coursework for a minor;

(ii) Course syllabi for all research methods, evaluation methods, or data analysis courses required by the degree program and elective research methods, evaluation methods, or data analysis courses that have been completed by more than one student enrolled in the program in the last five years; and

(iii) For new coursework, proposed syllabi;

Note: Applicants for Type B programs should provide a syllabus or syllabi for current or proposed courses that provide instruction on or permit practice with research, and the methodological, statistical, and practical considerations in the use of data on early learning outcomes, student achievement, or growth in student achievement to evaluate the effectiveness of early intervention providers, related services providers, teachers, or principals.

(2) Ensure that the proposed number of scholars to be recruited into the program can graduate from the program by the end of the grant's project period. The described scholar recruitment strategies, including recruitment of individuals with disabilities, the program components and their sequence, and proposed budget must be consistent with this project requirement;

(3) Ensure that the project will meet the requirements in 34 CFR 304.23, particularly those related to informing all scholarship recipients of their service obligation commitment. Failure by a grantee to properly meet these requirements is a violation of the grant award that may result in sanctions, including the grantee being liable for returning any misused funds to the department. Specifically, the grantee must prepare, and ensure that each scholarship recipient sign, the following two documents:

(i) A Pre-Scholarship Agreement prior to the scholar receiving a scholarship for an eligible program (Office of Management and Budget (OMB) Control Number 1820–0686); and

(ii) An Exit Certification immediately upon the scholar leaving, completing, or otherwise exiting that program (OMB Control Number 1820–0686);

(4) Ensure that prior approval from the OSEP project officer will be obtained before admitting additional scholars beyond the number of scholars proposed in the application and before transferring a scholar to another preparation program funded by OSEP;

(5) Ensure that the project will meet the statutory requirements in section 662(e) through 662(h) of IDEA;

(6) Ensure that at least 65 percent of the total requested budget over the five years will be used for scholar support;

(7) Ensure that the institution will not require scholars enrolled in the program to work (e.g., as graduate assistants) as a condition of receiving a scholarship,

[3] For purposes of this priority, the term ''high-need LEA'' means an LEA (a) that serves not fewer than 10,000 children from families with incomes below the poverty line; or (b) for which not less than 20 percent of the children served by the LEA are from families with incomes below the poverty line.

[4] For purposes of this priority, the term ''high-poverty school'' means a school in which at least 50 percent of students are eligible for free or reduced-price lunches under the Richard B. Russell National School Lunch Act or in which at least 50 percent of students are from low-income families as determined using one of the criteria specified under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965, as amended (ESEA). For middle and high schools, eligibility may be calculated on the basis of comparable data from feeder schools. Eligibility as a high-poverty school under this definition is determined on the basis of the most currently available data (*www2.ed.gov/legislation/FedRegister/other/2010-4/121510b.html*).

[5] For purposes of this priority, the term ''persistently lowest-achieving schools'' means, as determined by the State—

(a)(1) Any Title I school in improvement, corrective action, or restructuring that—

(i) Is among the lowest-achieving five percent of Title I schools in improvement, corrective action, or restructuring or the lowest-achieving five Title I schools in improvement, corrective action, or restructuring in the State, whichever number of schools is greater; or

(ii) Is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years; and

(2) Any secondary school that is eligible for, but does not receive, Title I funds that—

(i) Is among the lowest-achieving five percent of secondary schools or the lowest-achieving five secondary schools in the State that are eligible for, but do not receive, Title I funds, whichever number of schools is greater; or

(ii) Is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years.

(b) To identify the persistently lowest-achieving schools, a State must take into account both—

(i) The academic achievement of the ''all students'' group in a school in terms of proficiency on the State's assessments under section 1111(b)(3) of the ESEA in reading/language arts and mathematics combined; and

(ii) The school's lack of progress on those assessments over a number of years in the ''all students'' group.

For the purposes of this priority, the Department considers schools that are identified as Tier I or Tier II schools under the School Improvement Grants Program (see 75 FR 66363) as part of a State's approved FY 2009, FY 2010, FY 2011, or FY 2012 application to be persistently lowest-achieving schools. A list of these Tier I and Tier II schools can be found on the Department's Web site at *www2.ed.gov/programs/sif/index.html.*

[6] For purposes of this priority, the term ''priority school'' means a school that has been identified by the State as a priority school pursuant to the State's approved request for ESEA flexibility.

unless the work is specifically related to the acquisition of scholars' competencies and the requirements for completion of their personnel preparation program. This prohibition on work as a condition of receiving a scholarship does not apply to the service obligation requirements in section 662(h) of IDEA;

(8) Ensure that the budget includes attendance of the project director at a three-day project directors' meeting in Washington, DC, to occur during each year of the project. The budget may also provide for the attendance of scholars at the same three-day project directors' meetings in Washington, DC;

(9) Ensure that if the project maintains a Web site, relevant information and documents are in a format that meets government or industry-recognized standards for accessibility; and

(10) Ensure that annual data will be submitted on each scholar who receives grant support. Applicants are encouraged to visit the Personnel Development Program Scholar Data Report Web site at: *http://oseppdp.ed.gov* for further information about this data collection requirement. Typically, data collection begins in January of each year, and grantees are notified by email about the data collection period for their grant. This data collection must be submitted electronically by the grantee and does not supplant the annual grant performance report required of each grantee for continuation funding (see 34 CFR 75.590).

References

Lashley, C., & Boscardin, M. L. (2003). *Special education administration at the crossroads: Availability, licensure, and preparation of special education administrators.* Gainesville, FL: Center on Personnel Studies in Special Education, University of Florida. Retrieved from *www.coe.ufl.edu/copsse/docs/IB-8/1/IB-8.pdf.*

Sindelar, P. T., & Taylor, C. (1988). Supply and demand for doctoral personnel in special education and communication disorders. *Teacher Education and Special Education, 11,* 162–167.

Smith, D. D., & Lovett, D. (1987). The supply and demand of special education faculty members: Will the supply meet the demand? *Teacher Education and Special Education, 11,* 162–167.

Smith, D. D., Montrosse, B. E., Robb, S. M., Tyler, N. C., & Young, C. (2011). *Assessing trends in leadership: Special education's capacity to produce a highly qualified workforce.* Claremont, CA: IRIS@CGU, Claremont Graduate University.

Smith, D. D., Pion, G. M., & Tyler, N. C. (2004). Leadership personnel in special education: Can persistent shortages be resolved? In A. M. Sorells, H. J., Rieth & P. T. Sindelar (Eds.), *Critical Issues in Special Education: Access, Diversity, and Accountability* (pp. 258–276). New York: Pearson, Allyn, & Bacon.

Smith, D. D., Robb, S. M., West, J., & Tyler, N. C. (2010). The changing education landscape: How special education leadership preparation can make a difference for teachers and their students with disabilities. *Teacher Education and Special Education, 33*(1), 25–43.

Woods, J., & Snyder, P. (2009). Interdisciplinary doctoral leadership training in early intervention. *Infants & Young Children, 22*(1), 32–34.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities and requirements. Section 681(d) of IDEA, however, makes the public comment requirements of the APA inapplicable to the priority in this notice.

Program Authority: 20 U.S.C. 1462 and 1481.

Applicable Regulations: This notice inviting applications (NIA) is being published before the Department adopts the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 CFR part 200. We expect to publish interim final regulations that would adopt those requirements before December 26, 2014, and make those regulations effective on that date. Because grants awarded under this NIA will likely be made after we adopt the requirements in 2 CFR part 200, we list as applicable regulations both those that are currently effective and those that will be effective at the time we make the grants.

The current regulations follow: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 86, 97, 98, and 99. (b) The Education Department debarment and suspension regulations in 2 CFR part 3485. (c) The regulations for this program in 34 CFR part 304.

At the time we award grants under this NIA, the following regulations will apply: (a) EDGAR in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Education Department debarment and suspension regulations as adopted in 2 CFR part 3485 and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards as adopted in 2 CFR part 3474. (c) The regulations for this program in 34 CFR part 304.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested $83,700,000 for awards for the Personnel Development to Improve Services and Results for Children with Disabilities program for FY 2015, of which we intend to use an estimated $3,000,000 for this competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2016 from the list of unfunded applicants from this competition.

Estimated Range of Awards: $225,000–$250,000 per year.

Estimated Average Size of Awards: $237,500 per year.

Maximum Award: We will reject any application that proposes a budget exceeding $250,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 12.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* IHEs, private nonprofit organizations.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Other General Requirements:*

(a) Recipients of funding under this program must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Each applicant for, and recipient of, funding under this program must involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. *Address To Request Application Package:* You can obtain an application package via the Internet or from the

Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.* To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.325D.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to no more than 50 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double-space (no more than three lines per vertical inch) all text in the *application narrative,* including titles, headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.
- Use a font that is 12 point or larger.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) *will not be accepted.*

The page limit and double-spacing requirement does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the resumes, the reference list, the letters of support, or the appendices. However, the page limit and double-spacing requirement does apply to all of Part III, the application narrative, including all text in charts, tables, figures, graphs, and screen shots.

We *will reject your application if you exceed the page limit in the application narrative section;* or if you apply standards other than those specified in the application package.

3. *Submission Dates and Times:*

Applications Available: October 22, 2014.

Deadline for Transmittal of Applications: December 12, 2014.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: February 10, 2015.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this

competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. Electronic Submission of Applications

Applications for grants under the Preparation of Special Education, Early Intervention, and Related Services Leadership Personnel competition, CFDA number 84.325D, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Preparation of Special Education, Early Intervention, and Related Services Leadership Personnel competition at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.325, not 84.325D).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material. Additional, detailed information on how to attach files is in the application instructions.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system;

and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Celia Rosenquist, U.S. Department of Education, 400 Maryland Avenue SW., Room 4070, Potomac Center Plaza (PCP), Washington, DC 20202–2600. FAX: (202) 245–7617.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. Submission of Paper Applications by Mail

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.325D), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. Submission of Paper Applications by Hand Delivery

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.325D), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210 and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The standing panel requirements under section 682(b) of IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications. However, if the Department decides to select an equal number of applications in each group for funding, this may result in different cut-off points for fundable applications in each group.

4. *Special Conditions:* Under current 34 CFR 74.14 and 80.12 and, when grants are made under this NIA, 2 CFR 3574.10, the Secretary may impose specific conditions and, in appropriate circumstances, high risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable or, when grants are awarded, the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the Department has established a set of performance measures, including long-term measures, that are designed to yield information on various aspects of the effectiveness and quality of the Personnel Development to Improve Services and Results for Children with Disabilities Program. These measures include: (1) The percentage of Special Education Personnel Development projects that incorporate evidence-based practices into their curriculum; (2) the percentage of scholars completing Special Education Personnel Development-funded programs who are knowledgeable and skilled in evidence-based practices for infants, toddlers, children, and youth with disabilities; (3) the percentage of Special Education Personnel Development-funded scholars who exit preparation programs prior to completion due to poor academic performance; (4) the percentage of Special Education Personnel Development-funded degree/certification recipients who are working in the area(s) for which they were prepared upon program completion; (5) the percentage of Special Education Personnel Development-funded degree/certification recipients who are working in the area(s) for which they were prepared upon program completion and who are fully qualified under IDEA; (6) the percentage of Special Education Personnel Development degree/certification recipients who maintain employment in the area(s) for which they were prepared for three or more years and who are fully qualified under IDEA; and (7) the Federal cost per fully qualified degree/certification recipient.

In addition, the Department will be gathering information on the following outcome measures: (1) The number and percentage of degree/certification recipients who are employed in high-need schools; (2) the number and percentage of degree/certification recipients who are employed in a school for at least three years; and (3) the number and percentage of degree/certification recipients who are rated as effective by their employers.

Grantees may be asked to participate in assessing and providing information on these aspects of program quality.

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Celia Rosenquist, U.S. Department of Education, 400 Maryland Avenue SW., Room 4070, PCP, Washington, DC 20202–2600. Telephone: (202) 245–7373.

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

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: October 17, 2014.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2014–25188 Filed 10–21–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico; Meeting

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, November 19, 2014, 1 p.m.–5:15 p.m.

ADDRESSES: Ohkay Conference Center, 68 New Mexico 291, San Juan Pueblo, New Mexico 87566.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board (NNMCAB), 94 Cities of Gold Road,

Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *Menice.Santistevan@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1:00 p.m. Call to Order by Deputy Designated Federal Officer (DDFO), Lee Bishop Establishment of a Quorum: Roll Call and Excused Absences, William Alexander Welcome and Introductions, Doug Sayre, Chair Approval of Agenda and September 24, 2014, Meeting Minutes
1:15 p.m. Old Business
- Written Reports
- Other items

1:45 p.m. New Business
2:15 p.m. Update from DDFO, Lee Bishop
2:45 p.m. Break
3:00 p.m. Presentation on Waste Isolation Pilot Plant Recovery Plan (Tentative), TBD
4:00 p.m. Update from Liaisons
- Update from New Mexico Environment Department, Secretary Ryan Flynn
- Update from DOE, Pete Maggiore
- Update from Los Alamos National Laboratory, Randy Erickson

4:45 p.m. Public Comment Period
5:00 p.m. Wrap-Up and Comments from NNMCAB Members
5:15 p.m. Adjourn, Lee Bishop

Public Participation: The EM SSAB, Northern New Mexico, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the Internet at: *http://www.nnmcab.energy.gov/*

Issued at Washington, DC, on October 16, 2014.

Amy Bodette,

Committee Management Officer.

[FR Doc. 2014–25121 Filed 10–21–14; 8:45 am]

BILLING CODE 6405–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah; Meeting

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, November 20, 2014, 6 p.m.

ADDRESSES: Barkley Centre, 111 Memorial Drive, Paducah, Kentucky 42001.

FOR FURTHER INFORMATION CONTACT: Jennifer Woodard, Deputy Designated Federal Officer, Department of Energy Paducah Site Office, 1017 Majestic Drive, Suite 200, Lexington, Kentucky 40513, (270) 441–6820.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Call to Order, Introductions, Review of Agenda
- Administrative Issues
- Public Comments (15 minutes)
- Adjourn

Breaks Taken As Appropriate

Public Participation: The EM SSAB, Paducah, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Jennifer Woodard as soon as possible in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Jennifer Woodard at the telephone number listed above. Requests must be received as soon as possible prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments. The EM SSAB, Paducah, will hear public comments pertaining to its scope (clean-up standards and environmental restoration; waste management, and disposition; stabilization and disposition of non-stockpile nuclear materials; excess facilities; future land use, and long-term stewardship; risk assessment and management; and clean-up science and technology activities). Comments outside of the scope may be submitted via written statement as directed above.

Minutes: Minutes will be available by writing or calling Jennifer Woodard at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.pgdpcab.energy.gov/2014Meetings.html.*

Issued at Washington, DC, on October 16, 2014.

Amy Bodette,

Committee Management Officer.

[FR Doc. 2014–25120 Filed 10–21–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[DE–FOA–0001187]

Hydrogen Transmission and Distribution Workshop Report: Public Comment

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Notice of posting for public comment, a Request for Information (RFI) on Hydrogen Transmission and Distribution Workshop Report.

SUMMARY: The Department of Energy (DOE), Office of Energy Efficiency and Renewable Energy (EERE) invites public comment on its Request for Information (RFI) number DE–FOA–0001187 regarding feedback on the summary

report for the Hydrogen Transmission and Distribution Workshop held at the National Renewable Energy Laboratory in February, 2014. The RFI document is posted at *https://eere-exchange.energy.gov/*.

The purpose of this RFI is to solicit feedback from industry, academia, research laboratories, government agencies, and other stakeholders on issues related to hydrogen transmission and distribution pathways, specifically with respect to the Hydrogen Transmission and Distribution Workshop Report. EERE is interested both in information on the current status of transmission and distribution pathways, technologies and their potential to meet DOE cost goals as well as feedback on the content of the report, including the key R&D needs as determined by the participants. EERE is also interested in the community's opinion of the metrics and protocols for the given pathways that would most effectively aid in the determination of a technology's potential to deliver low cost hydrogen that meets DOE goals.

This is solely a Request for Information and not a Funding Opportunity Announcement (FOA). EERE is not accepting applications at this time.

DATES: Responses to the RFI must be received on or before October 30th, 2014 at 5:00 p.m. ET. (**DATES** caption contains information as how long a comment period will be, or when any hearings will be held, etc. When calculation dates, you can insert an instruction for the **Federal Register** office to tie the date to the date of publication.)

ADDRESSES: The complete RFI document is located at *https://eere-exchange.energy.gov/*.

FOR FURTHER INFORMATION: Responses to the RFI and questions should be sent via email or email attachment to *h2workshop@ee.doe.gov*. Further instruction can be found in the RFI document posted on EERE Exchange.

SUPPLEMENTARY INFORMATION: The 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 the 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 the RFI. Responding to the 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 the RFI is intended to be used by the Government on a non-attribution basis for planning and strategy development; the RFI does not constitute a formal solicitation for proposals or abstracts. Responses to the RFI 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 the 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 the RFI. Responses to the RFI do not bind EERE to any further actions related to this topic.

Issued in Washington, DC on October 16, 2014.

Sunita Satyapal,

Director, Fuel Cell Technologies Office.

[FR Doc. 2014–25140 Filed 10–21–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[DE–FOA–0001188]

Electrolytic Hydrogen Production Workshop Report: Public Comment

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Notice of posting for public comment, a Request for Information (RFI) on Electrolytic Hydrogen Production Workshop Report.

SUMMARY: The Department of Energy (DOE), Office of Energy Efficiency and Renewable Energy (EERE) invites public comment on its Request for Information (RFI) number DE–FOA–0001188 regarding feedback on the summary report for the Electrolytic Hydrogen Production Workshop held at the National Renewable Energy Laboratory in February, 2014. The RFI document is posted at *https://eere-exchange.energy.gov/*.

The purpose of this RFI is to solicit feedback from industry, academia, research laboratories, government agencies, and other stakeholders on issues related to electrolytic hydrogen production pathways, specifically with respect to the Electrolytic Hydrogen Production Workshop Report. EERE is interested both in information on the current status of electrolytic hydrogen production pathways, technologies, and their potential to meet DOE cost goals as well as feedback on the content of the report, including the key R&D needs as determined by the participants. EERE is also interested in the community's opinion of the electrolysis technologies that have the most potential to produce low cost hydrogen that meets DOE goals.

This is solely a Request for Information and not a Funding Opportunity Announcement (FOA). EERE is not accepting applications at this time.

DATES: Responses to the RFI must be received on or before October 30th, 2014 at 5:00 p.m. ET.

ADDRESSES: The complete RFI document is located at *https://eere-exchange.energy.gov/*.

FOR FURTHER INFORMATION CONTACT: Responses to the RFI and questions should be sent via email or email attachment to *h2workshop@ee.doe.gov.* Further instructions can be found in the RFI document posted on EERE Exchange.

SUPPLEMENTARY INFORMATION: The 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 the 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 the RFI. Responding to the 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 the RFI is intended to be used by the Government on a non-attribution basis for planning and strategy development; the RFI does not constitute a formal solicitation for proposals or abstracts. Responses to the RFI 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 the 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 the

RFI. Responses to the RFI do not bind EERE to any further actions related to this topic.

Issued in Washington, DC, on October 16, 2014.

Sunita Satyapal,

Director, Fuel Cell Technologies Office.

[FR Doc. 2014–25141 Filed 10–21–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2530–001.
Applicants: Caprock Wind LLC.
Description: Notice of Non-Material change in status of Caprock Wind LLC.
Filed Date: 10/15/14.
Accession Number: 20141015–5113.
Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–91–000.
Applicants: Brandon Shores LLC.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 10/16/2014.
Filed Date: 10/15/14.
Accession Number: 20141015–5052.
Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–92–000.
Applicants: C.P. Crane LLC.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 10/16/2014.
Filed Date: 10/15/14.
Accession Number: 20141015–5053.
Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–93–000.
Applicants: H.A. Wagner LLC.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 10/16/2014.
Filed Date: 10/15/14.
Accession Number: 20141015–5054.
Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–94–000.
Applicants: Sapphire Power Marketing LLC.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 10/16/2014.
Filed Date: 10/15/14.
Accession Number: 20141015–5055.
Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–95–000.
Applicants: Bayonne Plant Holding, L.L.C.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 10/16/2014.
Filed Date: 10/15/14.
Accession Number: 20141015–5056.
Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–96–000.
Applicants: Camden Plant Holding, L.L.C.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 10/16/2014.
Filed Date: 10/15/14.
Accession Number: 20141015–5057.
Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–97–000.
Applicants: Dartmouth Power Associates Limited Partnership.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 10/16/2014.
Filed Date: 10/15/14.
Accession Number: 20141015–5058.
Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–98–000.
Applicants: Elmwood Park Power, LLC.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 10/16/2014.
Filed Date: 10/15/14.
Accession Number: 20141015–5059.
Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–99–000.
Applicants: Newark Bay Cogeneration Partnership, L.P.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 10/16/2014.
Filed Date: 10/15/14.
Accession Number: 20141015–5060.
Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–100–000.
Applicants: Pedricktown Cogeneration Company LP.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 10/16/2014.
Filed Date: 10/15/14.
Accession Number: 20141015–5062.
Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–101–000.
Applicants: York Generation Company LLC.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 10/16/2014.
Filed Date: 10/15/14.
Accession Number: 20141015–5064.
Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–102–000.
Applicants: TrailStone Power, LLC.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 10/16/2014.
Filed Date: 10/15/14.
Accession Number: 20141015–5065.
Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–103–000.
Applicants: Invenergy Nelson LLC.
Description: Initial rate filing per 35.12 Application for Market-Based Rate Authorization to be effective 12/15/2014.
Filed Date: 10/15/14.
Accession Number: 20141015–5076.
Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–103–001.
Applicants: Invenergy Nelson LLC.
Description: Tariff Amendment per 35.17(b): Supplement to Application for Market-Based Rate Authorization to be effective 12/15/2014.
Filed Date: 10/15/14.
Accession Number: 20141015–5082.
Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–104–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2014–10–15_SA 1503 NSP-Mankato GIA 1st Rev. (G261) to be effective 10/16/2014.
Filed Date: 10/15/14.
Accession Number: 20141015–5078.
Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–105–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Original Service Agreement No. 3982; Queue No. R52 to be effective 9/15/2014.
Filed Date: 10/15/14.
Accession Number: 20141015–5080.
Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–106–000.
Applicants: Trans-Allegheny Interstate Line Company, West Penn Power Company, The Potomac Edison Company, Monongahela Power Company, Pennsylvania Electric Company, PJM Interconnection, L.L.C.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): TrAILCo, West Penn Power Company, The Potomac Edison Company, Monongahela Power Company, Pennsylvania Electric Company and PJM Interconnection, L.L.C. submit Service Agreements to be effective 12/15/2014.
Filed Date: 10/15/14.
Accession Number: 20141015–5083.
Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–107–000.
Applicants: Tampa Electric Company.
Description: Initial rate filing per 35.12 TEC Interconnection w_Mosaic_South Pierce—RS FERC No. 99 to be effective 8/30/2014.
Filed Date: 10/15/14.
Accession Number: 20141015–5120.
Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–108–000.
Applicants: Tampa Electric Company.
Description: Initial rate filing per 35.12 TEC Interconnection w_Mosaic_Plant City—RS FERC No. 100 to be effective 8/30/2014.

Filed Date: 10/15/14.
Accession Number: 20141015–5122.
Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–109–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Original Service Agreement No. 3984; Queue No. R52A to be effective 9/15/2014.
Filed Date: 10/15/14.
Accession Number: 20141015–5124.
Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–110–000.
Applicants: Terra-Gen Energy Services, LLC.
Description: Initial rate filing per 35.12 MBR Application to be effective 11/15/2014.
Filed Date: 10/15/14.
Accession Number: 20141015–5135.
Comments Due: 5 p.m. ET 11/5/14.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR14–6–001.
Applicants: North American Electric Reliability Corporation.
Description: Request of the North American Electric Reliability Corporation to Submit Revisions to the 2015 Budget and Assessments of Peak Reliability, Inc. to Reflect Additional Revenues from British Columbia Hydro and Power Authority.
Filed Date: 10/14/14.
Accession Number: 20141014–5501.
Comments Due: 5 p.m. ET 10/21/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

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 15, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–25117 Filed 10–21–14; 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: RP15–49–000.
Applicants: Lake Charles LNG Company, LLC.
Description: Tariff Cancellation per 154.602: Cancel entire Third Revised Volume No. 1–A to be effective 10/14/2014.
Filed Date: 10/14/14.
Accession Number: 20141014–5290.
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 comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP14–1208–001.
Applicants: Equitrans, L.P.
Description: Compliance filing per 154.203: Compliance Filing–RCC Updates to be effective 10/1/2014.
Filed Date: 10/14/14.
Accession Number: 20141014–5337.
Comments Due: 5 p.m. ET 10/27/14.

Docket Numbers: RP14–173–001.
Applicants: Discovery Gas Transmission LLC.
Description: Compliance filing per 154.203: Compliance Filing to Remove Costs From Rates to be effective 10/15/2014.
Filed Date: 10/14/14.
Accession Number: 20141014–5313.
Comments Due: 5 p.m. ET 10/27/14.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR § 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 15, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–25063 Filed 10–21–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–198–005.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing per 35: Compliance Filing per 9/12/2014 Order—Designated Entity Agreement to be effective 1/1/2014.
Filed Date: 10/14/14.
Accession Number: 20141014–5386.
Comments Due: 5 p.m. ET 11/4/14.

Docket Numbers: ER14–2426–001.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing per 35: Compliance Filing per 9/12/2014 Order—Interconnection Coordination Agreement to be effective 9/13/2014.
Filed Date: 10/14/14.
Accession Number: 20141014–5387.
Comments Due: 5 p.m. ET 11/4/14.

Docket Numbers: ER15–61–000.
Applicants: PJM Interconnection, L.L.C., American Transmission Systems, Incorporation.
Description: Report Filing: Amendment to Compliance Filing under ER15–61–000 for Informational Purposes to be effective N/A.
Filed Date: 10/14/14.
Accession Number: 20141014–5425.
Comments Due: 5 p.m. ET 11/4/14.

Docket Numbers: ER15–81–000.
Applicants: Union Power Partners, L.P.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Revised Rate Schedule FERC No. 2 to be effective 1/1/2015.
Filed Date: 10/14/14.
Accession Number: 20141014–5382.
Comments Due: 5 p.m. ET 11/4/14.

Docket Numbers: ER15–82–000.
Applicants: Florida Power & Light Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): FPL Simultaneous Submission Window Revisions to be effective 10/15/2014.
Filed Date: 10/14/14.
Accession Number: 20141014–5404.
Comments Due: 5 p.m. ET 11/4/14.

Docket Numbers: ER15–83–000.

Applicants: TransCanada Power Marketing Ltd.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): TCPM October 14 2014 Compliance Filing to be effective 10/15/2014.

Filed Date: 10/14/14.

Accession Number: 20141014–5432.

Comments Due: 5 p.m. ET 11/4/14.

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 14, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–25062 Filed 10–21–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–162–008; ER11–3876–011; ER11–2044–011; ER10–2611–009.

Applicants: Bishop Hill Energy II LLC, Cordova Energy Company LLC, MidAmerican Energy Company, Saranac Power Partners, L.P.

Description: Notice of Change in Status of the Berkshire Hathaway Parties.

Filed Date: 10/14/14.

Accession Number: 20141014–5499.

Comments Due: 5 p.m. ET 11/4/14.

Docket Numbers: ER14–2445–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment per 35.17(b): 2014–10–14 Hurdle Rate Deficiency Answer to be effective 7/17/2014.

Filed Date: 10/14/14.

Accession Number: 20141014–5485.

Comments Due: 5 p.m. ET 11/4/14.

Docket Numbers: ER14–2848–001.

Applicants: Liberty Utilities (Granite State Electric) Corp.

Description: Tariff Amendment per 35.17(b): Borderline Sales Tariff Amendment to be effective 5/1/2012.

Filed Date: 10/15/14.

Accession Number: 20141015–5030.

Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–84–000.

Applicants: Quantum Auburndale Power, LP.

Description: Tariff Withdrawal per 35.15: Quantum Auburndale Power, LP Notice of Cancellation to be effective 12/15/2014.

Filed Date: 10/14/14.

Accession Number: 20141014–5469.

Comments Due: 5 p.m. ET 11/4/14.

Docket Numbers: ER15–85–000.

Applicants: Verso Bucksport Power LLC.

Description: Compliance filing per 35: Limitations and Exemptions Provision to be effective 10/15/2014.

Filed Date: 10/15/14.

Accession Number: 20141015–5000.

Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–86–000.

Applicants: Verso Maine Energy LLC.

Description: Compliance filing per 35: Third-Party Ancillary Services Provision to be effective 10/15/2014.

Filed Date: 10/15/14.

Accession Number: 20141015–5001.

Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–87–000.

Applicants: Verso Androscoggin Power LLC.

Description: Compliance filing per 35: Limitations and Exemptions Provision to be effective 10/15/2014.

Filed Date: 10/15/14.

Accession Number: 20141015–5002.

Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–88–000.

Applicants: Verso Androscoggin LLC.

Description: Compliance filing per 35: Third-Party Ancillary Services Provision to be effective 10/15/2014.

Filed Date: 10/15/14.

Accession Number: 20141015–5003.

Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–89–000.

Applicants: Southern California Edison Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): SGIA and Distribution Service Agmt with Antelope Valley Solar, LLC to be effective 12/15/2014.

Filed Date: 10/15/14.

Accession Number: 20141015–5005.

Comments Due: 5 p.m. ET 11/5/14.

Docket Numbers: ER15–90–000.

Applicants: DTE Electric Company.

Description: Request for Limited Waiver of the MISO Open Access Transmission, Energy and Operating Reserve Markets Tariff of DTE Electric Company.

Filed Date: 10/14/14.

Accession Number: 20141014–5496.

Comments Due: 5 p.m. ET 11/4/14.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH14–16–000.

Applicants: Fortis Inc.

Description: Fortis Inc. submits FERC 65–B Notification of Material Change in Facts.

Filed Date: 9/15/14.

Accession Number: 20140915–5213.

Comments Due: 5 p.m. ET 10/27/14.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF13–571–000.

Applicants: Rochelle Energy Center, LLC.

Description: Refund Report of Rochelle Energy Center, LLC.

Filed Date: 10/14/14.

Accession Number: 20141014–5489.

Comments Due: 5 p.m. ET 11/4/14.

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 15, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–25116 Filed 10–21–14; 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: EC15–10–000.
Applicants: Palouse Wind, LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Waivers, Confidential Treatment, Shortened Comment Period and Expedited Action of Palouse Wind, LLC.
Filed Date: 10/10/14.
Accession Number: 20141010–5208.
Comments Due: 5 p.m. ET 10/31/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2848–005; ER11–1939–007; ER11–2754–007; ER12–999–005; ER12–1002–005; ER12–1005–005; ER12–1006–005; ER12–1007–006.
Applicants: AP Holdings, LLC, AP Gas & Electric (IL), LLC, AP Gas & Electric (MD), LLC, AP Gas & Electric (NJ), LLC, AP Gas & Electric (NY), LLC, AP Gas & Electric (OH), LLC, AP Gas & Electric (PA), LLC, AP Gas & Electric (TX), LLC.
Description: Supplement to June 30, 2014 Updated Market Power Analysis for the Northeast Region of AP Holdings Sellers.
Filed Date: 10/14/14.
Accession Number: 20141014–5317.
Comments Due: 5 p.m. ET 11/4/14.

Docket Numbers: ER10–3069–005; ER10–3070–005.
Applicants: Alcoa Power Generating Inc., Alcoa Power Marketing LLC.
Description: Supplement to June 30, 2014 Southeast Triennial Update of the Alcoa Companies.
Filed Date: 10/14/14.
Accession Number: 20141014–5364.
Comments Due: 5 p.m. ET 11/4/14.

Docket Numbers: ER11–1850–005; ER11–1847–005; ER11–1846–005; ER14–1360–001; ER11–2598–008; ER14–1359–001; ER12–1152–005; ER12–1153–005; ER13–1192–002; ER11–3623–002; ER11–1848–005.
Applicants: Direct Energy Business, LLC, Direct Energy Marketing Inc., Direct Energy Services, LLC, Energetix DE, LLC, Gateway Energy Services Corporation, NYSEG Solutions, LLC, Bounce Energy NY, LLC, Bounce Energy PA, LLC, Direct Energy Business Marketing, LLC, Hess Small Business Services LLC; Energy America, LLC.
Description: Supplement to July 1, 2014 Northeast Region Triennial Report of the Direct Energy Sellers.
Filed Date: 10/14/14.
Accession Number: 20141014–5183.
Comments Due: 5 p.m. ET 11/4/14.

Docket Numbers: ER12–316–005.
Applicants: NorthWestern Corporation.
Description: Compliance filing per 35: Schedule 3 Further Compliance Filing to be effective 1/1/2011.
Filed Date: 10/14/14.
Accession Number: 20141014–5345.
Comments Due: 5 p.m. ET 11/4/14.

Docket Numbers: ER14–2464–001.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Tariff Amendment per 35.17(b): 2014–10–14_Deficiency Response SA 2678 OTP-Border Winds FCA (J290) to be effective 7/19/2014.
Filed Date: 10/14/14.
Accession Number: 20141014–5336.
Comments Due: 5 p.m. ET 11/4/14.

Docket Numbers: ER14–2913–000; ER14–2912–000.
Applicants: UP Power Marketing LLC.
Description: Supplement to September 19, 2014 UP Power Marketing LLC and White Pine Electric Power L.L.C. notice of non material change in status filings.
Filed Date: 10/10/14.
Accession Number: 20141010–5166.
Comments Due: 5 p.m. ET 10/31/14.

Docket Numbers: ER15–76–000.
Applicants: Southern California Edison Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Letter Agreement with Imperial Irrigation District to be effective 10/6/2014.
Filed Date: 10/14/14.
Accession Number: 20141014–5002.
Comments Due: 5 p.m. ET 11/4/14.

Docket Numbers: ER15–77–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2041R3 Kansas City Board of Public Utilities PTP Agreement to be effective 8/1/2014.
Filed Date: 10/14/14.
Accession Number: 20141014–5174.
Comments Due: 5 p.m. ET 11/4/14.

Docket Numbers: ER15–78–000.
Applicants: Southern California Edison Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): LGIA with Desert Harvest, LLC and Desert Harvest II, LLC to be effective 10/15/2014.
Filed Date: 10/14/14.
Accession Number: 20141014–5270.
Comments Due: 5 p.m. ET 11/4/14.

Docket Numbers: ER15–79–000.
Applicants: Southern California Edison Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): LGIA with Cabazon Wind Energy, LLC to be effective 12/14/2014.
Filed Date: 10/14/14.
Accession Number: 20141014–5272.
Comments Due: 5 p.m. ET 11/4/14.

Docket Numbers: ER15–80–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 3rd Quarter 2014 Updates to OA/RAA Membership Lists to be effective 9/30/2014.
Filed Date: 10/14/14.
Accession Number: 20141014–5334.
Comments Due: 5 p.m. ET 11/4/14.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF14–642–000.
Applicants: CII Methane Management IV, LLC.
Description: Refund Report of CII Methane Management IV, LLC.
Filed Date: 10/14/14.
Accession Number: 20141014–5162.
Comments Due: None Applicable.

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 14, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–25061 Filed 10–21–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator Status

	Docket Nos.
Dominion Solar Gen-Tie, LLC	EG14–71–000
Desert Green Solar Farm LLC	EG14–72–000
Seiling Wind, LLC	EG14–73–000
Seiling Wind II, LLC	EG14–74–000
Mammoth Plains Wind Project, LLC	EG14–75–000
TX Jumbo Road Wind, LLC	EG14–76–000
Palo Duro Wind Energy, LLC	EG14–77–000
OCI Alamo 4 LLC	EG14–78–000
Newark Energy Center, LLC	EG14–79–000

Take notice that during the months of September 2014, the status of the above-captioned entities as Exempt Wholesale Generators became effective by operation of the Commission's regulations. 18 CFR 366.7(a).

Dated: October 15, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–25007 Filed 10–21–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF14–1–000]

Sabal Trail Transmission, LLC; Supplemental Notice of Intent To Prepare an Environmental Impact Statement for the Planned Southeast Market Pipelines Project and Request for Comments on Environmental Issues Related to New Alternatives Under Consideration

In response to concerns raised about the Sabal Trail Transmission LLC's (Sabal Trail) planned Sabal Trail Project (Project),[1] additional pipeline route alternatives and compressor station location alternatives are now being considered. These alternatives which are described below would affect new landowners; therefore, the Federal Energy Regulatory Commission (FERC or Commission) is issuing this supplemental notice (Notice) to provide these landowners and other interested parties an opportunity to comment on the Project. The FERC is the lead federal agency responsible for conducting the environmental review of this Project. The Commission's staff will prepare an environmental impact statement (EIS) that discusses the environmental impacts of the Project. This EIS will be used in-part by the Commission to determine whether the Project is in the public convenience and necessity.

You have been identified as a landowner or an interested party that may be affected by new alternatives being considered or by the corresponding segment of the currently planned route. Information in this Notice was prepared to familiarize you with these new alternatives, the Project as a whole, and the Commission's environmental review process, and instruct you on how to submit comments about the Project and the alternatives under consideration. This Notice is also being sent to: Federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. We encourage elected officials and government representatives to notify their constituents about the Project and inform them on how they can comment on their areas of concern. Please note that comments on this Notice should be filed with the Commission by November 14, 2014.

If your property would be affected by one of the alternatives under consideration, you should have already been contacted by a Sabal Trail representative. A Sabal Trail representative may have also contacted you or may contact you in the near future about the acquisition of an easement to construct, operate, and maintain the planned facilities or request permission to perform environmental surveys on your property. Some landowners may not be contacted if the alternative across their property is found to be either not feasible or not environmentally preferable to other alternatives being considered. If the Commission approves the Project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

To help potentially affected landowners and other interested parties better understand the Commission and its environmental review process, the ''For Citizens'' section of the FERC Web site (*www.ferc.gov*) provides information about getting involved in FERC jurisdictional projects, and a citizens' guide entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need to Know?'' This guide addresses a number of frequently asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Project Background

On October 16, 2013 the Commission's environmental staff approved Sabal Trail's request to use the Commission Pre-Filing Process for the Project. The purpose of the Pre-Filing Process is to encourage the early involvement of interested stakeholders to identify and resolve project-related issues before an application is filed with the Commission. On February 18, 2014 the Commission issued a Notice of Intent to Prepare an Environmental Impact Statement for the Planned Southeast Market Pipelines Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings.

During the course of the Pre-Filing Process, numerous concerns have been expressed about the potential environmental impacts of the Project. Based on the merits of these comments and to ensure that public concerns are fully considered during the Pre-Filing Process, additional alternatives have been identified and are being considered.

Project Summary

As noted previously, the Project is part of the SMP Project and will be reviewed concurrently along with the Florida Southeast Connection Project and the Hillabee Expansion Project. The SMP Project would involve the construction and operation of over 650 miles of interstate natural gas transmission pipeline and associated facilities in Alabama, Georgia, and Florida. The Project would connect with the Hillabee Expansion Project in Alabama, and the Florida Southeast Connection Project in Florida.

The Sabal Trail portion of the SMP Project would involve the construction and operation of approximately 460 miles of 36-inch-diameter natural gas transmission pipeline beginning in Tallapoosa County, Alabama and ending in Osceola County, Florida. Sabal Trail also plans to construct and operate approximately 14 miles of 36-inch-diameter natural gas transmission pipeline in Osceola and Orange Counties, Florida (Hunters Creek Line) and approximately 24 miles of 24-inch-diameter natural gas transmission

[1] The Project is one of three projects being reviewed concurrently as the Southeast Market Pipelines Project (SMP Project).

pipeline in Marion and Citrus Counties, Florida (Citrus County Line). In addition to the planned pipelines, Sabal Trail would construct and operate five new compressor stations located in Tallapoosa County, Alabama; Dougherty County, Georgia; and Suwannee, Marion, and Osceola Counties, Florida.

Project Alternatives

The following alternatives are being considered. Illustrations of these alternatives are provided in Appendix 1.

Sasser Route Alternative (Terrell and Dougherty Counties, Georgia)

To address concerns regarding the planned route's impact on the environment and its proximity to numerous residences located in the Kiokee-Flint area of Dougherty County, the Sasser Route Alternative would deviate from Sabal Trail's planned route near Milepost (MP) 138.5 and extend south and east for approximately 21.5 miles before rejoining Sabal Trail's planned route at the proposed site of the Albany Compressor Station near MP 168.5.

Albany Compressor Station Alternatives (Dougherty County, Georgia)

To address concerns regarding the planned compressor station's proximity to the City of Albany and the potential effects of the station on the surrounding environment, two additional compressor station locations (Sites 3A and 5) have been identified and are being considered.

Albany Compressor Station Site Alternative 3A is an approximately 53-acre parcel located at MP 155.7 of the planned pipeline route, 1.7 miles north of Leary Road and 0.8 miles west-southwest of Woods Valley Trail. This site is adjacent to both the planned pipeline route and the Sasser Route Alternative.

Albany Compressor Station Site Alternative 5 is an approximately 53-acre parcel located along the Sasser Route Alternative, south of Gillionville Road at its intersection with Tallahassee Road. This site would only be suitable for the Sasser Route Alternative.

Withlacoochee River Crossing Route Alternative (Hamilton and Suwannee Counties, Florida)

To address concerns regarding the planned route's impact on karst terrain and known springs, the Withlacoochee River Crossing Route Alternative would deviate from Sabal Trail's planned route near MP 260.8 and extend for approximately 11.4 miles in a generally south and southeasterly direction, crossing the Suwannee River State Park via horizontal direction drill and rejoining the planned route at approximately MP 270.4.

Wacassassa Flats Route Alternative (Gilchrist County, Florida)

In response to the Gilchrist County Board of Commissioners and to address concerns regarding the planned route's impact on karst terrain, known springs, its proximity to residences, and its impacts on landowners, the Wacassassa Flats Route Alternative would deviate from Sabal Trail's planned route at approximately MP 320.8 and extend 19.4 miles generally south and east through the area known as the Wacassassa Flats until rejoining the planned route at approximately MP 339.3.

Happy Trails Route Alternative (Osceola County, Florida)

To address concerns regarding the planned route's effects on wetlands and its proximity to residences, the Happy Trails Route Alternative would deviate from Sabal Trail's planned route at approximately MP 466.6 and extend generally east and then south before rejoining the planned route at approximately MP 469.2.

The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. By this Notice, the Commission requests public comments on the alternative pipeline routes and aboveground facility locations currently under consideration. We will consider all filed comments including any additional alternatives that are suggested during the preparation of the EIS.

Our independent analysis of the issues will be presented in a draft EIS that will be placed in the public record, published, and distributed to the public for comments. We will also hold public comment meetings in the Project area and will address comments on the Draft EIS in a Final EIS. The Final EIS will also be placed in the public record, published, and distributed to the public. To ensure your comments are considered, please carefully follow the instructions in the Public Participation section below.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this supplemental Notice to inform the Georgia and Florida State Historic Preservation Offices (SHPOs) of the alternatives under consideration, and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the SMP Project's potential effects on historic properties.[2] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPOs as the SMP Project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, meter stations, and access roads). Our EIS for the SMP Project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Public Participation

You can make a difference by providing us with your specific comments about the Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are considered in a timely manner and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before November 14, 2014.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number (PF14–1–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the *eComment* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. This is an easy method for interested persons to

[2] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing;'' or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for Project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned Project.

Copies of the draft EIS will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (Appendix 2).

Becoming an Intervenor

Once Sabal Trail files its application with the Commission, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the Project.

Additional Information

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number, excluding the last three digits (i.e., PF14–1). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: October 15, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–25066 Filed 10–21–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ15–1–000]

Oncor Electric Delivery Company LLC; Notice of Filing

Take notice that on October 14, 2014, Oncor Electric Delivery Company LLC submitted its tariff filing per 35.28(e): Oncor TFO Tariff Rate Changes, effective September 12, 2014.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on November 4, 2014.

Dated: October 16, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–25119 Filed 10–21–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–110–000]

Terra-Gen Energy Services, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Terra-Gen Energy Services, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR

Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is November 5, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 16, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–25118 Filed 10–21–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–70–000]

Erie Power, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Erie Power, LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and *Procedure* (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability is November 4, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 15, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–25064 Filed 10–21–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2246–063; Project No. 2246–058]

Yuba County Water Agency; Notice of Technical Meeting

a. *Project Name and Number:* Yuba River Hydroelectric Project No. 2246

b. *Date and Time of Meeting:* October 28, 2014; 9:00 a.m. Pacific Time

c. *Place:* HDR offices, 2379 Gateway Oaks, Suite 200, Sacramento, CA 95833

d. *FERC Contact:* Alan Mitchnick, *alan.mitchnick@ferc.gov* or (202) 502–6074

e. *Purpose of Meeting:* To discuss the Foothills Water Network's January 30, 2014 request for a modification to Yuba County Water Agency's Technical Memo 1–2, *Channel Morphology Below Englebright,* and the National Marine Fisheries Service's January 30, 2014 request for a new study, *Evaluation of Effects of the Shot Rock in the Englebright Dam Reach and Associated Impacts to Anadromous Fish and Their Habitats.*

f. A stenographer will record the technical meeting, and meeting transcripts will be placed into the Commission's public record for the proceeding.

g. All local, state, and federal agencies, Indian tribes, and other interested parties are invited to participate.

Dated: October 15, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–25008 Filed 10–21–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0737; FRL–9917–55]

Benefits of Neonicotinoid Seed Treatments to Soybean Production; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's Benefits of Neonicotinoid Seed Treatments to Soybean Production document, and opens a public comment period on that document. The Agency has conducted this assessment as part of its ongoing re-evaluation of clothianidin, imidacloprid, and thiamethoxam under the registration review program. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, that the pesticide can perform its intended function without causing unreasonable adverse effects on human health or the environment. Through this program, EPA considers both potential risks and benefits of pesticides. This assessment examines the use of clothianidin, imidacloprid, and thiamethoxam seed treatments in terms of the extent of use and the pests targeted in order to characterize overall benefits to soybean production nationwide.

DATES: Comments must be received on or before December 22, 2014.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2014–0737, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For pesticide specific information, contact:* Carissa Cyran, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 347–8781; email address: *cyran.carissa@epa.gov.*

For general information on the registration review program, contact: Richard Dumas, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8015; email address: *dumas.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the pesticide specific contact person.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

As directed by section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is reviewing the pesticide registrations for clothianidin, imidacloprid, and thiamethoxam to ensure that they continue to satisfy the FIFRA standard for registration—that is, that clothianidin, imidacloprid, and thiamethoxam can still be used without unreasonable adverse effects on human health or the environment. Clothianidin, imidacloprid, and thiamethoxam are systemic neonicotinoid nitroguanidine insecticides registered for a variety of uses including on food-crops, non-food crops, ornamentals, seed treatments, structures (indoor and outdoor), and turf.

Pursuant to 40 CFR 155.53(c), EPA is providing an opportunity, through this notice of availability, for interested parties to provide comments and input concerning the Agency's assessment of benefits of neonicotinoid seed treatments to soybean production. Such comments and input could address, among other things, the Agency's assessment methodologies and assumptions, as applied to this assessment. The Agency will consider all comments received during the public comment period.

1. *Other related information.* Additional information on clothianidin, imidacloprid, and thiamethoxam is available on the Pesticide Registration Review Status Web page, *http://www.epa.gov/oppsrrd1/registration_review/reg_review_status.htm.* Information on the Agency's registration review program and its implementing regulation is available at *http://www2.epa.gov/pesticide-reevaluation.*

2. *Information submission requirements.* Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.
- The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any

information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.

• Submitters must clearly identify the source of any submitted data or information.

• Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

Authority: 7 U.S.C. 136 *et seq.*

Dated: October 8, 2014.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2014–24968 Filed 10–21–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OA–2014–0001; FRL–9918–31–OA]

Good Neighbor Environmental Board Notification of Public Advisory Committee Teleconference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Public Advisory Committee Teleconference.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Good Neighbor Environmental Board (Board) will hold a public teleconference on October 30, 2014 from 11:00–3:00 p.m. Eastern Standard Time. Due to budgetary issues, EPA is announcing this teleconference with less than 15 calendar days public notice. The meeting is open to the public. For further information regarding the teleconference and background materials, please contact Ann-Marie Gantner at the number provided below.

Background: The Good Neighbor Environmental Board is a federal advisory committee chartered under the Federal Advisory Committee Act, PL 92–463. By statute, the Board is required to submit an annual report to the President and Congress on environmental and infrastructure issues along the U.S. border with Mexico.

Purpose of Meeting: The purpose of this teleconference is to discuss and approve the Board's Sixteenth Report, which focuses on ecological restoration in the U.S.-Mexico border region.

General Information: The agenda and teleconference materials will be available at *http://www.regulations.gov* under Docket ID: EPA–HQ–OA–2014–0001. General information about the Board can be found on its Web site at *http://www2.epa.gov/faca/gneb.*

If you wish to make oral comments or submit written comments to the Board, please contact Ann-Marie Gantner at least five days prior to the teleconference. Written comments should be submitted at *http://www.regulations.gov* under Docket ID: EPA–HQ–OA–2014–0001.

Meeting Access: For information on access or services for individuals with disabilities, please contact Ann-Marie Gantner at (202) 564–4330 or email at *gantner.ann-marie@epa.gov.* To request accommodation of a disability, please contact Ann-Marie Gantner at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

Dated: October 10, 2014.

Ann-Marie Gantner,

Acting Designated Federal Officer.

[FR Doc. 2014–25144 Filed 10–21–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0558; FRL–9916–22]

Proposed Removal of Certain Inert Ingredients From Approved Chemical Substance List for Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is proposing to remove certain chemical substances from the current listing of inert ingredients approved for use in pesticide products because the inert ingredients are no longer used in any registered pesticide product.

DATES: Comments must be received on or before November 21, 2014.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2014–0558, by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

• *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For general information contact:* Cameo G. Smoot, Field and External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency; 1200 Pennsylvania Ave. NW., Washington DC 20460–0001; telephone number: (703) 305–5454; email address: *smoot.cameo@epa.gov.*

For chemical listing inquiries contact: Kerry B. Leifer, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington DC 20460–0001; telephone number (703) 308–8811; email address: *leifer.kerry@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you engage in activities related to the registration of pesticide products, including but not limited to, the use of approved inert ingredients used in registered pesticide products. Potentially affected entities may include, but are not limited to, engaging in the formulation and preparation of agricultural and household pest control chemicals or pesticide and other agricultural and household pest control chemicals or inert manufacturers and those who make proprietary inert ingredient formulations or pesticide and other agricultural chemical manufacturing generally identified by the North American Industrial Classification System (NAICS). You may also be affected by this action if you are a consumer or user of pesticides, or if you are exposed to pesticides.

This listing is not intended to be exhaustive, but rather provides a guide for readers to help determine whether this document applies to them and which entities are likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The NAICS code 325320 has been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult either person

listed under **FOR FURTHER INFORMATION CONTACT**.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI information to EPA through regulations.gov or email. Contact Kerry Leifer, email address: *leifer.kerry@epa.gov,* to discuss options for submitting CBI to the Agency.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Discussion

EPA maintains a list of chemical substances that have been approved for use as inert ingredients in pesticide products. Inert ingredients on this list do not need further approval prior to inclusion in a pesticide formulation for a non-food use. These individual formulations are subject to data requirements in 40 CFR part 158, regardless of whether the inert ingredient is on the approved list. If an application for registration of a pesticide product includes inert ingredients not on the approved list, the inert ingredient will need approval and require payment of a fee in accordance with section 33 of FIFRA, 7 U.S.C. 136w–8.

EPA is considering removing from this list a set of 72 chemical substances that are no longer being used as an inert ingredient in a pesticide product. Some of the 72 chemical substances are a subset of a larger list of 371 inert ingredients that were the subject of two petitions submitted to EPA in 2006 (see docket) requesting that the Agency require that the identities of hazardous ingredients identified in the petitions be disclosed on pesticide products containing those ingredients. EPA is taking this action, fulfilling a commitment as described in an EPA May 22, 2014 amended response to the petitioners (see docket). EPA would remove from the approved list those inert ingredients listed in the petitions that are no longer being used in pesticide products.

The list of 72 inert ingredients was generated by an Agency evaluation of pesticide product compositional information to determine which of those 371 chemical substances listed as inert ingredients on the EPA-approved list are in use or not in use in currently registered pesticide formulations. The list of chemical substances that are no longer being used as an inert ingredient is available in the docket for this action, under docket ID number EPA–HQ–OPP–2014–0558 at *http://www.regulations.gov.*

Once an inert ingredient is removed from the list, any proposed future use of the inert ingredient would need to be supported by data provided to and reviewed by the EPA as part of a new inert ingredient submission request. The type of data needed to evaluate a new inert ingredient may include, among others, studies to evaluate potential carcinogenicity, adverse reproductive effects, developmental toxicity, genotoxicity as well as environmental effects associated with any chemical substance that is persistent or bioaccumulative. Information regarding the inert ingredient approval process may be found at *http://www2.epa.gov/pesticide-registration/guidance-documents-inert-ingredients.*

EPA suggests that pesticide registrants review their records to ensure that the chemical substances, listed by chemical name and Chemical Abstracts Service Registry Number, listed in the docket for this action are, in fact, no longer used as inert ingredients in their registered pesticide products. While EPA has endeavored to prepare an accurate list, if a pesticide registrant is aware of a registered product containing any of the 72 chemical substances, that registrant should contact the Agency directly, using the contact listed under **FOR FURTHER INFORMATION CONTACT** (Chemical Listing Inquiries).

Similarly, producers of proprietary mixtures currently approved for use as inert ingredients in pesticide products should also review their records to ensure that the chemical substances listed in the docket for this action are, in fact, not currently used in their proprietary mixtures.

After the close of the comment period, EPA will consider all comments received and determine appropriate action.

Authority: 7 U.S.C. 136 *et seq.*

Dated: October 7, 2014.

James Jones,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2014–24586 Filed 10–21–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012064–004.

Title: Hapag-Lloyd/NYK Mexico-Dominican Republic Slot Exchange Agreement.

Parties: Hapag-Lloyd AG and Nippon Yusen Kaisha.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor; 1627 I Street NW; Suite 1100; Washington, DC 20006.

Synopsis: The amendment would convert the agreement from a slot exchange to a one-way slot charter from Hapag-Lloyd to NYK, change the name of the agreement to reflect this revision, make conforming changes throughout the agreement, and restate the agreement.

Agreement No.: 201175–004.

Title: Port of NY/NJ Sustainable Services Agreement.

Parties: APM Terminals North America, Inc..; GCT Bayonne LP; GCT New York LP; Maher Terminals LLC; and Port Newark Container Terminal LLC.

Filing Party: Carol N. Lambos, Esq.; The Lambos Firm, LLP; 303 South Broadway Suite 410; Tarrytown, NY 10591

Synopsis: The amendment changes the name of New York Container Terminal, LLC to GCT New York LP and Global Terminal and Container Services, LLC to GCT Bayonne LP.

Agreement No.: 201210–001.

Title: Port of NY/NJ Port Authority/Marine Terminal Operators Agreement.

Parties: APM Terminals North America, Inc..; GCT Bayonne LP; GCT New York LP; Maher Terminals LLC; and Port Newark Container Terminal LLC.

Filing Party: Carol N. Lambos, Esq.; The Lambos Firm, LLP; 303 South Broadway Suite 410; Tarrytown, NY 10591

Synopsis: The amendment changes the name of New York Container Terminal, LLC to GCT New York LP and Global Terminal and Container Services, LLC to GCT Bayonne LP.

Dated: October 17, 2014.

By Order of the Federal Maritime Commission.

Karen V. Gregory,

Secretary.

[FR Doc. 2014–25149 Filed 10–21–14; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Pursuant to the Commission's direct rule (79 FR 56522, September 22, 2014), beginning October 20, 2014, these notices will no longer be posted in the **Federal Register**. After October 20, 2014, this information will be available on the Commission's Web site at *http://www.fmc.gov,* see *OTI Licensing Updates.*

The Commission gives notice that the following applicants have filed an application for an Ocean Transportation Intermediary (OTI) license as a Non-Vessel-Operating Common Carrier (NVO) and/or Ocean Freight Forwarder (OFF) pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. 40101). Notice is also given of the filing of applications to amend an existing OTI license or the Qualifying Individual (QI) for a licensee.

Interested persons may contact the Office of Ocean Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573, by telephone at (202) 523–5843 or by email at *OTI@fmc.gov.*

ADP Logistics Corp. (NVO & OFF), 200 W. Devon Avenue, Suite 4, Bensenville, IL 60106, Officers: Yiwei (Cathy) Huang, Associated Vice President (QI), Yusheng Lao, Director, Application Type: QI Change.

A-Las Freight & Cargo Group, LLC (NVO & OFF), 1235 NW 93 Court, Doral, FL 33172, Officers: Pedro Pinero, Managing Member (QI), Maria E. Vivas, Member, Application Type: New NVO & OFF License.

Aragon Systems, L.L.C. (OFF), 8501B East Adamo Drive, Suite B, Tampa, FL 33619, Officers: Elad Nagli, Operation Manager (QI), Joseph Shpats, Pricing and Routing Manager, Application Type: New OFF License.

Caesar International Logistics (LAX) Co. Ltd. (NVO), 1661 Hanover Road, Suite 205, City of Industry, CA 91748, Officers: Junwen (Jason) Li, Vice President (QI), Ping Zhang, President, Application Type: New NVO License.

Consolidated Shipping Agencies Ltd. (NVO & OFF), 2570 Beverly Drive, Suite 112, Aurora, IL 60502, Officers: Macdonald C. Vasnani, President (QI), Linda Vasnani, Treasurer, Application Type: Add Trade Name Conship.

CP Logistics Inc (NVO & OFF), 14019 SW Freeway, Suite #310–619, Sugar Land, TX 77478–3551, Officers: Casey X. Chen, President (QI), Emily M. Pan, Vice President, Application Type: New NVO & OFF License.

G I T Global Services LLC (NVO), 1802 W. Grant Road, Suite 110, Tucson, AZ 85745, Officers: Flavio Carrillo, Member (QI), Doreen Carrillo, Member, Application Type: New NVO License.

Global Leader, Inc. (NVO & OFF), 2100 Busse Road, Elk Grove Village, IL 60007, Officers: Hosoo Han, President (QI), James S. Park, Secretary, Application Type: New NVO & OFF License.

Guzal Cargo Express Corp (NVO), 5561 NW 72nd Avenue, Miami, FL 33166, Officer: Hernan D. Hoyos, President (QI), Application Type: New NVO License.

Hanjin Logistics, Inc. (NVO & OFF), 105 Challenger Road, Suite 902, Ridgefield Park, NJ 07660, Officers: June S. Hong, Treasurer (QI), Jin K. Park, President, Application Type: QI Change.

Headwin International Logistics LLC (NVO & OFF), 756 Port America Place, Suite 815, Grapevine, TX 76051, Officer: Raymond Counter, Manager Member (QI), Application Type: New NVO & OFF License.

KFS, Inc. dba Global International (NVO & OFF), 186 Intermodal Parkway, Fort Worth, TX 76177, Officers: Steven McDaniel, Senior Vice President (QI), Bruce Galbraith, CEO, Application Type: QI Change.

Lacs Cargo, Inc. (NVO & OFF), 8435 NW 74th Street, Miami, FL 33166, Officers: Javier Leano, Vice President (QI), Ana Maria Leano, President, Application Type: New NVO & OFF License.

Logistica Global, L.L.C. (NVO & OFF), 1551 NW 82nd Avenue, Doral, FL 33126, Officers: Rene A. Valle, Manager Member (QI), Julio C. Orellana, Manager Member, Application Type: New NVO & OFF License.

Logistics Trader Limited (NVO), Flat 5 Downham Court, Long Lodge Drive, Walton on Thames, Surrey, KT 123BZ, UK, Officers: Gary F. Stiegler, Secretary (QI), Mimoun Bouazani, President, Application Type: QI Change.

Navicon Unlimited, LLC (NVO & OFF), 8550 NW 17th Street, Suite 110A, Doral, FL 33126, Officers: Alicia Del Rey, Vice President (QI), Gustavo Zanzottera, President, Application Type: QI Change.

Starbase Global Logistics, Inc. (NVO & OFF), 330 Shipyard Blvd. Wilmington, NC 28412, Officers: William (Billy) C. Wells, Jr., Vice President (QI), Dave Mays, President, Application Type: Name change to Landmark Trade Services USA, Inc.

Thomas Griffin International, Inc. dba Sea Lion Ocean Freight dba RV Shipping (NVO & OFF), 15903 Kent Court, Tampa, FL 33647, Officers: Thomas Griffin, Director (QI), Matthew Pickering, Director, Application Type: Transfer to RV Shipping LLC.

Vidorra LLC (OFF), 8215 SW Tualatin-Sherwood Road, Suite 201, Tualatin, OR 97062, Officers: Luke T. Juarez, Member (QI), Jerry T. Juarez, Member, Application Type: New OFF License.

Dated: October 16, 2014.

By the Commission.

Karen V. Gregory,

Secretary.

[FR Doc. 2014–25123 Filed 10–21–14; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Reissuance

Pursuant to the Commission's direct rule (79 FR 56522, September 22, 2014), beginning October 20, 2014, these notices will no longer be posted in the **Federal Register**. After October 20, 2014, this information will be available on the Commission's Web site at *http://www.fmc.gov,* see *OTI Licensing Updates.*

The Commission gives notice that the following Ocean Transportation Intermediary license has been reissued pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. 40101).

License No.: 023569N.

Name: Fachel International LLC dba Fachel Shipping and Logistics.

Address: 6331 Belair Road, Baltimore, MD 21206.

Date Reissued: September 30, 2014.

Sandra L. Kusumoto,

Director, Bureau of Certification and Licensing.

[FR Doc. 2014–25124 Filed 10–21–14; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Revocations and Surrenders

Pursuant to the Commission's direct rule (79 FR 56522, September 22, 2014), beginning October 20, 2014, these notices will no longer be posted in the **Federal Register**. After October 20, 2014, this information will be available on the Commission's Web site at *http://www.fmc.gov,* see *OTI Licensing Updates.*

The Commission gives notice that the following Ocean Transportation

Intermediary licenses have been revoked or surrendered for the reason indicated pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. 40101) effective on the date shown.

License No.: 018655N.
Name: Triship Global Logistics, Inc.
Address: 7400 SW 50th Terrace, Suite 207, Miami, FL 33155.
Date Revoked: October 2, 2014.
Reason: Failed to maintain a valid bond.

License No.: 019581N.
Name: Four Seasons Logistics Inc.
Address: 22–30 119th Street, College Point, NY 11356.
Date Revoked: October 3, 2014.
Reason: Failed to maintain a valid bond.

Sandra L. Kusumoto,
Director, Bureau of Certification and Licensing.

[FR Doc. 2014–25122 Filed 10–21–14; 8:45 am]

BILLING CODE 6730–01–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 17, 2014.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President), 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *2011 TCRT; Ford Financial Fund II, L.P.; Ford Management II, L.P.; Ford Ultimate Management II, LLC; GJF Financial Management II, LLC; Ford Fund Investment LP; and EB Acquisition Company LLC;* all in Dallas, Texas; to become bank holding companies by acquiring up to 65 percent of the voting shares of Mechanics Bank, Richmond, California.

In connection with this application, 2011 TCRT; GJF Financial Management II, LLC; Ford Ultimate Management II, LLC; and Ford Management II, L.P., all in Dallas, Texas, have also applied to engage *de novo* in financial and investment advisory activities, pursuant to sections 225.28(b)(6)(i), (b)(6)(ii), (b)(6)(iii), (b)(6)(iv), (b)(6)(v) and (b)(6)(vi).

Board of Governors of the Federal Reserve System, October 16, 2014.

Michael J. Lewandowski,
Associate Secretary of the Board.

[FR Doc. 2014–25009 Filed 10–21–14; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0250; Docket No. 2014–0001; Sequence 5]

Submission to OMB for Review; General Services Administration Acquisition Regulation; Zero Burden Information Collection Reports

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 (MVCB) 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 Zero Burden Information Collection Reports. A notice was published in the **Federal Register** at 79 FR 42515 on July 22, 2014. No comments were received.

DATES: *Submit comments on or before:* November 21, 2014.

ADDRESSES: Submit comments identified by Information Collection 3090–0250, Zero Burden Information Collection Reports, 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 3090–0250. Select the link ''Comment Now'' that corresponds with ''Information Collection 3090–0250, Zero Burden Information Collection Reports''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 3090–0250, Zero Burden Information Collection Reports'' 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 3090–0250, Zero Burden Information Collection Reports.

Instructions: Please submit comments only and cite Information Collection 3090–0250, Zero Burden Information Collection Reports, 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: Ms. Dana Munson, Procurement Analyst, General Services Acquisition Policy, at telephone 202–357–9652 or via email to *dana.munson@gsa.gov*

SUPPLEMENTARY INFORMATION:

A. Purpose

This information requirement consists of reports that do not impose collection burdens upon the public. These collections require information which is already available to the public at large or that is routinely exchanged by firms during the normal course of business. A general control number for these collections decreases the amount of paperwork generated by the approval process.

GSA has a published rule in the **Federal Register** that falls under information collection 3090–0250. The rule that prescribed clause 552.238–70 ''Identification of Electronic Office Equipment Providing Accessibility for the Handicapped'' was published at 56 FR 29442, June 27, 1991, titled ''Implementation of Public Law 99–506'', with an effective date of July 8, 1991.

B. Annual Reporting Burden

None.

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 NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 3090–0250, Zero Burden Information Collection Reports, in all correspondence.

Dated: October 16, 2014.

Jeffrey Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2014–25110 Filed 10–21–14; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–14AC]

Proposed Data Collections Submitted for Public Comment and Recommendations

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

Application of a Web-based Health Survey in Schools—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The mission of the National Institute for Occupational Safety and Health (NIOSH) is to promote safety and health at work for all people through research and prevention. The Occupational Safety and Health Act, Public Law 91–596 (section 20[a][1]), authorizes NIOSH to conduct research to advance the health and safety of workers. NIOSH is proposing to conduct a health questionnaire of employees in 50 elementary schools in a large school district in the Northeastern United States.

According to the 2012 Bureau of Labor Statistics survey, the educational services sector employs approximately 12.9 million workers, with 8.4 million working in elementary and secondary schools. A 2010 analysis of data on U.S. working adults indicated that the educational services sector had one of the highest prevalences of current asthma at 13.1%.

In 1995, the Government Accounting Office reported that about 33% of schools in the U.S. needed extensive repair or replacement of one or more buildings, which includes problems related to dampness and mold. A better understanding of school building conditions related to dampness and mold, as well as associated health effects, is essential for the prevention of work-related illness in school staff.

NIOSH requests OMB approval to administer an internet-based questionnaire to collect health information on staff from 50 schools within this school district. NIOSH will collaborate with the school district and local teachers union to recruit a broad range of school staff as participants, including teachers, administrative staff, facilities and maintenance staff, nurses and counselors, and kitchen staff for this study. Results will be used to determine possible relationships between health outcomes and environmental conditions, specifically conditions related to dampness and mold.

Overall results will benefit many stakeholders, including school-affiliated and general administrative personnel, facilities and maintenance representatives, building owners, and safety and health professionals charged with the prevention, identification, and remediation of environmental issues when occupant health concerns are raised.

NIOSH anticipates that the internet-based questionnaire will begin in the spring of 2015. All participants will be asked to complete the same questionnaire, which will take approximately 20 minutes to complete. All questionnaire results will be stored and analyzed on CDC computer systems. If the participation rate is less than 80%, NIOSH will distribute a paper-based non-respondent questionnaire to 400 randomly selected employees and ask them to mail it back in a postage-paid envelope. This will take approximately 5 minutes.

The total estimated burden for this one-time collection of data is 1,100 hours. 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)
Elementary School Employees	Questionnaire	3,200	1	20/60
Elementary School Employees	Non-respondent questionnaire	400	1	5/60

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. 2014–25094 Filed 10–21–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–14VL]

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

Assessing the Adoption and Utility of National Diabetes Education Program (NDEP) Tools and Resources for Health Care Professionals and Health Education Facilitators—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Diabetes Education Program (NDEP) is a joint program of the Centers for Disease Control and Prevention and the National Institutes of Health. The NDEP develops, disseminates, and supports the adoption of evidence-based, culturally and linguistically appropriate tools and resources that emphasize the importance of controlling blood glucose levels, blood pressure, and blood lipids, as well as carrying out other preventive care practices in a timely manner to improve health outcomes and overall quality of life.

In 2012 and 2013, CDC/NDEP collaborated with relevant partners to update two major diabetes education resources: ''New Beginnings: A Discussion Guide for Living Well with Diabetes'' (hereafter referred to as New Beginnings), and ''Working Together to Manage Diabetes: A Guide and Toolkit for Pharmacy, Podiatry, Optometry, and Dentistry'' (hereafter referred to as the PPOD Guide and Toolkit). New Beginnings was developed for diabetes educators, health educators, health ministers, lay health workers and others who facilitate discussion groups about diabetes self-management. New Beginnings has been revised to make it a more accessible and flexible resource that can be adapted for use in diabetes self-management education classes and in other settings. The PPOD Guide and Toolkit are targeted to health care providers in pharmacy, podiatry, optometry, and dentistry. The PPOD Guide and Toolkit are designed to promote a collaborative, team-based approach to comprehensive diabetes care. Both resources are being promoted to key target audiences in 2014.

In order to understand how target audiences use the resources and apply the recommended diabetes control strategies, CDC plans to conduct a series of surveys that will assess adoption, use, and satisfaction with the resources. Respondents for the PPOD Guide and toolkit assessment will include health care providers in the private sector, state and local government, and federal government. Respondents for the New Beginnings assessment will include health education facilitators in the private sector and state and local government. CDC will coordinate the information collection and assessment activities with events and opportunities sponsored by professional organizations, and CDC-sponsored Webinars. Survey findings will be used to guide further improvements to the resources, make adjustments to promotional and educational strategies, and inform CDC's technical assistance related to diabetes education.

OMB approval is requested for one year. All information will be collected electronically. Participation in the surveys is voluntary and there are no costs to respondents other than their time. The total estimated annualized burden hours are 233.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hr)
Private sector health care providers	PPOD Guide and Toolkit Follow-up Survey	80	1	10/60
	New Beginnings Assessment Survey	700	1	15/60
State and Local government health care providers and health education facilitators.	PPOD Guide and Toolkit Follow-up Survey	80	1	10/60
	New Beginnings Assessment Survey	100	1	15/60
Federal Government health care providers	PPOD Guide and Toolkit Follow-up Survey	40	1	10/60

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. 2014–25095 Filed 10–21–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Intent To Award Ebola Response Outbreak Funding to Eligible Ministries of Health and Their Bona Fide Agents

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice provides public announcement of CDC's intent to award Ebola appropriations to select Ministries of Health and their bona fide agents for response to the Ebola outbreak funding. This award was proposed in Fiscal Year (FY) 2015 under funding opportunity announcement GH14–1418, ''Protecting and Strengthening Public Health Impact, Systems, Capacity, and Security.''

Catalogue of Federal Domestic Assistance Number (CFDA): 93.318

Authority: Public Health Service 301(a) and 307 as amended [42 U.S.C. 241 and 242*l*]

Multiple awards may be awarded to grantees totaling $2,000,000 for Ebola response outbreak.

Funding is appropriated under the Continuing Appropriations Resolution, 2015, Public Law 113–164, 128 Stat. 1867 (2014).

DATES: Anticipated award date *10/30/2014* through *09/29/2015.*

Application Due Date: 10/23/2014 Project Number is CDC–RFA–GH14–1418.

ADDRESSES: CDC has waived the Grants.gov electronic submission process for this requirement. Recipients are hereby authorized to submit a paper copy application for (CDC–RFA–GH14–1418) via Express Mail (i.e. FedEx, UPS, or DHL) and send the application via email. Mailed applications must be address to Arthur C. Lusby, Centers for Disease Control and Prevention, 2920 Brandywine Road, Atlanta, GA 30341, telephone (770) 488–2865, or email him at *ALusby@cdc.gov.* The application must include a detailed line-item budget and justification to support the Ebola activities from October 31, 2014 to September 29, 2015.

Please download the following to complete the application package:

http://apply07.grants.gov/apply/forms/sample/SF424_2_1-V2.1.pdf—Application Package

http://www.cdc.gov/od/pgo/funding/docs/CertificationsForm.pdf—Certifications

http://www.cdc.gov/od/pgo/funding/grants/Budget_Preparation_Guidelines_8-2-12.docx—CDC–PGO Budget Guidelines

http://apply07.grants.gov/apply/forms/sample/SF424A-V1.0.pdf—SF–424A Budget Information

All applications must be submitted to and received by the Grants Management Officer (GMO) no later than 11:59 p.m. EST on *October 23, 2014* and please provide the GMO a PDF version of the application by email to the following email address: *pgoebolaresponse@cdc.gov* subject line: CDC–RFA–GH14–1418.

Applicants will be provided with the Funding Opportunity Announcement (FOA) and additional application submission guidance via email notification. Applicants may contact the POCs listed with questions regarding the application process.

FOR FURTHER INFORMATION CONTACT:

For Programmatic or Technical Assistance

Kawi Mailutha, Project Officer, Department of Health and Human Services, Centers for Disease Control and Prevention, 1600 Clifton Rd MS E–29, Atlanta, GA 30333, Telephone: 404–639–8093, E-Mail: *KMailutha@cdc.gov.*

For financial, awards management, or budget assistance: Arthur C. Lusby, Grants Management Officer, Centers for Disease Control and Prevention, 2920 Brandywine Road, Atlanta, GA 30341, Telephone (770) 488–2865, Email: *ALusby@cdc.gov.*

SUPPLEMENTARY INFORMATION: The purpose of this notice is to solicit applications from eligible Ministries of Health and their bona fide agents to quickly arrest the spread of the Ebola virus in West Africa and contain the disease as quickly as possible. The funding will support the impacted countries and the surrounding countries to combat this health crisis. This funding will target the following countries: Liberia, Sierra Leone, Guinea, Mauritania, Mali, Senegal, Guinea Bissau, Ghana, Gambia, Cote d'Ivoire, Togo, Benin, and Nigeria to support the responses of the CDC to the outbreak of Ebola virus in West Africa. This funding will enable the U.S. to provide unified mobilization to address a crisis of this magnitude. CDC will continue to build partnerships and strengthen existing projects to respond to Ebola. CDC and its partners will help to address the need for surveillance, detection, coordination, response, and increase eligible governments' capacity to respond to the Ebola outbreak.

Award Information:

Type of Award: Amended FOA.

Approximate Total Current Fiscal Year ACA Funding: $2,000,000.

Anticipated Number of Awards: multiple.

Fiscal Year Funds: 2015.

Anticipated Award Date: October 30, 2014.

Application Selection Process: Funding will be awarded to applicant based on results from the technical review recommendation.

Dated: October 17, 2014.

Ron A. Otten,

Acting Deputy Associate Director for Science, Centers for Disease Control and Prevention.

[FR Doc. 2014–25133 Filed 10–17–14; 4:15 pm]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1027]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Infant Formula Recall Regulations

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by November 21, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0188. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Infant Formula Recall Regulations—21 CFR 107.230, 107.240, 107.250, 107.260, and 107.280 (OMB Control Number 0910–0188)—(Extension)

Section 412(e) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 350a(e)) provides that if the manufacturer of an infant formula has knowledge that reasonably supports the conclusion that an infant formula processed by that manufacturer has left its control and may not provide the nutrients required in section 412(i) of the FD&C Act or is otherwise adulterated or misbranded, the manufacturer must promptly notify the Secretary of Health and Human Services (the Secretary). If the Secretary determines that the infant formula presents a risk to human health, the manufacturer must immediately take all actions necessary to recall shipments of such infant formula from all wholesale and retail establishments, consistent with recall regulations and guidelines issued by the Secretary. Section 412(f)(2) of the FD&C Act states that ''the Secretary shall by regulation prescribe the scope and extent of recalls of infant formula necessary and appropriate for the degree of risk to human health presented by the formula subject to recall.'' Our infant formula recall regulations in part 107 (21 CFR part 107) implement these statutory provisions.

Section 107.230 requires each recalling firm to conduct an infant formula recall with the following elements: (1) Evaluate the hazard to human health, (2) devise a written recall strategy, (3) promptly notify each affected direct account (customer) about the recall, and (4) furnish the appropriate FDA district office with copies of these documents. If the recalled formula presents a risk to human health, the recalling firm must also request that each establishment that sells the recalled formula post (at point of purchase) a notice of the recall and provide us with a copy of the notice. Section 107.240 requires the recalling firm to conduct an infant formula recall with the following elements: (1) Notify the appropriate FDA district office of the recall by telephone within 24 hours, (2) submit a written report to that office within 14 days, and (3) submit a written status report at least every 14 days until the recall is terminated. Before terminating a recall, the recalling firm is required to submit a recommendation for termination of the recall to the appropriate FDA district office and wait for our written concurrence (§ 107.250). Where the recall strategy or implementation is determined to be deficient, we may require the firm to change the extent of the recall, carry out additional effectiveness checks, and issue additional notifications (§ 107.260). In addition, to facilitate location of the product being recalled, the recalling firm is required to maintain distribution records for at least 1 year after the expiration of the shelf life of the infant formula (§ 107.280).

The reporting and recordkeeping requirements described previously are designed to enable us to monitor the effectiveness of infant formula recalls in order to protect babies from infant formula that may be unsafe because of contamination or nutritional inadequacy or otherwise adulterated or misbranded. We use the information collected under these regulations to help ensure that such products are quickly and efficiently removed from the market.

In the **Federal Register** of August 7, 2014 (79 FR 46270), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

We estimate the annual burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
107.230; elements of infant formula recall	2	1	2	4,450	8,900
107.240; notification requirements	2	1	2	1,482	2,964
107.250; termination of infant formula recall	2	1	2	120	240
107.260; revision of an infant formula recall [2]	1	1	1	625	625
Total					12,729

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

[2] No burden has been estimated for the recordkeeping requirement in § 107.280 because these records are maintained as a usual and customary part of normal business activities. Manufacturers keep infant formula distribution records for the prescribed period as a matter of routine business practice.

The reporting and third-party disclosure burden estimates are based on our records, which show that there are 5 manufacturers of infant formula and that there have been, on average, 2 infant formula recalls per year for the past 3 years. Based on this information, we estimate that there will be, on average, approximately 2 infant formula recalls per year over the next 3 years.

Thus, we estimate that 2 respondents will conduct recalls annually pursuant to §§ 107.230, 107.240, and 107.250. The estimated number of respondents for § 107.260 is minimal because we seldom use this section; therefore, we estimate that there will be 1 or fewer respondents annually for § 107.260. The estimated number of hours per response is an average based on our experience and information from firms that have conducted recalls. We estimate that 2 respondents will conduct infant formula recalls under § 107.230 and that it will take a respondent 4,450 hours to comply with the requirements of that section, for a total of 8,900 hours. We estimate that 2 respondents will conduct infant formula recalls under § 107.240 and that it will take a respondent 1,482 hours to comply with the requirements of that section, for a total of 2,964 hours. We estimate that 2 respondents will submit recommendations for termination of infant formula recalls under § 107.250 and that it will take a respondent 120 hours to comply with the requirements of that section, for a total of 240 hours. Finally, we estimate that 1 respondent will need to carry out additional effectiveness checks and issue additional notifications, for a total of 625 hours.

Under 5 CFR 1320.3(b)(2), the time, effort, and financial resources necessary to comply with a collection of information are excluded from the burden estimate if the reporting, recordkeeping, or disclosure activities needed to comply are usual and customary because they would occur in the normal course of activities. No burden has been estimated for the recordkeeping requirement in § 107.280 because these records are maintained as a usual and customary part of normal business activities. Manufacturers keep infant formula distribution records for the prescribed period as a matter of routine business practice.

TABLE 2—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

21 CFR section; activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
107.230; elements of infant formula recall	2	1	2	50	100
107.260; revision of an infant formula recall	1	1	1	25	25
Total					125

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Table 2 reports our third-party disclosure burden estimates for §§ 107.230 and 107.260. The estimated burden hours per disclosure is an average based on our experience. The third-party disclosure burden in § 107.230 is the requirement to promptly notify each affected direct-account (customer) about the recall, and if the recalled formula presents a risk to human health, the requirement that the recalling firm must also request that each establishment that sells the recalled formula post a notice of the recall at the point of purchase. We estimate that 2 respondents will conduct infant formula recalls under § 107.230 and that it will take a respondent 50 hours to comply with the third-party disclosure requirements of that section, for a total of 100 hours. The third-party disclosure burden in § 107.260 is the requirement to issue additional notifications where the recall strategy or implementation is determined to be deficient. We estimate that 1 respondent will issue additional notifications under § 107.260 and that it will take a respondent 25 hours to comply with the third-party disclosure requirements of that section, for a total of 25 hours.

Dated: October 16, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–25105 Filed 10–21–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1104]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; State Petitions for Exemption From Preemption

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by November 21, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0277. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd.; COLE–14526, Silver Spring, MD 20993–0002 *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

State Petitions for Exemption From Preemption—21 CFR 100.1(d) (OMB Control Number 0910–0277)—(Extension)

Under section 403A(b) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 343–1(b)), states may petition FDA for exemption from Federal preemption of state food labeling and standard of identity requirements. Section 100.1(d) (21 CFR 100.1(d)) sets forth the information a

state is required to submit in such a petition. The information required under § 100.1(d) enables FDA to determine whether the state food labeling or standard of identity requirement satisfies the criteria of section 403A(b) of the FD&C Act for granting exemption from Federal preemption.

In the **Federal Register** of August 7, 2014 (79 FR 46269), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

We estimate the annual burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR 100.1(d)	Number of respondents	Number of responses per respondent	Total annual responses	Avg. burden per response	Total hours
Form of petition	1	1	1	40	40

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The reporting burden for § 100.1(d) is minimal because petitions for exemption from preemption are seldom submitted by states. In the last 3 years, we have received one new petition for exemption from preemption; therefore, we estimate that one or fewer petitions will be submitted annually.

Dated: *October 16, 2014.*

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–25106 Filed 10–21–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–1540]

Migraine: Developing Drugs for Acute Treatment; 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 entitled ''Migraine: Developing Drugs for Acute Treatment.'' The purpose of this guidance is to assist sponsors in the clinical development of drugs for the acute treatment of migraine. This guidance focuses on specific drug development and trial design issues that are unique to the study of drugs for the acute treatment of migraine. This guidance is intended to serve as a focus for continued discussions among the Division of Neurology Products, pharmaceutical sponsors, the academic community, and the public.

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 22, 2014.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993. 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: Eric Bastings, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 4338, Silver Spring, MD 20993–0002, 301–796–1039.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Migraine: Developing Drugs for Acute Treatment.'' The purpose of this guidance is to assist sponsors in the clinical development of drugs for the acute treatment of migraine. This guidance focuses on specific drug development and trial design issues that are unique to the study of drugs for the acute treatment of migraine. This guidance is intended to serve as a focus for continued discussions among the Division of Neurology Products, pharmaceutical sponsors, the academic community, and the public.

Migraine is a chronic neurovascular disorder characterized by recurrent attacks of often severe headache, typically presenting with nausea, vomiting, and sensitivity to light and/or sound. Pharmacologic approaches to the treatment of migraine include drugs to treat acute migraine attacks as they arise (acute treatment of migraine) and drugs to reduce the frequency of migraine attacks (preventive treatment). This guidance addresses the development program of drugs for the acute treatment of migraine, including trial population, trial design, dose selection, efficacy endpoints, and statistical considerations. The guidance also discusses safety considerations, pediatric studies, and labeling considerations.

This 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 developing drugs for the acute treatment of migraine. 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.

II. The Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR parts 201, 312, and 314 have been approved under OMB control numbers 0910–0572, 0910–0014, and 0910–0001, respectively.

III. 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.*

IV. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: October 15, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–25048 Filed 10–21–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–0710]

Guidance for Industry on Circumstances That Constitute Delaying, Denying, Limiting, or Refusing a Drug Inspection; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled ''Circumstances that Constitute Delaying, Denying, Limiting, or Refusing a Drug Inspection.'' The Food and Drug Administration Safety and Innovation Act (FDASIA) added a provision to the Food, Drug, and Cosmetic Act (the FD&C Act) concerning inspections that makes a drug adulterated. This guidance defines the types of actions, inaction, and circumstances that FDA considers to constitute delaying, denying, or limiting inspection, or refusing to permit entry or inspection for the purposes of making a drug adulterated.

DATES: Submit either electronic or written comments on Agency guidance at any time.

ADDRESSES: Submit written requests for single copies of this guidance to the Office of Policy and Risk Management, Office of Regulatory Affairs, Food and Drug Administration, 12420 Parklawn Dr., rm. 4138, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Emily M. Leongini, Office of Policy and Risk Management, Office of Regulatory Affairs, Food and Drug Administration, 10902 New Hampshire Ave., Bldg. 32, rm. 4339, Silver Spring, MD 20903, 301–796–5300.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Circumstances that Constitute Delaying, Denying, Limiting, or Refusing a Drug Inspection.'' On July 9, 2012, FDASIA (Pub. L. 112–144) was signed into law. Section 707 of FDASIA adds 501(j) to the FD&C Act to make a drug adulterated that ''has been manufactured, processed, packed, or held in any factory, warehouse, or establishment and the owner, operator, or agent of such factory, warehouse, or establishment delays, denies, or limits an inspection, or refuses to permit entry or inspection.'' As required by Section 707, FDA is issuing this guidance to define the types of action, inaction, and circumstances that FDA considers to constitute delaying, denying, or limiting inspection, or refusing to permit entry or inspection for the purposes of Section 501(j) of the FD&C Act.

In July 2013, FDA issued a draft guidance for industry of the same title (78 FR 42387, July 15, 2013). In response to docket comments, we revised the guidance to clarify FDA's expectations regarding the types of action, inaction, and circumstances that make a drug adulterated under 501(j) of the FD&C Act. Among other things, we added examples that may constitute reasonable explanations for actions, inactions, or circumstances that could otherwise be considered delaying, denying, or limiting inspection, or refusing to permit entry or inspection.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking on ''Circumstances that Constitute Delaying, Denying, Limiting, or Refusing a Drug Inspection.'' 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.

II. 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.*

III. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/RegulatoryInformation/Guidances/ucm122044.htm* or *http://www.regulations.gov.*

Dated: October 15, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–25033 Filed 10–21–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0001]

Seventh Annual Sentinel Initiative; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

The Food and Drug Administration (FDA) is announcing a public workshop entitled ''Seventh Annual Sentinel Initiative Public Workshop.'' Convened by the Engelberg Center for Health Care Reform at the Brookings Institution and supported by a cooperative agreement with FDA, this 1-day workshop will bring the stakeholder community together to discuss a variety of topics on active medical product surveillance. Topics will include an overview of the transition from the Mini-Sentinel pilot program to the full Sentinel System and what that means for patients and other critical stakeholders. Additionally, panelists will discuss the future of the Sentinel System and opportunities to expand its medical product surveillance capabilities. This workshop will also engage stakeholders to discuss current and emerging Sentinel projects.

Date and Time: The public workshop will be held on February 5, 2015, from 9 a.m. to 4 p.m. EST.

Location: The public workshop will be held at the Washington Plaza Hotel, 10 Thomas Circle NW., Washington, DC 20005. For additional travel and hotel information, please refer to *http://events.SignUp4.com/sentinel2015.* (FDA has verified the Web site addresses throughout this notice, but FDA is not responsible for subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

There will also be a live Webcast for those unable to attend the meeting in person (see *Streaming Webcast of the Public Workshop*).

Contact Person: Carlos Bell, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6358, Silver Spring, MD 20993, 301–796–3714, FAX: 301–847–3529, email: *SentinelInitiative@fda.hhs.gov.*

Registration: To attend the public workshop, you must register before February 5, 2015, by visiting *http://events.SignUp4.com/sentinel2015.* You may also register for the live Webcast by visiting this Web page. There will be no onsite registration. When registering, please provide the following information: Your name, title, company or organization (if applicable), postal address, telephone number, and email address. Those without Internet access should contact Carlos Bell to register (see *Contact Person*). There is no registration fee for the public workshop. However, registration will be on a first-come, first-served basis because seating is limited. Therefore, early registration is recommended. A 1-hour lunch break is scheduled, but food will not be provided. There are multiple restaurants within walking distance of the Washington Plaza Hotel.

If you need special accommodations due to a disability, please contact Joanna Klatzman at the Brookings Institution (202–536–3634, email: *SentinelEvent@Brookings.edu*) at least 7 days in advance.

Streaming Webcast of the Public Workshop: This public workshop will also be Webcast (archived video footage will be available on the Brookings Institution Web site following the workshop). Persons interested in viewing the live Webcast must register online by February 4, 2015, at 5 p.m. EST. Early registration is recommended because Webcast connections are limited. Organizations are requested to register all participants but to view using one connection per location whenever possible. Webcast participants will be sent technical system requirements and a test link in advance of the event. Prior to joining the streaming Webcast of the public workshop, it is recommended that you review these technical system requirements and test your connection.

Meeting Materials: All event materials will be available to registered attendees via email before the workshop and will be posted after the event on the Brookings Institution event Web site at *http://www.brookings.edu//health/events.*

Transcripts: Please be advised that transcripts will not be available.

Dated: October 15, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–25053 Filed 10–21–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1617]

Blood Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Blood Products Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on December 2, 2014, from 8:30 a.m. to 4:30 p.m. and December 3, 2014, from 8:30 a.m. to 12:30 p.m.

ADDRESSES: FDA is opening a docket for person interested in presenting data, information, or views, orally or in writing, on issues pending before the committee. The docket number is FDA–2014–N–1617. Please see the procedure section of the notice for further information.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993. Information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/default.htm;* under the heading ''Resources for You,'' click on ''Public Meetings at the FDA White Oak Campus.'' Please note that visitors to the White Oak Campus must enter through Building 1.

For those unable to attend in person, the meeting will also be Web cast. The Web cast will be available at the following links:

- December 2, 2014, Blood Products Advisory Committee Web link: *https://collaboration.fda.gov/bpac1214/*
- December 3, 2014, Blood Products Advisory Committee Web link: *https://collaboration.fda.gov/bpacdecember3/*

Contact Person: Bryan Emery or Joanne Lipkind, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, Bldg. 71, Rm. 6132, 240–402–8054 or 240–402–8106, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: On December 2, 2014, the Committee will meet in open session to hear scientific data related to reconsideration of the current blood donor deferral policy for men who have had sex with another man (MSM) even one time since 1977. The Committee will be presented with an update on the November 13, 2014, meeting of the Advisory Committee on Blood and Tissue Safety and Availability where the MSM blood donor deferral policy will be discussed. In the afternoon, an informational presentation will be made regarding the emergence of chikungunya virus infections in the Western Hemisphere and potential implications for blood transfusion safety. The Committee will also hear an informational presentation on the first survey of the Rapid Donor Surveillance (RapidDOS) project on Middle Eastern Respiratory Syndrome coronavirus (MERS-CoV).

On December 3, 2014, the Blood Products Advisory Committee will be seated as a device classification panel. In open session, the panel will discuss

the appropriate device classification of blood establishment computer software (BECS) and accessories to BECS. Blood establishment computer software is currently subject to the premarket notification [510(k)] provisions of the Federal Food, Drug and Cosmetic Act.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before November 25, 2014. On December 2, 2014, oral presentations from the public will be scheduled between approximately 1 p.m. to 2 p.m. On December 3, 2014, oral presentations from the public will be scheduled between approximately 10:30 a.m. to 11 a.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before November 18, 2014. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by November 19, 2014.

FDA has opened a docket for the public who are interested in presenting data, information, or views, orally or in writing, on issues pending before the committee. The docket number is FDA–2014–N–1617. The docket will close November 25, 2014. Interested persons are encouraged to use the docket to submit electronic or written comments regarding this meeting. Submit electronic comments to *http://www.regulations.gov.*

Submit written comments to the Division of Dockets Management, Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Comments are to be identified 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.*

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Bryan Emery at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: October 16, 2014.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2014–25067 Filed 10–21–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2012–E–1242; FDA–2012–E–1243]

Determination of Regulatory Review Period for Purposes of Patent Extension; CARBON DIOXIDE LASER

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for CARBON DIOXIDE LASER and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the United States Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that food additive.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov.* Submit written petitions (two copies are required) and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA–2013–S–0610.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Management, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6257, Silver Spring, MD 20993–0002, 301–796–7900.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For food additives, the testing phase begins on the date when a major health or environmental effects test is begun and runs until a petition relying on the test and requesting the issuance of a regulation for use of the additive under section 409 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 348) is initially submitted to FDA. The approval phase begins on the date a petition requesting the issuance of a regulation for use of the additive under section 409 of the FD&C Act is initially received. The approval phase continues until the regulation for the additive becomes effective or until commercial marketing is permitted (21 CFR 60.22). Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a food additive will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has amended the food additive regulations to provide for the safe use of CARBON DIOXIDE LASER for etching

information on the surface of fresh, intact citrus fruit for commercial marketing as specified in 21 CFR 179.43. Subsequent to this approval, USPTO received patent term restoration applications for CARBON DIOXIDE LASER (U.S. Patent Nos. 5,660,747 and 5,897,797) from Durant Wayland, Inc., and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated February 13, 2013, FDA advised the USPTO that this product had undergone a regulatory review period and that FDA's granting of the food additive petition for CARBON DIOXIDE LASER represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for CARBON DIOXIDE LASER is 1,950 days. The applicant has not asserted a testing phase. All 1,950 days of the regulatory review period occurred during the approval phase. This period of time was derived from the following dates:

1. *The date a major health or environmental effects test on the food additive was initiated:* No date claimed. The applicant has not asserted a testing period.

2. *The date the application was initially submitted with respect to the food additive under section 409 of the FD&C Act:* February 9, 2007. FDA has determined that the food additive petition (FAP) for Carbon Dioxide Laser for Etching Food (FAP 7M4768) was submitted on February 9, 2007.

3. *The date a regulation for use of the food additive became effective:* June 11, 2012. FDA has verified the applicant's claim that FAP 7M4768 was granted through FDA's issuance of a responsive food additive regulation, effective June 11, 2012.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 5 years of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by December 22, 2014. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by April 20, 2015. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written or electronic petitions. 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. If you submit a written petition, two copies are required. A petition submitted electronically must be submitted to *http://www.regulations.gov,* Docket No. FDA–2013–S–0610. Comments and petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 16, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–25032 Filed 10–21–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, Program on Biosecurity and Biosafety Policy; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the meeting of the National Science Advisory Board for Biosecurity (NSABB).

Name of Committee: National Science Advisory Board for Biosecurity.

Date: October 22, 2014.

Time: 8:00 a.m.–4:00 p.m. Eastern Time (Times are approximate and subject to change).

Agenda: Presentations and discussions regarding: (1) Overview of recent Federal policies regarding biosafety and biosecurity; and (2) other business of the Board.

Place: National Institutes of Health, Building 31; 6th Floor, Conference Room 6, Bethesda, Maryland.

Contact Person: Carolyn Mosby, NSABB Program Assistant, NIH Program on Biosecurity and Biosafety Policy, 6705 Rockledge Drive, Suite 750, Bethesda, Maryland 20892, (301) 435–5504, *carolyn.mosby@nih.gov.*

Under authority 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, the Department of Health and Human Services established the NSABB to provide advice regarding federal oversight of dual use research, defined as biological research that generates information and technologies that could be misused to pose a biological threat to public health and/or national security.

The meeting will be open to the public, however pre-registration is strongly recommended due to space limitations. Persons planning to attend may register online at: *http://palladianpartners.cvent.com/d/KY8f5UlwH0WnoisQD81oFg/8nfg/P1/1Q* or by calling Palladian Partners, Inc. (Contact: Joel Yaccarino at 301–650–8660). Online registration will close at 12:00 p.m. Eastern the day before the meeting. After that time, you will need to register onsite on the day of the meeting, from 7:15 a.m. Eastern. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should indicate these requirements upon registration.

This meeting will also be webcast. To access the webcast and meeting information, including the draft meeting agenda and the registration link, connect to: *http://osp.od.nih.gov/office-biotechnology-activities/biosecurity/nsabb/nsabb-meetings-and-conferences.* Please check this site for updates.

Time will be allotted on the agenda for oral public comment, with presentations limited to three minutes per speaker. Sign-up for oral public comments will begin at approximately 7:45 a.m. on October 22, 2014, and will be restricted to one sign-in per person. In the event that time does not allow for all those interested to present oral comments, any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person. In addition, any interested person may submit written comments to the NSABB prior to the meeting by sending the comments to the Contact Person listed on this notice by 5:00 p.m. Eastern on October 20, 2014. Written comments should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person. Any written comments received after the deadline will be provided to the Committee either before or after the meeting, depending on the volume of comments received and the time required to process them in accordance with privacy regulations and other applicable Federal policies.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxis, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Dated: October 16, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25030 Filed 10–21–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Ancillary Studies: Group 1, Diabetes.

Date: December 3, 2014.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; U.S.-India Bilateral Collaborative Research Partnerships (CRP) on Diabetes Research (R21).

Date: January 26, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Najma Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS).

Dated: October 16, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25045 Filed 10–21–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; 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: Microbiology, Infectious Diseases and AIDS Initial Review Group, Acquired Immunodeficiency Syndrome Research Review Committee.

Date: November 18, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 3E70B, 5601 Fishers Lane, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Vasundhara Varthakavi, Ph.D., Scientific Review Officer, Scientific Review Program, NIH/NIAID/DEA/ARRB, 5601 Fishers Lane, Bethesda, MD 20892, 240–669–5010, *varthakaviv@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS).

Dated: October 16, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25042 Filed 10–21–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute Meeting

ACTION: Notice of meeting.

SUMMARY: Pursuant to the NIH Reform Act of 2006 (42 U.S.C. 281(d)(4)), notice is hereby given that the National Eye Institute will host a meeting to enable public discussion of the Institute's proposal to rename its Division of Extramural Research to the Division of Extramural Science and establish a new Division of Extramural Activities. The proposal seeks to clearly delineate functions and streamline the services provided by adding focus to scientific programs and extramural operations. This proposed change aligns NEI with the structure of other NIH Institutes and Centers.

DATES: The public hearing will be available to view on October 23, 2014.

ADDRESSES: The public hearing will be recorded at the National Eye Institute, 31 Center Drive, Bethesda, MD 20892. To comment or ask a question about the reorganization, please send an email to the following address: *NEIOrgChangeComment@mail.nih.gov.* To view the webinar, which will be posted on YouTube on October 23, 2014, go to the following Web site: *www.nei.nih.gov/DEROrgChange.*

FOR FURTHER INFORMATION CONTACT: Aytaj Vily, National Eye Institute, NIH, MPAB, 31 Center Drive, Bethesda, MD 20892, at *NEIOrgChangeComment@mail.nih.gov.*

Members of the public wishing to have their questions or comments addressed related to this presentation on the reorganization need to send them to the following email address: *NEIOrgChangeComment@mail.nih.gov.* Individuals will be able to watch the presentation via a YouTube webinar. Please go to the following link to view the webinar: *www.nei.nih.gov/DEROrgChange.*

Any interested person may file written comments by sending an email to the following email address: *NEIOrgChangeComment@mail.nih.gov,* by October 30, 2014. The statement should include the individual's name and, when applicable, professional affiliation. Responses will be sent by November 4, 2014.

SUPPLEMENTARY INFORMATION: The agenda of the public meeting will enable public discussion on the proposed reorganization plans for NEI. This meeting will be in the form of a webinar posted on YouTube on October 23,

2014. 508 Compliance Note: All training or informational video and multimedia productions made available to the public must be captioned (user selects the captioning to be turned on so that the words appear on the screen) for persons who are hard of hearing or deaf, and the audio described (spoken words) for persons who are blind or have low vision. The following email address has been established to receive questions and/or comments on the reorganization: *NEIOrgChangeComment@mail.nih.gov.* It will remain available, through October 30, to the public for comments after the YouTube webinar has been aired. To watch the webinar on YouTube, go to: *www.nei.nih.gov/DEROrgChange* to view/access the presentation.

Dated: October 1, 2014.

Vicki Buckley,

Acting Executive Officer, National Eye Institute, National Institutes of Health.

[FR Doc. 2014–25068 Filed 10–21–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Cancellation of Meeting

Notice is hereby given of the cancellation of the Center for Scientific Review Special Emphasis Panel, October 24, 2014, 8:00 a.m. to October 24, 2014, 8:30 a.m., Embassy Suites Alexandria, 1900 Diagonal Road, Alexandria, VA 22314 which was published in the **Federal Register** on October 6, 2014, 79 FR 60175.

The meeting is cancelled due to the reassignment of applications.

Dated: October 16, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25038 Filed 10–21–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, NIAID Peer Review Meeting.

Date: November 12–14, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Susana Mendez, Ph.D., DVM, Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, Bethesda, MD 20892, MSC 7616, 240–669–5077, *mendezs@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Atopic Dermatitis and Asthma Grant Applications.

Date: November 13–14, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Bldg. FL, CC RM LD40, 5601 Fishers Lane, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Zhuqing Li, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 5601 Fishers Lane, Bethesda, MD 20892, MSC 7616, 240–669–5068, *zhuqing.li@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 16, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25043 Filed 10–21–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Child Health and Human Development Special Emphasis Panel, November 12, 2014, 01:00 p.m. to November 12, 2014, 05:00 p.m., National Institutes of Health, 6100 Executive Boulevard, Rockville, MD, 20852 which was published in the **Federal Register** on October 9, 2014, 79 FR, page 61085.

The meeting notice is amended to change the date of the meeting from November 12, 2014, to November 19, 2014. The meeting is closed to the public.

Dated: October 16, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25044 Filed 10–21–14; 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, Host Interactions with Bacterial Pathogens.

Date: November 11, 2014.

Time: 3:00 p.m. to 5:00 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: Fouad A. El-Zaatari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7808, Bethesda, MD 20892, (301) 435–1149, *elzaataf@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Developmental Brain Disorder and Psychiatric Disorders.

Date: November 13, 2014.

Time: 2:30 p.m. to 6:30 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: Julius Cinque, MS, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7846, Bethesda, MD 20892, (301) 435–1252, *cinquej@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR Panel: Pregnancy in Women with Disabilities.

Date: November 14, 2014.

Time: 11:00 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: Priscah Mujuru, RN, MPH, DRPH, COHNS, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892, 301–594–6594, *mujurup@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Neurodegeneration—Microglial and T Cell Functions.

Date: November 14, 2014.

Time: 12:00 p.m. to 2:00 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: Samuel C. Edwards, Ph.D., IRG Chief, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7846, Bethesda, MD 20892, (301) 435–1246, *edwardss@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 16, 2014.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25039 Filed 10–21–14; 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; PAR Panel: Physical Activity and Weight Control Interventions Among Cancer Survivors: Effects on Biomarkers of Prognosis.

Date: November 7, 2014.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Denise Wiesch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3138, MSC 7770, Bethesda, MD 20892, (301) 437–3478, *wieschd@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, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7824, Bethesda, MD 20892, (301) 435–1153, *revzina@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Infectious Diseases and Microbiology.

Date: November 13–14, 2014.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: El Tropicana Riverwalk Hotel, 110 Lexington Ave., San Antonio, TX 78220.

Contact Person: Alexander D. Politis, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3210, MSC 7808, Bethesda, MD 20892, (301) 435–1150, *politisa@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Drug Discovery and Mechanisms of Antimicrobial Resistance.

Date: November 13–14, 2014.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street NW., Washington, DC 20036.

Contact Person: Guangyong Ji, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3211, MSC 7808, Bethesda, MD 20892, 301–435–1146, *jig@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cardiovascular Sciences.

Date: November 13, 2014.

Time: 12:00 p.m. to 5:00 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: Sara Ahlgren, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, RM 4136, Bethesda, MD 20892, 301–435–0904, *sara.ahlgren@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biophysics-Chemistry.

Date: November 18, 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: Mike Radtke, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7806, Bethesda, MD 20892, 301–435–1728, *radtkem@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Digestive Sciences.

Date: November 19, 2014.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Bonnie L Burgess-Beusse, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, 301–435–1783, *beusseb@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS).

Dated: October 16, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25036 Filed 10–21–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections

552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Services Conflict.

Date: November 4, 2014.

Time: 2:00 p.m. to 3:30 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: Karen Gavin-Evans, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Boulevard, Room 6153, MSC 9606, Bethesda, MD 20892, 301–451–2356, *gavinevanskm@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS).

Dated: October 16, 2014.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25046 Filed 10–21–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; 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 Allergy and Infectious Diseases Special Emphasis Panel, HIV Vaccine Research and Design (HIVRAD) Program (P01).

Date: November 19–21, 2014.

Time: November 19, 2014, 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Bethesda, MD 20892, (Telephone Conference Call).

Time: November 20, 2014, 1:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Bethesda, MD 20892, (Telephone Conference Call).

Time: November 21, 2014, 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Kelly Y. Poe, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 6700–B Rockledge Drive, MDS–7616, Bethesda, MD 20892, 301–451–2639, *poeky@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS).

Dated: October 16, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25041 Filed 10–21–14; 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 Musculoskeletal Cell Biology.

Date: October 23, 2014.

Time: 7:15 a.m. to 7:45 a.m.

Agenda: To review and evaluate grant applications.

Place: Admiral Fell Inn, 888 South Broadway, Baltimore, MD 21231.

Contact Person: Daniel F. McDonald, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4110, MSC 7814, Bethesda, MD 20892, (301) 435–1215, *mcdonald@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel Small Business: Rehabilitation.

Date: October 24, 2014.

Time: 8:00 a.m. to 8:30 a.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Old Town, 1900 Diagonal Rd., Alexandria, VA 22314.

Contact Person: Jo Pelham, BA, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4102, MSC 7814, Bethesda, MD 20892, (301) 435–1786, *pelhamj@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel Pulmonary Diseases.

Date: October 28–29, 2014.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: George M. Barnas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4220, MSC 7818, Bethesda, MD 20892, 301–435–0696, *barnasg@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel Cancer, Cardiovascular, and Sleep Epidemiology Panel A Study Section.

Date: October 29–30, 2014.

Time: 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave. NW., Washington, DC 20037.

Contact Person: Denise Wiesch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3138, MSC 7770, Bethesda, MD 20892, (301) 437–3478, *wieschd@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel Neuroscience Genetics.

Date: November 3, 2014.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Richard Panniers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2212, MSC 7890, Bethesda, MD 20892, (301) 435–1741, *pannierr@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel Member Conflict: Research Project Grant.

Date: November 4, 2014.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Gabriel B. Fosu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3108, MSC 7808, Bethesda, MD 20892, (301) 435–3562, *fosug@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 16, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25037 Filed 10–21–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Cancellation of Meeting

Notice is hereby given of the cancellation of the Center for Scientific Review Special Emphasis Panel, October 23, 2014, 7:15 a.m. to October 23, 2014, 7:45 a.m., Admiral Fell Inn, 888 South Broadway, Baltimore, MD 21231 which was published in the **Federal Register** on October 16, 2014, 79 FR 62166.

The meeting is cancelled due to the reassignment of applications.

Dated: October 16, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25040 Filed 10–21–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2014–0058]

Agency Information Collection Activities: DHS Individual Complaint of Employment Discrimination, DHS Form 3090–1

AGENCY: Office for Civil Rights and Civil Liberties, DHS.

ACTION: 60-Day notice and request for comments; Reinstatement with change of a previously approved collection, 1610–0001.

SUMMARY: The Department of Homeland Security, Office for Civil Rights and Civil Liberties, will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35).

DATES: Comments are encouraged and will be accepted until December 22, 2014. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: You may submit comments, identified by docket number DHS–2014–0058, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Please follow the instructions for submitting comments.
- *Email: dhs.pra@hq.dhs.gov.* Please include docket number DHS–2014–0058 in the subject line of the message.

SUPPLEMENTARY INFORMATION: It is the policy of the Government of the United States to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, national origin, age, disability, protected genetic information, sexual orientation, or status as a parent, and to promote the full realization of equal employment opportunity (EEO) through a continuing affirmative program in each agency.

Persons who claim to have been subjected to these types of discrimination, or to retaliation for opposing these types of discrimination or for participating in any stage of administrative or judicial proceedings relating to them, can seek a remedy under Title VII of the Civil Rights Act (Title VII) (42 U.S.C. 2000e et seq.) (race, color, religion, sex, national origin), the Age Discrimination in Employment Act (ADEA) (29 U.S.C. 621 et seq.) (age), the Equal Pay Act (29 U.S.C. 206(d)) (sex), the Rehabilitation Act (29 U.S.C. 791 et seq.) (disability), the Genetic Information Nondiscrimination Act (GINA) (42 U.S.C. 2000ff et seq.) (genetic information), and Executive Order 11478 (as amended by Executive Orders 13087 and 13152) (sexual orientation or status as a parent).

The Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) adjudicates discrimination complaints filed by current and former DHS employees, as well as applicants for employment to DHS. The complaint adjudication process for statutory rights is outlined in the Equal Employment Opportunity Commission (EEOC) regulations found at Title 29, Code of Federal Regulations Part 1614 and EEO Management Directive 110. For complaints regarding sexual orientation or status as a parent, DHS follows the same procedures as for statutory rights, to the extent permitted by law.

The recordkeeping provisions are designed to ensure that a current employee, former employee, or applicant for employment claiming to be aggrieved or that person's attorney provide a signed statement that is sufficiently precise to identify the aggrieved individual and the agency and to describe generally the action(s) or practice(s) that form the basis of the complaint. The complaint must also contain a telephone number and address where the complainant or the representative can be contacted. The complaint form is used for original allegations of discrimination but also for amendments to underlying complaints of discrimination. The form also determines whether the person is willing to participate in mediation or other available types of alternative dispute resolution (ADR) to resolve their complaint; Congress has enacted legislation to encourage the use of ADR in the federal sector and the form ensures that such an option is considered at this preliminary stage of the EEO complaint process.

A complainant may access the complaint form on the agency Web site and may submit a completed complaint form electronically to the relevant Component's EEO Office. The complaint form can then be directly uploaded into the DHS EEO Enterprise Complaints Tracking System, also known as ''iComplaints.''

There is no change or adjustment to the burden associated with the

collection of information associated with the DHS complaint form. DHS is proposing to make one change to the DHS compliant form. This change is the addition of a new checkbox that says ''gender identity'' as a sub-category under the existing checkbox that says ''sex'' on the form. Gender identity discrimination is a form of sex discrimination, which is covered under Title VII. So this information is already included in data gathered in EEO complaints; adding the separate check box just more clearly identifies a sub-category. This form modification is in accordance with new instructions from EEOC—requiring all government agencies to specifically identify this type of information on our complaint forms.

The Office of Management and Budget is particularly interested in comments which:

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 submissions of responses.

Analysis

Agency: Office for Civil Rights and Civil Liberties, DHS.

Title: DHS Individual Complaint of Employment Discrimination.

OMB Number: 1610–0001.

Frequency: Annually.

Affected Public: Federal Government.

Number of Respondents: 1200.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 600 hours.

Dated: October 9, 2014.

Margaret H. Graves,

Deputy Chief Information Officer.

[FR Doc. 2014–25055 Filed 10–21–14; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOMELAND SECURITY

Agency Information Collection Activities: Regional Equipment and Capabilities Exchange, DHS Form 10090 and DHS Form 10089

AGENCY: Domestic Nuclear Detection Office, DHS.

ACTION: 30-Day Notice and request for comments; New Collection, 1601–NEW.

SUMMARY: The Department of Homeland Security, Domestic Nuclear Dectection Office, DHS will submit the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). DHS previously published this information collection request (ICR) in the **Federal Register** on July 1, 2014 at 79 FR 37337 for a 60-day public comment period. No comments were received by DHS. The purpose of this notice is to allow additional 30-days for public comments.

DATES: Comments are encouraged and will be accepted until November 21, 2014. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to OMB Desk Officer, Department of Homeland Security and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

The Office of Management and Budget is particularly interested in comments which:

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 submissions of responses.

SUPPLEMENTARY INFORMATION: The Joint Analysis Center (JAC), of the Operation Support Division, is responsible for providing awareness of the Global Nuclear Detection Architecture (GNDA), and functions as a central point of the GNDA providing awareness of nuclear threats to the Domestic Nuclear Detection Office (DNDO). The JAC plans to implement a Regional Equipment and Capabilities Exchange (RECE) to identify and compare existing information referencing the domestic nuclear radiological detection capabilities of all participating stakeholders.

The circumstances that make the RECE necessary is the need for a database that accurately reflects the current R/N detection capabilities federal, state, tribal, territorial, and local (FSTTL) stakeholders.

The RECE will recognize a standard process and procedure that the JAC facilitates to ensure a collaborative and coordinated data collection methodology is followed for fidelity of information. The successful implementation of the RECE will aid DNDO in achieving specific objectives mandated in National Security Presidential Directive (NSPD)–43/Homeland Security Presidential Directive (HSPD)–14, and codified in Title 6, United States Code (U.S.C.) 592. Attached is the HSPD14/NSPD43, please reference the following sections within NSPD–43/HSPD–14:

Subject: Domestic Nuclear Detection

(1)(b) Continue to enhance the effective integration of nuclear and radiological detection capabilities across Federal, State, local, and tribal governments and the private sector for a managed, coordinated response;

(2)(b) Enhance and coordinate the nuclear detection efforts of Federal, State, local, and tribal governments and the private sector to ensure a managed, coordinated response;

(2)(f) Support and enhance the effective sharing and use of appropriate information generated by the intelligence community, law enforcement agencies, counterterrorism community, other government agencies, and foreign governments, as well as provide appropriate information to these entities; and

DNDO needs the information to be collected by the RECE to enhance and coordinate the rad/nuc detection efforts of Federal, State, local and tribal governments, and to effectively share the resources information with all interested entities.

Although not legal justification to collect information, the 2010 GNDA Strategic Plan goals are provided as

additional information that serves as examples for how this collection effort supports internal DNDO initiatives.

The RECE directly relates to the following specific goals within the 2010 GNDA Strategic Plan:

- Goal 3: Communicate—Exchange relevant data, by receiving information from and disseminating information to relevant authorities and the general public, as appropriate.
- Goal 4: Coordinate—Ensure that stakeholders with GNDA functions minimize gaps and unintended overlaps in roles and responsibilities, including through collaboration and cooperation.

Additionally, the RECE helps DNDO meet DHS' lead and supporting roles in the following 2010 GNDA Strategic Plan Objectives:

- Objective 4: Assist state, local, and tribal governments in detecting and reporting on any unauthorized nuclear and radiological materials within their jurisdictions.
- Objective 5: Develop or enhance the federal interior detection architectures and strategies.
- Objective 7: Receive information from, and disseminate information to relevant authorities and the general public.
- Objective 8: Ensure that Stakeholders with GNDA functions minimize gaps and unnecessary overlaps in roles, responsibilities, and activities.
- Objective 9: Ensure that the GNDA can adapt and react in response to changes in technology, protocols, and adversary capabilities.

Information collected is the type used in the ordinary course of business (official business Points of Contact; names, addresses, emails, office phone number to call.) The purpose of the RECE form (DHS Form 10089) is to collect and warehouse relevant data for federal, state, tribal, territorial, and local (FSTTL) authorities to minimize gaps and unintended overlaps in roles and responsibilities for radiological or nuclear (R/N) detection capabilities. The primary purpose of the RECE Questionnaire form is to collect data on current stakeholder (primarily directed at state and local) radiological or nuclear (R/N) detection equipment inventories and resources to streamline access to a real-time depiction of R/N detection capabilities and serve as a warehouse for the data. Data collected will be available via the Joint Analysis Center Collaborative Information System (JACCIS). The Adobe Active ''fillable'' form focuses on the specific information regarding the respective R/N detection program plans, assets, and status of equipment. As part of the overall mission of the JAC, the RECE presents an opportunity to extend access to stakeholders with a RND mission, program, or equipment but not reflected in an accessible database.

The JAC aims to provide assistance to State or Local entities with limited access to resources as part of the RECE, and establish a standing collection strategy. Information can be submitted through use of a questionnaire (hard/soft copy transmittal), or scripted phone interviews. The questionnaire will be distributed in compatible file format Adobe PDF Fill-able Form. All emails and phone interviews will not deviate from the scope or content of the DHS Form 10089. Phone interviews will be conducted on an as needed basis for the purposes of non-submittals or to address questions related to answers of information provided within the form.

All data submitted will be processed and stored in a Microsoft Excel spreadsheet for review prior to Joint Analysis Center Collaborative Information System (JACCIS) integration. The RECE will help to accurately reflect the current domestic radiological and detection capabilities within JACCIS. The JACCIS Dashboard provides a secure web interface to collaborate with mission partners and includes a GIS that allows users to view detection information, detectors, situational awareness reports, and other overlays (critical infrastructure, etc.) in a geospatial viewer. Web Service interfaces to other mission partner's systems and content routers provide linkages to detection assets around the country in real-time.

The information collected will be used to provide a more accurate or real-time depiction of the GNDA.

Information can be submitted through use of a questionnaire (hard/soft copy transmittal), email *DNDO.JAC2@HQ.DHS.GOV* or phone interviews 1–877–363–6522. Use of these three methods of information submittals provides flexibility to the targeted collection audience which may have limited access to technological collection. All data submitted will be processed and stored in an excel spreadsheet, saved in a designated folder within a non-public DHS network share drive folder. Following review of spreadsheet information, data will be integrated into JACCIS in accordance with agreed distribution or sharing regulations; each questionnaire participant will be encouraged to acquire a JACCIS account, and point of contact information for JACCIS account acquisition are included within DHS Form 10089 RECE Questionnaire Directives. Information already available cannot be used or modified for use because it extremely dated, and lacks the specificity required for accurate accountability. To provide real-time depiction of the GNDA, there needs to be accountability of current resources available at all levels. RND equipment varies greatly between States, Territories and Local jurisdictions, and it is often not controlled or regulated by a single entity.

Efforts to identify duplication have included coordination with Federal stakeholders such as FEMA, CBP, and the FBI; each engagement revealed none of these agencies were in possession of a comprehensive complete data source which included specific domestic (United States) R/N detection capabilities for all States, Territories or Local jurisdictions.

In 2007 and 2009 COL Brent Bredehoft Deputy Assistant Director (in 2007/2009) of the Joint Analysis Center (JAC) directed his staff to conduct an informal information data call to federal entities only. In 2007 State and Local data was collected by the FBI (2006/2007) and provided to the JAC. Neither data collection was for JACCIS, but a plan was developed to put data collected in JACCIS after receiving. This information was neither consistent nor comprehensive and largely inaccurate since much of the information was haphazardly compiled with limited distribution. Additionally the FBI has not updated or made available a revised version of the 2006/2007 data call.

Additionally the RECE is organizing and analyzing relevant data from domestic Preventative Radiological Nuclear Detection (PRND) reports, specifically the National Capabilities Effort (NCE), but many of these NCE reports are extremely dated (greater than 5 years old), do not provide definitive identification details regarding equipment, therefore there is no way to de-conflict with existing equipment data. The NCE reports were a contracted effort through Defense Threat Reduction Agency (DTRA), and due to proprietary limitations when distributed to DNDO were not accompanied by the related raw data collection. Additionally, the NCE reports were created through informal collection techniques, and are largely inconsistent.

Lastly, in the years since the NCE reports and JACCIS informal data calls many States, Territories and Local jurisdictions have made significant advancements and or efforts towards acquiring R/N detection capability. With that said, State, Territories and Local jurisdictions are not subjected to any standing reporting requirement regarding R/N detection equipment or

capabilities, which precludes DNDO or any other Federal Agency from providing a real-time and accurate accountability to decision-makers regarding available domestic R/N detection assets.

There is no assurance of confidentiality provided to respondents. There will be no collection of trade secret or business proprietary information. Furnishing this information is voluntary; however, failure to furnish the requested information may prevent a user from contributing radiological or nuclear detection information to RECE. This could cause a hindrance when attempting to allocate resources during a global nuclear detection architecture related threat incident.

The Office of Management and Budget is particularly interested in comments which:

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 submissions of responses.

Analysis

Agency: Domestic Nuclear Detection Office, DHS.

Title: Regional Equipment and Capabilities Exchange.

OMB Number: 1601–NEW.

Frequency: Annually.

Affected Public: State, Local, Tribal Governments.

Number of Respondents: 102.

Estimated Time per Respondent: 1 hour.

Total Burden Hours: 102.

Dated: October 9, 2014.

Margaret H. Graves,

Deputy Chief Information Officer.

[FR Doc. 2014–25050 Filed 10–21–14; 8:45 am]

BILLING CODE 9110–9D–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

United States Secret Service Protective Mission Panel

AGENCY: Office of the Secretary, Department of Homeland Security.

ACTION: Committee management: notice of committee establishment.

SUMMARY: In order to facilitate an effective review of the security provided by the U.S. Secret Service to the White House compound, the Department of Homeland Security (Department or DHS) is creating the U.S. Secret Service Protective Mission Panel (USSSPMP or Panel). Pursuant to the Homeland Security Act of 2002, the Department is taking immediate measures to establish this independent panel of experts to inquire into recent incidents at the White House compound and to provide to the Secretary of Homeland Security recommendations for potential new directors of the U.S. Secret Service and whether there should be a broader review of the U.S. Secret Service.

Name of Committee: U.S. Secret Service Protective Mission Panel.

FOR FURTHER INFORMATION CONTACT: Peter Boogaard, Office of Public Affairs, (202) 282–8010, *MediaInquiry@HQ.DHS.GOV.*

SUPPLEMENTARY INFORMATION:

I. Background

DHS is establishing an independent panel to review the recent fence jumping incident at the White House on September 19, 2014 and related issues concerning security at the White House compound; to provide recommendations for potential new directors of the Secret Service; and to recommend whether there should be a broader review of the Secret Service. This time-sensitive and important review will entail discussion of classified information.

This Department has recognized in the past that some highly critical issues cannot be discussed in public without jeopardizing the security and confidentiality of sensitive homeland security information. For example, in 2006, the Department established the Critical Infrastructure Partnership Advisory Council (CIPAC) to aid in the communication and coordination between critical private sector entities and the Federal agencies charged with regulating them. See 71 FR 14930 (Mar. 24, 2006). Discussions between the members of that Council involve intelligence and law enforcement information and remain non-public to avoid giving our nation's enemies information they could use to effectively attack a particular infrastructure.

Many of the issues to be reviewed by the Panel will require access to, and discussion of, non-public classified information and other non-public law enforcement sensitive information. These matters include protective measures at the White House, sensitive law enforcement techniques and methods, and the management of these protective and law enforcement missions of the Secret Service.

II. Identifying Solutions

The Department recognizes the importance of the Federal Advisory Committee Act (FACA). The FACA, when it applies, generally requires advisory committees to meet in open session and make publicly available associated written materials. It also requires a 15-day notice before any meeting may be closed to public attendance. These requirements, however, would prevent the Department from convening on short notice a panel to discuss the sensitive and classified information surrounding the review of protective measures at the White House compound and other U.S. Secret Service law enforcement missions in an appropriate setting. The FACA contains a number of exceptions to its general disclosure rules, but the applicability of those exceptions are not sufficient to address the proper handling of classified material and the protection of law enforcement sensitive information in this unique context. The information that will be discussed and reviewed by this panel will be deliberative in nature and will involve classified information that, if discussed in public, would result in the unauthorized disclosure of information that could reasonably be expected to result in threats or damage to national security. Furthermore, the information discussed will involve techniques and procedures for law enforcement investigations. The release of this information would enable criminals and enemies to use that information to circumvent the law and could reasonably be expected to endanger the life or physical safety of individuals.

Section 871 of the Homeland Security Act provides the Secretary of Homeland Security with the authority to establish advisory committees and exempt them from the FACA. 6 U.S.C. 451(a). This authority allows the Department to freely and completely review the security procedures, to discuss potential vulnerabilities, and to provide the Department with information and

recommendations that otherwise could not be discussed.

III. Exercise of Section 871 Authority To Establish the U.S. Secret Service Protective Mission Panel

The Department respects the principles of open government and has judiciously exercised the authority Congress provided in Section 871. Given that the use of this authority will allow the Department to fully and completely review the issues and make recommendations surrounding the U.S. Secret Service as described above, the Department is invoking that authority.

Collaboration among the panel members must involve many activities to include: planning, coordination, protective security implementation, operational activities related to protective service security measures, as well as leadership issues, vulnerabilities, protective measures, best practices, and lessons learned. An effective panel must be able to have ongoing, immediate, and multi-directional communication and coordination under highly exigent circumstances.

In furtherance of DHS' mission to provide protective services, the public interest requires the establishment of the Panel under the authority of 6 U.S.C. 451. The Panel will review recent incidents, provide recommendations on potential new directors, and recommend whether there should be a broader review of the Secret Service. The Panel will interact with federal officials and representatives from the security and law enforcement communities. The Panel has no authority to establish Federal policy or otherwise undertake inherently governmental functions.

Exemption from the FACA (Pub. L. 92–463): In recognition of the highly-sensitive, and often confidential or classified nature of the subject matter involved in the activities of the USSSPMP, under the authority of section 871 of the Homeland Security Act of 2002 (6 U.S.C. 451), the panel is hereby deemed exempt from the requirements of Public Law 92–463 (5 U.S.C. App.). The decision to exercise the exemption authority in section 871 will support the free flow of classified and law enforcement sensitive information concerning U.S. Secret Service protective measures and its operations as a law enforcement organization.

IV. Membership and Structure

The specific membership of the USSSPMP will consist of individuals with expertise in: (a) National security, (b) protective security, (c) leading complex organizations, and (d) other experts as the investigation dictates. The members are identified below at Appendix A.

Membership Status: Non-Federal members of the USSSPMP serve as special government employees.

Meetings: The USSSPMP may meet as a whole or in any combination of subgroups that is most conducive to the effective conduct of its activities including, without limitation, in groups encompassing discrete topics to address specific issues and concerns (e.g., a meeting of the members to discuss security specific issues, or a meeting of leaders of complex organizations). As independent bodies, meetings consisting solely of members of these subgroups shall not constitute meetings of the USSSPMP. In addition, the USSSPMP may establish informal working groups for the purpose of fact-finding, issue development, or other preliminary non-deliberative activities. Such activities in support of the USSSPMP shall also be within the scope of the exemption noted above.

Duration of Committee: Six months, subject to extension pursuant to section 871(b) of the Homeland Security Act of 2002 (6 U.S.C. 451(b)).

Dated: October 15, 2014.

Jeh Charles Johnson,

Secretary.

Appendix A—Membership of the U.S. Secret Service Protective Mission Panel

Thomas J. Perrelli
Mark Filip
Danielle C. Gray
Joseph W. Hagin

[FR Doc. 2014–25052 Filed 10–21–14; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be

construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: October 9, 2010.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Massachusetts: Middlesex (FEMA Docket No.: B–1422).	Town of Holliston (13–01–2122P).	The Honorable Kevin Conley, Chairman, Town of Holliston Board of Selectmen, 703 Washington Street, Holliston, MA 01746.	Town Hall, 703 Washington Street, Holliston, MA 01746.	Sept. 17, 2014	250195
Oklahoma: Garvin (FEMA Docket No.: B–1422).	City of Pauls Valley (13–06–3636P).	The Honorable Gary Alfred, Mayor, City of Pauls Valley, P.O. Box 778, Pauls Valley, OK 73075.	City Hall, 100 West Paul Avenue, Pauls Valley, OK 73075.	Aug. 29, 2014	400246
Oklahoma:					
Oklahoma (FEMA Docket No.: B–1424).	City of Oklahoma City (12–06–2442P).	The Honorable Mick Cornett, Mayor, City of Oklahoma City, 200 North Walker Avenue, 3rd Floor, Oklahoma City, OK 73102.	420 West Main Street, Suite 700, Oklahoma City, OK 73102.	Sept. 11, 2014	405378
Oklahoma (FEMA Docket No.: B–1424).	City of Oklahoma City (13–06–2471P).	The Honorable Mick Cornett, Mayor, City of Oklahoma City, 200 North Walker Avenue, 3rd Floor, Oklahoma City, OK 73102.	420 West Main Street, Suite 700, Oklahoma City, OK 73102.	Sept. 11, 2014	405378
Texas:					
Bexar (FEMA Docket No.: B–1422).	City of San Antonio (13–06–3484P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Department of Public Works, Storm Water Engineering, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	Aug. 25, 2014	480045
Bexar (FEMA Docket No.: B–1424).	Unincorporated areas of Bexar County (14–06–0469P).	The Honorable Nelson W Wolff, Bexar County Judge, Paul Elizondo Tower, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 233 North Pecos-La Trinidad Street, Suite 420, San Antonio, TX 78207.	Sept . 11, 2014	480035
Coryell (FEMA Docket No.: B–1424).	City of Copperas Cove (13–06–4315P).	The Honorable John Hull, Mayor, City of Copperas Cove, 914 South Main Street, Suite E, Copperas Cove, TX 76522.	914 South Main Street, Suite G, Copperas Cove, TX 76522.	Sept. 15, 2014	480155
Dallas (FEMA Docket No.: B–1432).	City of Coppell (13–06–3463P).	The Honorable Karen Hunt, Mayor, City of Coppell, P.O. Box 9478, Coppell, TX 75019.	Engineering Department, 255 Parkway Boulevard, Coppell, TX 75019.	Sept. 15, 2014	480170
Dallas (FEMA Docket No.: B–1422).	City of Garland (13–06–4174P).	The Honorable Douglas Athas, Mayor, City of Garland, 200 North 5th Street, Garland, TX 75040.	800 Main Street, Garland, TX 75040.	Sept. 5, 2014	485471
Dallas (FEMA Docket No.: B–1422).	City of Sachse (13–06–4174P).	The Honorable Mike Felix, Mayor, City of Sachse, 3815 Sachse Road, Building B, Sachse, TX 75048.	3815 Sachse Road, Building B, Sachse, TX 75048.	Sept. 5, 2014	480186
Denton (FEMA Docket No.: B–1422).	City of Celina (13–06–4215P).	The Honorable Sean Terry, Mayor, City of Celina, 142 North Ohio Street, Celina, TX 75009.	City Hall, 142 North Ohio Street, Celina, TX 75009.	Sept. 2, 2014	480133
Denton (FEMA Docket No.: B–1424).	City of Denton (13–06–3379P).	The Honorable Chris Watts, Mayor, City of Denton, 215 East McKinney Street, Denton, TX 76201.	901–A Texas Street, Denton, TX 76209.	Sept. 15, 2014	480194
Denton (FEMA Docket No.: B–1422).	City of Denton (14–06–0807P).	The Honorable Chris Watts, Mayor, City of Denton, 215 East McKinney Street, Denton, TX 76201.	901–A Texas Street, Denton, TX 76209.	Sept. 22, 2014	480194
Denton (FEMA Docket No.: B–1422).	City of Frisco (14–06–0032P).	The Honorable Maher Maso, Mayor, City of Frisco, 6101 Frisco Square Boulevard, Frisco, TX 75034.	City Hall, 6101 Frisco Square Boulevard, Frisco, TX 75034.	Aug. 25, 2014	480134
Denton (FEMA Docket No.: B–1422).	Unincorporated areas of Denton County (13–06–4215P).	The Honorable Mary Horn, Denton County Judge, 110 West Hickory Street, 2nd Floor, Denton, TX 76201.	Denton County Government Center, 1505 East McKinney Street, Suite 175, Denton, TX 76209.	Sept. 2, 2014	480774
Denton (FEMA Docket No.: B–1424).	Unincorporated areas of Denton County (13–06–3783P).	The Honorable Mary Horn, Denton County Judge, 110 West Hickory Street, 2nd Floor, Denton, TX 76201.	Denton County Government Center, 1505 East McKinney Street, Suite 175, Denton, TX 76209.	Sept. 15, 2014	480774

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Denton (FEMA Docket No.: B–1422).	Unincorporated areas of Denton County (14–06–0807P).	The Honorable Mary Horn, Denton County Judge, 110 West Hickory Street, 2nd Floor, Denton, TX 76201.	Denton County Government Center, 1505 East McKinney Street, Suite 175, Denton, TX 76209.	Sept. 22, 2014	480774
Guadalupe (FEMA Docket No.: B–1422).	City of Cibolo (13–06–4035P).	The Honorable Lisa M. Jackson, Mayor, City of Cibolo, 200 South Main Street, Cibolo, TX 78108.	City Hall, 200 South Main Street, Cibolo, TX 78108.	Sept. 3, 2014	480267
Guadalupe (FEMA Docket No.: B–1422).	Unincorporated areas of Guadalupe County (13–06–4035P).	The Honorable Larry Jones, Guadalupe County Judge, 211 West Court Street, Seguin, TX 78155.	Guadalupe County, 2605 North Guadalupe Street, Seguin, TX 78155.	Sept. 3, 2014	480266
Harris (FEMA Docket No.: B–1422).	City of Houston (13–06–2759P).	The Honorable Annise D. Parker, Mayor, City of Houston, P.O. Box 1562, Houston, TX 77251.	Public Works and Engineering Department, 611 Walker Street, Houston, TX 77002.	Sept. 15, 2014	480296
Harris (FEMA Docket No.: B–1422).	Unincorporated areas of Harris County (13–06–2759P).	The Honorable Ed M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permits Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	Sept 15, 2014	480287
Harris (FEMA Docket No.: B–1424).	Unincorporated areas of Harris County (14–06–0575P).	The Honorable Ed M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permits Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	Sept. 15, 2014	480287
Harris (FEMA Docket No.: B–1422).	Unincorporated areas of Harris County (14–06–1079P).	The Honorable Ed M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permits Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	Sept. 15, 2014	480287
Lampasas (FEMA Docket No.: B–1437).	Unincorporated areas of Lampasas County (13–06–4315P).	The Honorable Wayne L. Boultinghouse, Lampasas County Judge, P.O. Box 231, Lampasas, TX 76550.	Lampasas County Courthouse, 501 East 4th Street, Lampasas, TX 76550.	Sept. 15, 2014	480899
Rockwall (FEMA Docket No.: B–1424).	City of Rockwall (14–06–0263P).	The Honorable David Sweet, Mayor, City of Rockwall, 385 South Goliad Street, Rockwall, TX 75087.	City Hall, 385 South Goliad Street, Rockwall, TX 75087.	Aug. 29, 2014	480547
Tarrant (FEMA Docket No.: B–1432).	City of Fort Worth (13–06–3819P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	Department of Transportation and Public Works, 1000 Throckmorton Street, Fort Worth, TX 76102.	Sept. 29, 2014	480596
Tarrant (FEMA Docket No.: B–1424).	City of Haslet (13–06–4452P).	The Honorable Bob Golden, Mayor, City of Haslet, 101 Main Street, Haslet, TX 76052.	City Hall, 101 Main Street, Haslet, TX 76052.	Sept. 4, 2014	480600
Terrell (FEMA Docket No.: B–1422).	Unincorporated areas of Terrell County (13–06–3003P).	The Honorable Santiago Flores, Terrell County Judge, 105 East Hackberry Street, Sanderson, TX 79848.	Terrell County Courthouse, County Clerk's Office, 105 East Hackberry Street, Sanderson, TX 79848.	Sept. 26, 2014	480619
Travis (FEMA Docket No.: B–1432).	City of Austin (14–06–0251P).	The Honorable Lee Leffingwell, Mayor, City of Austin, P.O. Box 1088, Austin, TX 78767.	Stormwater Management Division, 505 Barton Springs Road, Suite 908, Austin, TX 78704.	Sept. 9, 2014	480624
Virginia:					
Albemarle (FEMA Docket No.: B–1424).	Unincorporated areas of Albemarle County (14–03–0863P).	Mr. Thomas Foley, Albemarle County Executive, 401 McIntire Road, Charlottesville, VA 22902.	Albemarle County Department of Community Development, 401 McIntire Road, Charlottesville, VA 22902.	Sept. 24, 2014	510006
Charlottesville (FEMA Docket No.: B–1424).	Independent City of Charlottesville (14–03–0863P).	The Honorable Satyendra Huja, Mayor, City of Charlottesville, P.O. Box 911, Charlottesville, VA 22902.	City Hall, Neighborhood Development Department, 610 East Market Street, Charlottesville, VA 22902.	Sept. 24, 2014	510033

[FR Doc. 2014–25151 Filed 10–21–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: New or modified Base (1% annual-chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or the regulatory floodway (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard determinations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

These new or modified flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

These new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
New Mexico:					
Taos (FEMA Docket No.: B–1422).	Unincorporated areas of Taos County (14–06–0477P).	The Honorable Gabriel J. Romero, Chairman, Taos County Commission, 105 Albright Street, Suite A, Taos, NM 87571.	Taos County, Administrative Complex, 105 Albright Street, Suite H, Taos, NM 87571.	August 22, 2014	350078
Oklahoma:					
Canadian (FEMA Docket No.: B–1422).	City of Oklahoma City (12–06–2730P).	The Honorable Mick Cornett, Mayor, City of Oklahoma City, 200 North Walker Avenue, 3rd Floor, Oklahoma City, OK 73102.	420 West Main Street, Suite 700, Oklahoma City, OK 73102.	August 18, 2014	405378
Pottawatomie (FEMA Docket No.: B–1416).	City of Shawnee (13–06–0976P).	Mr. Brian McDougal, Manager, City of Shawnee, 16 West 9th Street, Shawnee, OK 74801.	City Hall, 16 West 9th Street, Shawnee, OK 74801.	August 14, 2014	400178
Texas:					
Denton (FEMA Docket No.: B–1422).	City of Frisco (13–06–3033P).	The Honorable Maher Maso, Mayor, City of Frisco, 6101 Frisco Square Boulevard, Frisco, TX 75034.	City Hall, 6101 Frisco Square Boulevard, Frisco, TX 75034.	August 18, 2014	480134
Harris (FEMA Docket No.: B–1422).	Unincorporated areas of Harris County (13–06–4636P).	The Honorable Ed M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County 10555 Northwest Freeway Houston, TX 77092.	August 21, 2014	480287
Montgomery (FEMA Docket No.: B–1422).	City of Conroe (13–06–3145P).	The Honorable Webb K. Melder, Mayor, City of Conroe, P.O. Box 3066, Conroe, TX 77305.	City Hall, 505 West Davis Street, Conroe, TX 77301.	August 21, 2014	480484

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: September 29, 2014.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–25072 Filed 10–21–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0002 (65F98)]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: New or modified Base (1% annual-chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Illinois:					
Cook (FEMA Docket No.: B–1420).	City of Palos Heights (13–05–8093P).	The Honorable Robert Straz, Mayor, City of Palos Heights, 7607 West College Drive, Palos Heights, IL 60463.	City Hall, 7607 West College Drive, Palos Heights, IL 60463.	September 19, 2014	170142
DuPage (FEMA Docket No.: B–1420).	Village of Lisle (14–05–2185P).	The Honorable Joseph J. Broda, Mayor, Village of Lisle, 925 Burlington Avenue, Lisle, IL 60532.	Village Hall, 925 Burlington Avenue, Lisle, IL 60532.	September 10, 2014	170211
Indiana:					
Marshall (FEMA Docket No.: B–1420).	City of Plymouth (14–05–0926P).	The Honorable Mark Senter, Mayor, City of Plymouth, 124 North Michigan Street, Plymouth, IN 46563.	124 North Michigan Street, Plymouth, IN 46563.	September 11, 2014	180164
Marshall (FEMA Docket No.: B–1420).	Unincorporated Areas of Marshall County (14–05–0926P).	The Honorable Kevin Overmyer, Marshall County President, Board of Commissioners, 112 West Jefferson Street, Room 205, Plymouth, IN 46563.	112 West Jefferson, Plymouth, IN 46563.	September 11, 2014	180443
Kansas: Lyon (FEMA Docket No.: B–1420).	City of Emporia (13–07–1700P).	The Honorable Rob Gilligan, Mayor, City of Emporia, P.O. Box 928, Emporia, KS 66801.	521 Market Street, Emporia, KS 66801.	October 10, 2014	200203
Minnesota:					
Olmsted (FEMA Docket No.: B–1420).	City of Rochester (13–05–8106P).	The Honorable Ardell F. Brede, Mayor, City of Rochester, 201 4th Street SE, Room 281, Rochester, MN 55904.	2122 Campus Drive, Suite 300, Rochester, MN 55904.	October 17, 2014	275246
Pennington (FEMA Docket No.: B–1420).	City of Thief River Falls (14–05–0815P).	The Honorable Jim Dagg, Mayor, City of Thief River Falls, 405 Third Street East, Thief River Falls, MN 56701.	City Hall, 405 Third Street East, Thief River Falls, MN 56701.	September 18, 2014	270344
Pennington (FEMA Docket No.: B–1420).	Unincorporated Areas of Pennington County (14–05–0815P).	The Honorable Neil Peterson, Pennington County Chairman, Board of Commissioners, P.O. Box 616, Thief River Falls, MN 56701.	201 Sherwood Avenue South, Thief River Falls, MN 56701.	September 18, 2014	270651

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Missouri:					
Buchanan (FEMA Docket No.: B–1420).	City of St. Joseph (14–07–0148P).	The Honorable Bill Falkner, Mayor, City of Saint Joseph, 1100 Frederick Avenue, Room 309, St. Joseph, MO 64506.	1100 Frederick Avenue, Room 107, St. Joseph, MO 64506.	September 25, 2014	290043
Cape Girardeau (FEMA Docket No.: B–1420).	City of Cape Girardeau (14–07–0463P).	The Honorable Harry Rediger, Mayor, City of Cape Girardeau, 401 Independence Street, Cape Girardeau, MO 63703.	401 Independence Street, Cape Girardeau, MO 63703.	September 8, 2014 ...	290458
New Hampshire:					
Hillsborough (FEMA Docket No.: B–1420).	City of Nashua (14–01–0876P).	The Honorable Donnalee Lozeau, Mayor, City of Nashua, 229 Main Street, Nashua, NH 03061.	229 Main Street, Nashua, NH 03061.	September 19, 2014	330097
Ohio:					
Logan (FEMA Docket No.: B–1420).	City of Bellefontaine (14–05–4416P).	The Honorable Adam Brannon, Mayor, City of Bellefontaine, 135 North Detroit Street, Bellefontaine, OH 43311.	135 North Detroit Street, Bellefontaine, OH 43311.	September 19, 2014	390340
Summit (FEMA Docket No.: B–1420).	City of Hudson (14–05–3718P).	The Honorable William A. Currin, Mayor, City of Hudson, 115 Executive Parkway, Suite 400, Hudson, OH 44236.	27 East Main Street, Hudson, OH 44236.	September 22, 2014	390660
Oregon:					
Jackson (FEMA Docket No.: B–1420).	City of Medford (13–10–1490P).	The Honorable Gary Wheeler, Mayor, City of Medford, 411 West 8th Street, Medford, OR 97501.	411 West 8th Street, Medford, OR 97501.	September 18, 2014	410096
Jackson (FEMA Docket No.: B–1420).	City of Medford (14–10–0435P).	The Honorable Gary Wheeler, Mayor, City of Medford, 411 West 8th Street, Medford, OR 97501.	411 West 8th Street, Medford, OR 97501.	September 15, 2014	410096
Wisconsin: Chippewa (FEMA Docket No.: B–1420).	City of Eau Clare (14–05–1736P).	Mr. Russell Van Gompel, City of Eau Claire, City Manager, 203 South Farwell Street, Third Floor, Eau Claire, WI 54701.	City Hall, 203 South Farwell Street, Third Floor, Eau Claire, WI 54701.	September 12, 2014	550128

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: September 29, 2014.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–25187 Filed 10–21–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0002; Internal Agency Docket No. FEMA–B–1442]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain

qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of Letter of Map Revision	Effective date of modification	Community No.
Alabama: Tuscaloosa.	City of Tuscaloosa (14–04–3253P).	The Honorable Walter Maddox, Mayor, City of Tuscaloosa, 2201 University Boulevard, Tuscaloosa, AL 35401.	Engineering Department, 2201 University Boulevard, Tuscaloosa, AL 35401.	*http://www.msc.fema.gov/lomc.*	November 19, 2014	010203
Arizona:						
Maricopa	City of Scottsdale (14–09–2290P).	The Honorable Jim Lane, Mayor, City of Scottsdale, 3939 North Drinkwater Boulevard, Scottsdale, AZ 85251.	City Hall, 3939 North Drinkwater Boulevard, Scottsdale, AZ 85251.	*http://www.msc.fema.gov/lomc.*	December 5, 2014	045012
Mohave	Unincorporated areas of Mohave County (14–09–0834P).	The Honorable Gary Watson, Chairman, Mohave County Board of Supervisors, 700 West Beale Street, Kingman, AZ 86401.	Mohave County Administration Building, 700 West Beale Street, Kingman, AZ 86401.	*http://www.msc.fema.gov/lomc.*	November 20, 2014	040058
Santa Cruz	City of Nogales (13–09–1781P).	The Honorable Arturo R. Garino, Mayor, City of Nogales, 777 North Grand Avenue, Nogales, AZ 85621.	Public Works Department, 1450 North Hohokam Drive, Nogales, AZ 85621.	*http://www.msc.fema.gov/lomc.*	November 12, 2014	040091
California:						
Alameda	City of Fremont (14–09–0273P).	The Honorable Bill Harrison, Mayor, City of Fremont, 3300 Capitol Avenue, Fremont, CA 94538.	Development Services Center, 39550 Liberty Street, Fremont, CA 94538.	*http://www.msc.fema.gov/lomc.*	November 28, 2014	065028
Napa	City of Napa (14–09–2231P).	The Honorable Jill Techel, Mayor, City of Napa, P.O. Box 660, Napa, CA 94559.	Public Works Department, 1600 1st Street, Napa, CA 94559.	*http://www.msc.fema.gov/lomc.*	November 12, 2014	060207
Riverside	Unincorporated areas of Riverside County (14–09–1024P).	The Honorable Jeff Stone, Chairman, Riverside County Board of Supervisors, 4080 Lemon Street, 5th Floor, Riverside, CA 92501.	Riverside County Flood Control and Water Conservation District, 1995 Market Street, Riverside, CA 92501.	*http://www.msc.fema.gov/lomc.*	October 20, 2014	060245
San Diego	Unincorporated areas of San Diego County (14–09–1892P).	The Honorable Dianne Jacob, Chair, San Diego County Board of Supervisors, 1600 Pacific Highway, San Diego, CA 92101.	San Diego County Department of Public Works, Flood Control Division, 5510 Overland Avenue, Suite 410, San Diego, CA 92123.	*http://www.msc.fema.gov/lomc.*	December 2, 2014	060284
Tulare	Unincorporated areas of Tulare County (13–09–2741P).	The Honorable Phillip Cox, Chairman, Tulare County Board of Supervisors, 2800 West Burrel Avenue, Visalia, CA 93291.	Tulare County Resource Management Headquarters, 5961 South Mooney Boulevard, Visalia, CA 93277.	*http://www.msc.fema.gov/lomc.*	December 4, 2014	065066
Colorado:						
Arapahoe	City of Cherry Hills Village (14–08–0050P).	The Honorable Doug Tisdale, Mayor, City of Cherry Hills Village, 2450 East Quincy Avenue, Cherry Hills Village, CO 80113.	City Hall, 2450 East Quincy Avenue, Cherry Hills Village, CO 80113.	*http://www.msc.fema.gov/lomc.*	December 5, 2014	080013
Boulder	Town of Lyons (14–08–0669P).	The Honorable John O'Brien, Mayor, Town of Lyons, P.O. Box 49, Lyons, CO 80540.	Town Hall, 432 5th Avenue, Lyons, CO 80540.	*http://www.msc.fema.gov/lomc.*	December 9, 2014	080029
Jefferson	City of Lakewood (14–08–0872P).	The Honorable Bob Murphy, Mayor, City of Lakewood, 480 South Allison Parkway, Lakewood, CO 80226.	Engineering Department, 480 South Allison Parkway, Lakewood, CO 80226.	*http://www.msc.fema.gov/lomc.*	November 28, 2014	085075

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of Letter of Map Revision	Effective date of modification	Community No.
Jefferson	Unincorporated areas of Jefferson County (14–08–0683P).	The Honorable Faye Griffin, Chair, Jefferson County Board of Commissioners, 100 Jefferson County Parkway, Golden, CO 80419.	Jefferson County Department of Planning and Zoning, 100 Jefferson County Parkway, Golden, CO 80419.	*http://www.msc.fema.gov/lomc.*	December 5, 2014	080087
Florida:						
Monroe	Unincorporated areas of Monroe County (14–04–5223P).	The Honorable Sylvia Murphy, Mayor, Monroe County, 1100 Simonton Street, Key West, FL 33040.	Monroe County Department of Planning and Environmental Resources, 2798 Overseas Highway, Marathon, FL 33050.	*http://www.msc.fema.gov/lomc.*	December 2, 2014	125129
Polk	Unincorporated areas of Polk County (13–04–6579P).	The Honorable R. Todd Dantzler, Chairman, Polk County Board of Commissioners, P.O. Box 9005, Bartow, FL 33831.	Polk County Engineering Division, 330 West Church Street, Bartow, FL 33830.	*http://www.msc.fema.gov/lomc.*	November 28, 2014	120261
Sarasota	Town of Longboat Key (14–04–6848P).	The Honorable Jim Brown, Mayor, Town of Longboat Key, 501 Bay Isles Road, Longboat Key, FL 34228.	Town Hall, 501 Bay Isles Road, Longboat Key, FL 34228.	*http://www.msc.fema.gov/lomc.*	December 11, 2014	125126
Volusia	City of Orange City (14–04–0649P).	The Honorable Tom Laputka, Mayor, City of Orange City, 205 East Graves Avenue, Orange City, FL 32763.	Planning Department, 205 East Graves Avenue, Orange City, FL 32763.	*http://www.msc.fema.gov/lomc.*	December 2, 2014	120633
Georgia:						
Columbia	Unincorporated areas of Columbia County (14–04–0306P).	The Honorable Ron C. Cross, Chairman, Columbia County Board of Commissioners, P.O. Box 498, Evans, GA 30809.	Columbia County Stormwater Department, 603 Ronald Reagan Drive, Building A, East Wing, Evans, GA 30809.	*http://www.msc.fema.gov/lomc.*	December 1, 2014	130059
Richmond	Augusta-Richmond County (14–04–2417P).	The Honorable Deke S. Copenhaver, Mayor, Augusta-Richmond County, 530 Greene Street, Augusta, GA 30901.	Augusta-Richmond County Planning and Development Department, 525 Telfair Street, Augusta, GA 30901.	*http://www.msc.fema.gov/lomc.*	November 14, 2014	130158
Richmond	Augusta-Richmond County (14–04–4315P).	The Honorable Deke S. Copenhaver, Mayor, Augusta-Richmond County, 530 Greene Street, Augusta, GA 30901.	Augusta-Richmond County Planning and Development Department, 525 Telfair Street, Augusta, GA 30901.	*http://www.msc.fema.gov/lomc.*	November 28, 2014	130158
Kentucky: Fayette.	Lexington-Fayette Urban County Government (13–04–1223P).	The Honorable Jim Gray, Mayor, Lexington-Fayette Urban County Government, 200 East Main Street, Lexington, KY 40507.	Lexington-Fayette Urban County Government Planning Division, 101 East Vine Street, Lexington, KY 40507.	*http://www.msc.fema.gov/lomc.*	November 24, 2014	210067
Montana: Mineral.	Town of Superior (14–08–0313P).	The Honorable Roni Phillips, Mayor, Town of Superior, P.O. Box 729, Superior, MT 59872.	Town Hall, 105 Cedar Street, Superior, MT 59872.	*http://www.msc.fema.gov/lomc.*	January 15, 2015	300128
North Carolina: Guilford.	City of High Point (14–04–2188P).	The Honorable Bernita Sims, Mayor, City of High Point, 211 South Hamilton Street, High Point, NC 27260.	Engineering Services Department, 211 South Hamilton Street, High Point, NC 27260.	*http://www.msc.fema.gov/lomc.*	November 27, 2014	370113
South Carolina:						
Charleston	City of Charleston (14–04–7487X).	The Honorable Joseph P. Riley, Jr., Mayor, City of Charleston, P.O. Box 652, Charleston, SC 29402.	Department of Public Services, 75 Calhoun Street, 3rd Floor, Charleston, SC 29401.	*http://www.msc.fema.gov/lomc.*	December 2, 2014	455412
Charleston	Town of Mount Pleasant (14–04–3646P).	The Honorable Linda Page, Mayor, Town of Mount Pleasant, 100 Ann Edwards Lane, Mount Pleasant, SC 29464.	Town Hall, 100 Ann Edwards Lane, Mount Pleasant, SC 29464.	*http://www.msc.fema.gov/lomc.*	November 20, 2014	455417

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of Letter of Map Revision	Effective date of modification	Community No.
Charleston ..	Unincorporated areas of Charleston County (14–04–3646P).	The Honorable Teddie E. Pryor, Sr., Chairman, Charleston County Council, 2700 Crestline Drive, North Charleston, SC 29405.	Charleston County Building Services Department, 4045 Bridge View Drive, North Charleston, SC 29405.	*http://www.msc.fema.gov/lomc.*	November 20, 2014	455413
Lancaster ...	Unincorporated areas of Lancaster County (14–04–4016P).	The Honorable Larry McCullough, Chairman, Lancaster County Council, 101 North Main Street, Lancaster, SC 29721.	Lancaster County Building and Zoning Department, 101 North Main Street, Lancaster, SC 29721.	*http://www.msc.fema.gov/lomc.*	December 11, 2014	450120
South Dakota:						
Custer	Town of Hermosa (14–08–0158P).	The Honorable Linda Kramer, President, Town of Hermosa Board of Trustees, P.O. Box 298, Hermosa, SD 57744.	Planning and Zoning Commission, 230 Main Street, Hermosa, SD 57744.	*http://www.msc.fema.gov/lomc.*	November 13, 2014	460230
Custer	Unincorporated areas of Custer County (14–08–0158P).	The Honorable Phil Lampert, Chairman, Custer County Board of Commissioners, 420 Mount Rushmore Road, Custer, SD 57730.	Custer County Department of Planning and Economic Development, 420 Mount Rushmore Road, Custer, SD 57730.	*http://www.msc.fema.gov/lomc.*	November 13, 2014	460018
Lawrence ...	City of Spearfish (14–08–0440P).	The Honorable Dana Boke, Mayor, City of Spearfish, 625 North 5th Street, Spearfish, SD 57783.	City Hall, 625 North 5th Street, Spearfish, SD 57783.	*http://www.msc.fema.gov/lomc.*	December 9, 2014	460046
Minnehaha	City of Hartford (14–08–0151P).	The Honorable Paul Zimmer, Mayor, City of Hartford, P.O. Box 727, Hartford, SD 57033.	City Hall, 125 North Main, Hartford, SD 57033.	*http://www.msc.fema.gov/lomc.*	December 1, 2014	460180

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: September 29, 2014.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–25150 Filed 10–21–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0002; Internal Agency Docket No. FEMA–B–1441]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR Part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in

this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR Part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

State and county	Location and case No.	Chief executive, officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Arkansas:						
Benton	City of Bentonville, (13–06–3762P).	The Honorable Bob McCaslin, Mayor, City of Bentonville, 117 West Central Avenue, Bentonville, AR 72712.	305 Southwest A Street, Bentonville, AR 72712.	*http://www.msc.fema.gov/lomc.*	December 5, 2014	050012
Benton	Unincorporated areas of Benton County, (13–06–3762P).	The Honorable Robert D. Clinard, Benton County Judge, 215 East Central Avenue, Bentonville, AR 72712.	Benton County, 905 Northwest 8th Street, Bentonville, AR 72712.	*http://www.msc.fema.gov/lomc.*	December 5, 2014	050419
Saline	City of Bryant, (14–06–1117P).	The Honorable Jill Dabbs, Mayor, City of Bryant, 210 Southwest 3rd Street, Bryant, AR 72022.	210 Southwest 3rd Street, Bryant, AR 72022.	*http://www.msc.fema.gov/lomc.*	December 10, 2014	050308
Oklahoma:						
Oklahoma	City of Edmond, (13–06–4532P).	Mr. Larry Stevens, Manager, City of Edmond, P.O. Box 2970, Edmond, OK 73083.	24 East 1st Street, Edmond, OK 73083.	*http://www.msc.fema.gov/lomc.*	December 3, 3014	400252
Oklahoma	City of Edmond, (13–06–4538P).	Mr. Larry Stevens, Manager, City of Edmond, P.O. Box 2970, Edmond, OK 73083.	24 East 1st Street, Edmond, OK 73083.	*http://www.msc.fema.gov/lomc.*	December 3, 3014	400252
Oklahoma	City of Oklahoma City, (14–06–0510P).	The Honorable Mick Cornett, Mayor, City of Oklahoma City, 200 North Walker Avenue, 3rd Floor, Oklahoma City, OK 73102.	420 West Main Street,, Suite 700, Oklahoma City, OK 73102.	*http://www.msc.fema.gov/lomc.*	December 12, 2014	405378
Pennsylvania: Potter.	Township of Portage, (14–03–1386P).	The Honorable Norman D. McAfoose, Chairman, Portage Township Board of Supervisors, 23 State Street, Austin, PA 16720.	Portage Township Hall, 986 Costello Road, Austin, PA 16720.	*http://www.msc.fema.gov/lomc.*	December 4, 2014	421985
Texas:						
Bexar	City of San Antonio, (14–06–1333P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Department of Public Works, Storm Water Engineering, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	*http://www.msc.fema.gov/lomc.*	December 12, 2014	480045
Bexar	City of San Antonio, (14–06–1934P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Department of Public Works, Storm Water Engineering, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	*http://www.msc.fema.gov/lomc.*	December 10, 2014	480045
Dallas	City of Garland, (13–06–4550P).	The Honorable Douglas Athas, Mayor, City of Garland, 200 North 5th Street, Garland, TX 75040.	800 Main Street, Garland, TX 75040.	*http://www.msc.fema.gov/lomc.*	December 12, 2014	485471

State and county	Location and case No.	Chief executive, officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
El Paso	Unincorporated areas of El Paso County, (14–06–1602P).	The Honorable Veronica Escobar, El Paso County Judge, 500 East San Antonio Avenue, Suite 301, El Paso, TX 79901.	El Paso County, 500 East San Antonio Avenue, Room 407, El Paso, TX 79901.	*http://www.msc.fema.gov/lomc.*	December 12, 2014	480212
Guadalupe	City of Cibolo, (14–06–1171P).	The Honorable Lisa M. Jackson, Mayor, City of Cibolo, 200 South Main Street, Cibolo, TX 78108.	City Hall, 200 South Main Street, Cibolo, TX 78108.	*http://www.msc.fema.gov/lomc.*	November 28, 2014	480267
Parker	City of Weatherford, (14–06–0306P).	The Honorable Dennis Hooks, Mayor, City of Weatherford, 303 Palo Pinto Street, Weatherford, TX 76086.	Engineering Department, 303 Palo Pinto Street, Weatherford, TX 76086.	*http://www.msc.fema.gov/lomc.*	November 28, 2014	480522
Parker	Unincorporated areas of Parker County, (14–06–0306P).	The Honorable Mark Riley, Parker County Judge, 1 Courthouse Square, Weatherford, TX 76086.	Parker County Permitting Office, 1114 Santa Fe Drive, Weatherford, TX 76086.	*http://www.msc.fema.gov/lomc.*	November 28, 2014	480520
Tarrant	City of Keller, (13–06–4442P).	The Honorable Mark Matthews, Mayor, City of Keller, P.O. Box 770, Keller, TX 76244.	City Hall, 1100 Bear Creek Parkway, Keller, TX 76248.	*http://www.msc.fema.gov/lomc.*	November 21, 2014	480602
Tarrant	City of Southlake, (13–06–4442P).	The Honorable John Terrell, Mayor, City of Southlake, 1400 Main Street, Suite 270, Southlake, TX 76092.	Public Works Department, Administration and Engineering Division, 1400 Main Street, Suite 320, Southlake, TX 76092.	*http://www.msc.fema.gov/lomc.*	November 21, 2014	480612

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: September 29, 2014.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–25191 Filed 10–21–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of November 5, 2014 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Adminstrator for Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.* The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

Community	Community map repository address
City and County of Honolulu, Hawaii Docket No.: FEMA–B–1347	
City and County of Honolulu	Department of Planning and Permitting, 650 South King Street, Honolulu, HI 96813.
Gibson County, Indiana, and Incorporated Areas Docket No.: FEMA–B–1315	
City of Oakland City	City Hall, 301 South Franklin Street, Oakland City, IN 47660.
City of Princeton	City Hall, 310 West State Street, Princeton, IN 47670.
Town of Fort Branch	Town Hall, 210 West Locust Street, Fort Branch, IN 47648.
Town of Francisco	Town Hall, 203 West Main Street, Francisco, IN 47649.
Town of Hazleton	Town Hall, 101 South Main Street, Hazleton, IN 47640.
Town of Patoka	Town Hall, 110 South Main Street, Patoka, IN 47666.
Unincorporated Areas of Gibson County	Gibson County Annex North, 225 North Hart Street, Princeton, IN 47670.
Posey County, Indiana, and Incorporated Areas Docket No.: FEMA–B–1315	
City of Mount Vernon	Posey County Area Plan Commission, 2nd Floor Coliseum Building, Room 223, 126 East Third Street, Mount Vernon, IN 47620.
Town of Cynthiana	Posey County Area Plan Commission, 2nd Floor Coliseum Building, Room 223, 126 East Third Street, Mount Vernon, IN 47620.
Town of Griffin	Posey County Area Plan Commission, 2nd Floor Coliseum Building, Room 223, 126 East Third Street, Mount Vernon, IN 47620.
Town of New Harmony	Town Hall, 520 Church Street, New Harmony, IN 47631.
Unincorporated Areas of Posey County	Posey County Area Plan Commission, 2nd Floor Coliseum Building, Room 223, 126 East Third Street, Mount Vernon, IN 47620.
Shelby County, Indiana, and Incorporated Areas Docket No.: FEMA–B–1315	
City of Shelbyville	City Hall, Planning Commission, 44 West Washington Street, Shelbyville, IN 46176.
Town of Morristown	Municipal Building, 418 West Main Street, Morristown, IN 46161.
Unincorporated Areas of Shelby County	Shelby County Plan Commission, 25 West Polk Street, Shelbyville, IN 46176.
Queen Anne's County, Maryland, and Incorporated Areas Docket No.: FEMA–B–1299	
Town of Centreville	Town Hall, 101 Lawyer's Row, Centreville, MD 21617.
Town of Church Hill	Town Hall, 324 Main Street, Church Hill, MD 21623.
Town of Queen Anne	Town Clerk's Office, 31922 Flowers Road, Queen Anne, MD 21657.
Town of Queenstown	Town Office, 7013 Main Street, Queenstown, MD 21658.
Unincorporated Areas of Queen Anne's County	Queen Anne's County Department of Public Works, 312 Safety Drive, Centreville, MD 21617.
Lincoln County, New Mexico, and Incorporated Areas Docket No.: FEMA–B–1309	
City of Ruidoso Downs	City Hall, 123 Downs Drive, Ruidoso Downs, NM 88346.
Unincorporated Areas of Lincoln County	Lincoln County Floodplain Manager's Office, 115 Kansas City Road, Ruidoso, NM 88345.
Waukesha County, Wisconsin, and Incorporated Areas Docket No.: FEMA–B–1342	
City of Delafield	City Hall, 500 Genesee Street, Delafield, WI 53018.
City of Oconomowoc	City Hall, 174 East Wisconsin Avenue, Oconomowoc, WI 53066.
Unincorporated Areas of Waukesha County	Waukesha County Administration Center, 515 West Moorland Boulevard, Waukesha, WI 53188.
Village of Chenequa	Village Hall, 31275 West Highway K, Chenequa, WI 53029.
Village of Dousman	Village Hall, 118 South Main Street, Dousman, WI 53118.
Village of Hartland	Village Hall, 210 Cottonwood Avenue, Hartland, WI 53029.
Village of Lac La Belle	Village Hall, 600 Lac La Belle Drive, Lac La Belle, WI 53066.
Village of Merton	Village Hall, N67W28343 Sussex Road, Merton, WI 53056.
Village of Nashotah	Village Hall, N44W32950 Watertown Plank Road, Nashotah, WI 53058.
Village of Oconomowoc Lake	Village Hall, 35328 West Pabst Road, Oconomowoc Lake, WI 53066.
Village of Summit	Village Hall, 2911 North Dousman Road, Oconomowoc, WI 53066.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: September 29, 2014.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–25189 Filed 10–21–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4192–DR; Docket ID FEMA–2014–0003]

American Samoa; 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 Territory of American Samoa (FEMA–4192–DR), dated September 10, 2014, and related determinations.

DATES: *Effective Date:* September 10, 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 10, 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 Territory of American Samoa resulting from severe storms, flooding, and landslides during the period of July 29 to August 3, 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 Territory of American Samoa.

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 Territory of American Samoa. 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 have been designated as adversely affected by this major disaster:

The Territory of American Samoa for Public Assistance.

All areas within the Territory of American Samoa 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. 2014–25073 Filed 10–21–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4191–DR; Docket ID FEMA–2014–0003]

Guam; 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 Territory of Guam (FEMA–4191–DR), dated September 10, 2014, and related determinations.

DATES: *Effective Date:* September 10, 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 10, 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 Territory of Guam resulting from Tropical Storm Halong during the period of July 28–31, 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 Territory of Guam.

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 Territory of Guam. 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 have been designated as adversely affected by this major disaster:

The Territory of Guam for Public Assistance.

All areas within the Territory of Guam 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. 2014–25074 Filed 10–21–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4188–DR; Docket ID FEMA–2014–0003]

Washington; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Washington (FEMA–4188–DR), dated August 11, 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: The notice of a major disaster declaration for the State of Washington is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of August 11, 2014.

Kittitas County for Public Assistance.

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. 2014–25075 Filed 10–21–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4151–DR; Docket ID FEMA–2014–0003]

Santa Clara Pueblo; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Santa Clara Pueblo (FEMA–4151–DR), dated October 24, 2013, and related determinations.

DATES: *Effective Date:* October 9, 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 October 9, 2014, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), in a letter to W. Craig Fugate, Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order 12148, as follows:

I have determined that the damage to the lands associated with the Santa Clara Pueblo resulting from severe storms and flooding during the period of September 13–16, 2013, is of sufficient severity and magnitude that special cost sharing arrangements are warranted regarding Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. (the ''Stafford Act'').

Therefore, I amend my declaration of October 24, 2013, to authorize Federal funds for all categories of Public Assistance at 90 percent of total eligible costs.

This adjustment to the cost sharing applies only to Public Assistance costs and direct Federal assistance eligible for such adjustments under the law. The Robert T. Stafford Disaster Relief and Emergency Assistance Act specifically prohibits a similar adjustment for funds provided for the Hazard Mitigation Grant Program (Section 404). These funds will continue to be reimbursed at 75 percent of total eligible costs.

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. 2014–25088 Filed 10–21–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4196–DR; Docket ID FEMA–2014–0003]

Kentucky; 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 Commonwealth of Kentucky (FEMA–4196–DR), dated September 30, 2014, and related determinations.

DATES: *Effective Date:* September 30, 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 30, 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 Commonwealth of Kentucky resulting from severe storms, flooding, landslides, and mudslides during the period of August 18–23, 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 Commonwealth of Kentucky.

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 Commonwealth. 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, W. Michael Moore, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the Commonwealth of Kentucky have been designated as adversely affected by this major disaster:

Floyd, Johnson, Knott, and Pike Counties for Public Assistance.

All areas within the Commonwealth of Kentucky 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. 2014–25085 Filed 10–21–14; 8:45 am]

BILLING CODE 9110–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4198–DR; Docket ID FEMA–2014–0003]

Montana; 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 Montana (FEMA–4198–DR), dated October 9, 2014, and related determinations.

DATES: *Effective Date:* October 9, 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 October 9, 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 Montana resulting from severe storms, straight-line winds, and flooding during the period of August 21–25, 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 Montana.

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, Benigno Bern Ruiz, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Montana have been designated as adversely affected by this major disaster:

Blaine, Carter, Musselshell, Petroleum, and Valley Counties and the Fort Belknap Reservation within Blaine County for Public Assistance.

All areas within the State of Montana 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. 2014–25086 Filed 10–21–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4197–DR; Docket ID FEMA–2014–0003]

New Mexico; 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 New Mexico (FEMA–4197–DR), dated October 6, 2014, and related determinations.

DATES: *Effective Date:* October 6, 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 October 6, 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 New Mexico resulting from severe storms and flooding during the period of July 27 to August 5, 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 New Mexico.

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, Nancy M. Casper, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of New Mexico have been designated as adversely affected by this major disaster:

Guadalupe, Rio Arriba, and San Miguel Counties and the Pueblo of Acoma for Public Assistance.

All areas within the State of New Mexico 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. 2014–25087 Filed 10–21–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0061]

Agency Information Collection Activities: Application for Regional Center Under the Immigrant Investor Program and Supplement, Form I–924 and I–924A; Revision 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 revision 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 22, 2014.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0061 in the subject box, the agency name and Docket ID USCIS–2007–0046. 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–2007–0046;

(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:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Regional Center under the Immigrant Investor Program and Supplement.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–924 and Form I–924A; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households, for-profit organizations, and not-for-profit organizations. This collection will be used by individuals, for-profit organizations, and not-for-profit organizations to file a request for USCIS approval and designation as a regional center on behalf of an entity under the Immigrant Investor Program.

(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 Form I–924 is 311 and the estimated hour burden per response is 40 hours; and for Form I–924A 380 at 3 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 13,580 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 $852,876.

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 16, 2014.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2014–25031 Filed 10–21–14; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

Citizenship and Immigration Services

[OMB Control Number 1615–0020]

Agency Information Collection Activities: Petition for Amerasian, Widower, or Special Immigrant, Form I–360; Revision 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 revision 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 22, 2014.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0020 in the subject box, the agency name and Docket ID USCIS–2007–0024. 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–2007–0024;

(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:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for Amerasian, Widow(er), or Special Immigrant.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–360; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This information collection is used by several prospective classes of aliens who intend to establish their eligibility to immigrate to the United States.

(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 Form I–360 is 19,429 and the estimated hour burden per response is 3.1 hours for Iraqi and Afghan petitioners, and 2.35 hours for religious workers, and 2.1 hours for all other classifications.

(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 44,693 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 $2,380,053.

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 16, 2014.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2014–25035 Filed 10–21–14; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation of Intertek USA, Inc., as a Commercial Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation of Intertek USA, Inc., as a commercial laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc., has been accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of April 12, 2013.

DATES: *Effective Dates:* The accreditation of Intertek USA, Inc., as commercial and laboratory became effective on April 12, 2013. The next triennial inspection date will be scheduled for April 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, that Intertek USA, Inc., Road #901, KM 2.7, Bo. Camino Nuevo, Yabucoa PR 00767, has been accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12.

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
27–13	D4294	Sulfur in Petroleum Products by XRF.
27–02	D1298	Density, Relative Density or API Gravity of Crude Petroleum and Liquid Petroleum Products.
27–08	D86	Distillation of Petroleum Products at Atmospheric Pressure.
27–11	D445	Kinematic Viscosity of Transparent and Opaque Liquids.

Anyone wishing to employ this entity to conduct laboratory analyses should request and receive written assurances from the entity that it is accredited by the U.S. Customs and Border Protection to conduct the specific test requested. Alternatively, inquiries regarding the specific test 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 16, 2014.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2014–25097 Filed 10–21–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FW–HQ–MB–2014–N221; FXMB37660900000–14X–FF09M12000]

Proposed Information Collection; Migratory Birds and Wetlands Conservation Grant Programs

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (U.S. Fish and Wildlife Service) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This IC is scheduled to expire on January 31, 2015. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: To ensure that we are able to consider your comments on this IC, we must receive them by December 22, 2014.

ADDRESSES: Send your comments on the IC to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or *hope_grey@fws.gov* (email). Please include ''1018–0100'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this IC, contact Hope Grey at *hope_grey@fws.gov* (email) or 703–358–2482 (telephone).

SUPPLEMENTARY INFORMATION:

I. Abstract.

The Division of Bird Habitat Conservation administers grant programs associated with the North American Wetlands Conservation Act (NAWCA), Public Law 101–233, and the Neotropical Migratory Bird Conservation Act (NMBCA), Public Law 106–247.

North American Wetlands Conservation Act Grants

NAWCA provides matching grants to organizations and individuals who have developed partnerships to carry out wetlands conservation projects in the United States, Canada, and Mexico for the benefit of wetlands-associated migratory birds and other wildlife. There is a Standard and a Small Grants Program. Both are competitive grants programs and require that grant requests be matched by partner contributions at no less than a 1-to-1 ratio. Funds from U.S. Federal sources may contribute to a project, but are not eligible as a match.

The Standard Grants Program supports projects in Canada, the United States, and Mexico that involve long-term protection, restoration, and/or enhancement of wetlands and associated uplands habitats. In Mexico, partners may also conduct projects involving technical training, environmental education and outreach, organizational infrastructure development, and sustainable-use studies.

The Small Grants Program operates only in the United States. It supports the same types of projects and adheres to the same selection criteria and administrative guidelines as the U.S. Standard Grants Program. However, project activities are usually smaller in scope and involve fewer project dollars. Grant requests may not exceed $75,000, and funding priority is given to grantees or partners new to the NAWCA Grants Program.

We publish notices of funding availability on Grants.gov (*http://www.grants.gov*), as well as in the Catalog of Federal Domestic Assistance (*https://www.cfda.gov*). To compete for grant funds, partnerships submit applications that describe in substantial detail project locations, project resources, future benefits, and other characteristics that meet the standards established by the North American Wetlands Conservation Council and the requirements of NAWCA. Materials that describe the program and assist applicants in formulating project proposals are available on our Web site at *http://www.fws.gov/birdhabitat/Grants/NAWCA.* Persons who do not have access to the Internet may obtain instructional materials by mail. We have not made any major changes in the scope and general nature of the instructions since the OMB first approved the information collection in 1999.

Neotropical Migratory Bird Conservation Act

NMBCA establishes a matching grant program to fund projects that promote the long-term conservation of neotropical migratory birds and their habitats in the United States, Canada, Latin America, and the Caribbean. Principal conservation actions supported are:

- Protection and management of populations.
- Maintenance, management, protection, and restoration of habitat.
- Research and monitoring.
- Law enforcement.
- Community outreach and education.

We publish notices of funding availability on Grants.gov as well as in the Catalog of Federal Domestic Assistance. To compete for grant funds, partnerships submit applications that describe in substantial detail project locations, project resources, future benefits, and other characteristics that meet the standards established by the U.S. Fish and Wildlife Service and the requirements of NMBCA.

Materials that describe the program and assist applicants in formulating project proposals for consideration are available on our Web site at *http://www.fws.gov/birdhabitat/Grants/NMBCA.* Persons who do not have access to the Internet may obtain instructional materials by mail. We have not made any major changes in the scope and general nature of the instructions since the OMB first approved the information collection in 2002.

II. Data

OMB Control Number: 1018–0100.

Title: Migratory Birds and Wetlands Conservation Grant Programs.

Service Form Number(s): None.

Type of Request: Extension of a currently approved collection.

Description of Respondents: Domestic and foreign individuals, businesses, and other for-profit organizations; educational organizations; not-for-profit institutions; and Federal, State, local, and/or tribal governments.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Activity	Number of respondents	Number of responses	Completion time per response (hours)	Total annual burden hours
NAWCA Small Grants—Applications	71	71	40	2,840
NAWCA Small Grants—Reports	99	99	33	3,267
NAWCA U.S. Standard Grants—Applications	69	69	203	14,007
NAWCA Canadian and Mexican Standard Grants—Applications	27	27	80	2,160
NAWCA Standard Grants—Reports	177	177	30	5,310
NMBCA Grant Applications	84	84	60	5,040
NMBCA Reports	71	71	40	2,840
TOTALS	598	598	.....	35,464

Estimated Annual Nonhour Burden Cost: None.

III. 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 estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. 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: October 17, 2014.

Tina A. Campbell,

Chief, Division of Policy and Directives Management, U.S. Fish and Wildlife Service.

[FR Doc. 2014–25108 Filed 10–21–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R5–R–2014–N172; BAC–4311–K9–S3]

James River National Wildlife Refuge, Prince George County, VA; Comprehensive Conservation Plan and Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft comprehensive conservation plan and environmental assessment (CCP and EA) for James River National Wildlife Refuge (NWR) for public review and comment. James River NWR is located in Prince George County, Virginia, and is administered by staff at Eastern Virginia Rivers NWR Complex. The draft CCP and EA describe our proposal for managing James River NWR for the next 15 years. Alternative B is identified as the Service-preferred alternative. Also available for public review and comment are the draft compatibility determinations, which are included as appendix B in the draft CCP and EA.

DATES: To ensure consideration of your written comments, please send them by November 21, 2014. We will announce upcoming public meetings in local news media, via our project mailing list, and on the refuge planning Web site: *http://www.fws.gov/refuge/James_River/what_we_do/conservation.html*

ADDRESSES: You may submit comments or requests for copies or more information by any of the following methods. You may request hard copies or a CD–ROM of the documents.

Email: EasternVirginiaRiversNWRC@fws.gov. Please include ''James River CCP'' in the subject line of the message.

Fax: Attention: Rebekah Martin, 804–333–3396.

U.S. Mail: Rebekah Martin, Deputy Refuge Manager, U.S. Fish and Wildlife Service, P.O. Box 1030, Warsaw, VA 22572.

In-Person Drop-off, Viewing, or Pickup: Call Rebekah Martin at 804–333–1470, extension 113, or Andy Hofmann, Refuge Manager, at 804–333–1470, extension 112, during regular business hours to make an appointment to view the document. For more information on locations for viewing or obtaining documents, see ''Public Availability of Documents'' under **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Rebekah Martin, Deputy Refuge Manager, 804–333–1470, extension 113 (phone) or *EasternVirginiaRiversNWRC@fws.gov* (email) (please put ''James River NWR'' in the subject line).

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we continue the CCP process for James River NWR. We published our original notice of intent to prepare a CCP in the **Federal Register** on January 11, 2012 (77 FR 1716).

The 4,324-acre James River NWR lies in the Chesapeake Bay watershed and is located along the James River in Prince George County, Virginia, approximately 8 miles southeast of the city of Hopewell, and 30 miles southeast of Richmond, the State capital. The refuge was established under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1534) in 1991, to protect nationally significant nesting and roosting habitat for the bald eagle (*Haliaeetus leucocephalus*). The refuge encompasses 4,324 acres of pine-dominated hardwood and floodplain forests, freshwater marsh and shrub swamp, aquatic habitats, erosional bluffs, and non-forested upland. The refuge also has a rich cultural history, illuminated by numerous known archaeological and historical sites.

Wildlife-dependent recreational opportunities at James River NWR include a 24-day deer hunt each fall, as well as wildlife observation, photography, and environmental education and interpretive program opportunities by reservation.

Background

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) (Refuge Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997, requires us to develop a CCP for each national wildlife refuge. The purpose for developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years, in accordance with the Refuge Administration Act.

Public Outreach

In August 2012, we distributed a planning newsletter to over 550 parties on our project mailing list. The newsletter informed people about the planning process and asked recipients to contact us about issues or concerns they would like us to address. We also posted the newsletter on our Web site for people to access electronically. In addition, we notified the general public of our planning project, and our interest in hearing about issues and concerns, by publishing news releases in local newspapers. We also held afternoon and evening public scoping meetings on September 12, 2012, in Prince George, Virginia. The purpose of the two meetings was to share information on the planning process and to solicit management issues and concerns. Throughout the process, refuge staff

have conducted additional outreach via participation in community meetings, events, and other public forums. We have considered and evaluated all of the comments we received and addressed them in various ways in the alternatives presented in the draft CCP and EA.

CCP Alternatives We Are Considering

Several issues were raised by us, other governmental partners, and the public during the public scoping process. To address these issues, we developed and evaluated three alternatives in the draft CCP and EA. A full description of each alternative is in the draft CCP and EA. All alternatives include measures to control invasive species, protect cultural resources, improve inventory and monitoring programs, and maintain existing partnerships for habitat management and visitor services. All alternatives include measures to continue to share staff across the Eastern Virginia Rivers NWR Complex, require a permit for refuge access until adequate new infrastructure can support increased visitation, and maintain existing facilities.

There are other actions that differ among the alternatives. The draft CCP and EA provide a full description of all alternatives and relate each to the issues and concerns that arose during the planning process. Below, we provide summaries for the three alternatives.

Alternative A (Current Management)

This alternative is the ''no-action'' alternative required by the National Environmental Policy Act. Alternative A defines our current management activities, including those planned, funded, or under way, and serves as the baseline against which to compare alternatives B and C. Under alternative A, we would continue to maintain the 2,653 acres of pine-dominated forest on the refuge, with an emphasis on protecting this habitat for nesting and roosting bald eagles, as well as other native species that use this habitat. For other habitat types on the refuge, we would continue to maintain quality habitat for the benefit of native wildlife species by limiting disturbance, conducting wildlife surveys, monitoring invasive species presence, implementing best management practices, and collaborating with partners for wildlife habitat protection and population monitoring.

Additionally, we would continue to accommodate public archery, muzzleloader, and shotgun deer hunting opportunities in the fall. We would continue to encourage visitors to participate in refuge- or partner-sponsored wildlife observation, photography, environmental education, and interpretation opportunities. Additional opportunities would be available to visitors on a by-request or case-by-case basis.

Alternative B (Manage Forest Health With Pine-Dominated Component; New, Enhanced, and Focused Public Use Opportunities [Service-Preferred Alternative])

Alternative B is the Service-preferred alternative. It combines the actions we believe would best achieve the refuge's purposes, vision, and goals, and respond to public issues. Under alternative B, we would emphasize the management of specific refuge habitats to support priority species whose habitat needs would benefit other species of conservation concern that are found in the area. We would promote the transition of 2,651 acres of former pine plantation toward mature pine savanna with understory for resident and breeding cavity-dwelling and ground-nesting species, including the brown-headed nuthatch, Chuck-will's-widow, red-headed woodpecker, and yellow-billed cuckoo. We would emphasize protecting and promoting bald eagle nesting habitat, as well as protecting the integrity of the refuge's other habitats for native species, including migrating waterfowl, waterbirds, the federally endangered Atlantic sturgeon, and habitat suitable for the federally threatened sensitive joint-vetch. We would also expand our conservation, research, monitoring, and management partnerships to help restore and conserve the refuge.

We would enhance our cultural resource protection to increase knowledge and appreciation for the refuge's rich cultural history and heritage, as well as expand our visitor services programs to improve opportunities for wildlife-dependent recreation. Visitor service improvements would include expanding the on-refuge opportunities for wildlife observation, photography, environmental education, and interpretation of natural and cultural resources in partnership with others. We would pursue Service administrative requirements to expand public deer hunting, open the refuge to spring and fall turkey hunting, open the refuge to limited waterfowl hunting by youth, promote youth involvement in all hunting opportunities, and open the refuge to fishing at two designated locations.

Alternative C (Manage Forest Health With Hardwood Conversion Component; New and Expanded Public Use Opportunities)

Under alternative C, we would emphasize the management of specific refuge habitats to support priority species whose habitat needs would benefit other species of conservation concern that are found in the area. We would promote the transition of 2,609 acres of former pine plantation toward an oak/hickory/pine forest using selective cut forestry and best management practices to facilitate this transition in a phased manner while still protecting select trees for bald eagle use. We would protect the integrity of the refuge's other habitats for native species, including maintenance of up to 57 acres of non-forested upland for wildlife habitat and administrative purposes.

We would enhance our cultural resource protection similar to alternative B. Our visitor services programs and opportunities would expand on those identified under alternative B, with modest increases in our hunting, fishing, wildlife observation, and interpretation programs associated with providing access and infrastructure to additional areas of the refuge.

Next Steps

After this comment period ends, we will analyze the comments and address them in the form of a final CCP and finding of no significant impact.

Public Availability of Documents

In addition to any methods in **ADDRESSES**, you can view or obtain documents from the agency Web site at *http://www.fws.gov/refuge/James_River/what_we_do/conservation.html.*

Submitting Comments

We consider comments substantive if they:

- Question, with reasonable basis, the accuracy of the information in the document.
- Question, with reasonable basis, the adequacy of the EA.
- Present reasonable alternatives other than those presented in the EA.
- Provide new or additional information relevant to the EA.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comments, 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: September 23, 2014.

Deborah Rocque,

Acting Regional Director, Northeast Region.

[FR Doc. 2014–25098 Filed 10–21–14; 8:45 am]

BILLING CODE 4310–55–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–890]

Certain Sleep-Disordered Breathing Treatment Systems and Components Thereof; Commission Determination To Review In Part a Final Initial Determination Finding a Violation of Section 337; Schedule for Filing Written Submissions on the Issues Under Review and on Remedy, the Public Interest and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part the final initial determination (''ID'') issued by the presiding administrative law judge (''ALJ'') on August 21, 2014, finding a violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), in this investigation.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–3042. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on August 23, 2013, based on a complaint filed by ResMed Corporation of San Diego, California; ResMed Incorporated of San Diego, California; and ResMed Limited of New South Wales, Australia (collectively, ''ResMed''). 78 FR 52564 (Aug. 23, 2013). The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain sleep-disordered breathing treatment systems and components thereof that infringe one or more of claims 32–37, 53, 79, 80, and 88 of U.S. Patent No. 7,997,267 (''the '267 patent''); claims 1–7 of U.S. Patent No. 7,614,398 (''the '398 patent''); claim 1 of U.S. Patent No. 7,938,116 (''the '116 patent''); claims 30, 37, and 38 of U.S. Patent No. 7,341,060 (the '060 patent); claims 1, 3, 5, 11, 28, 30, 31, and 56 of U.S. Patent No. 8,312,883 (''the '883 patent''); claims 1, 3, 6, 7, 9, 29, 32, 35, 40, 42, 45, 50, 51, 56, 59, 89, 92, 94, and 96 of U.S. Patent No. 7,178,527 (the '527 patent); claims 19–24, 26, 29–36, and 39–41 of U.S. Patent No. 7,950,392 (the '392 patent); and claims 13, 15, 16, 26–28, 51, 52, and 55 of U.S. Patent No 7,926,487 (''the '487 patent''). The notice of investigation named the following respondents: BMC Medical Co., Ltd. of Beijing, China; 3B Medical, Inc. of Lake Wales, Florida; and 3B Products, L.L.C., of Lake Wales, Florida (collectively ''Respondents''). The Office of Unfair Import Investigations (''OUII'') is participating in the investigation.

On January 9, 2014, the ALJ issued an ID granting a motion by ResMed to amend the complaint and notice of investigation to substitute U.S. Patent No. RE 44,453 (''the '453 patent'') for the '398 patent and to terminate the investigation as to the '398 patent. *See* Order No. 7 (Jan. 9, 2014). The Commission determined not to review the ID. *See* Notice of Commission Determination Not to Review an Initial Determination Granting the Complainants' Motion to Amend the Complaint and Notice of Investigation (Feb. 10, 2014); 79 FR 9000–01 (Feb. 14, 2014).

On February 24, 2014, the ALJ issued an ID granting a motion by ResMed to withdraw its allegations with respect to the '116 patent. *See* Order No. 11 (Feb. 24, 2014). The Commission determined not to review the ID. *See* Notice of Commission Determination Not to Review an Initial Determination Granting the Complainants' Motion to Partially Terminate the Investigation by Withdrawing Allegations with Respect to U.S. Patent No. 7,938,116 (March 11, 2014).

On March 18, 2014, the ALJ granted a motion by ResMed to terminate the investigation as to claims 26–28 of the '487 Patent. *See* Order No. 20 (Mar 18, 2012). The Commission determined not to review the ID. *See* Notice of Commission Determination Not to Review an Initial Determination Granting Complainants' Unopposed Motion for Partial Termination of the Investigation by Withdrawal of Claims 26–28 of U.S. Patent No. 7,926,487 (Apr. 29, 2014).

On August 21, 2014, the ALJ issued his final ID, finding a violation of section 337 by Respondents with respect to certain asserted claims of the '392, '267, '060, '883, '527, and '453 patents. The ALJ found no violation of section 337 with respect to the asserted claims of the '487 patent. Specifically, the ALJ found that the Commission has subject matter jurisdiction, *in rem* jurisdiction over the accused products, and *in personam* jurisdiction over the respondents. ID at 10–11. The parties stipulated to importation of the accused products and the ALJ found that the importation requirement of section 337 (19 U.S.C. 1337(a)(1)(B)) has been satisfied. *Id.* at 3. The ALJ found that the accused products infringe asserted claims 1, 9, 32, 89, and 92 of the '527 patent; asserted claims 19, 21, 29, 32, and 36 of the '392 patent; asserted claims 32–34 and 53 of the '267 patent; asserted claims 30, 37, and 38 of the '060 patent; asserted claims 1, 3, 5, 11, 28, 30, 31, and 56 of the '883 patent; and asserted claim 2 of the '453 patent. *See* ID at 23, 46, 57–58, 71–78, 95, 99, and 102. The ALJ found that Respondents failed to establish by clear and convincing evidence that the asserted claims of the '392, '267, '060, '883, '527, or claim 2 of the '453 patents were invalid in light of the cited prior art references. *See id.* at 25–45, 48–55, 96, and 100. The ALJ concluded that the accused products satisfy each limitation of claims 4 and 7 of the '453 patent but found those claims invalid in view of the prior art. *See id.* at 103–139. The ALJ also found that the accused products satisfy each limitation of asserted claims 13, 51, 52, and 55 of the '487 patent, but found those claims invalid in view of the prior art. *See id.* at 78–92. The ALJ further found that ResMed established the existence of a domestic industry that practices the asserted patents under 19 U.S.C. 1337(a)(2). *See* ID at 139–188.

On September 3, 2014, Respondents and the Commission investigative attorney filed petitions for review of the ID. That same day, ResMed filed a

contingent petition for review of the ID. On September 11, 2014, the parties filed responses to the various petitions and contingent petition for review.

Having examined the record of this investigation, including the ALJ's final ID, the petitions for review, and the responses thereto, the Commission has determined to review the final ID in part. Specifically, with respect to the '487 patent, the Commission has determined to review the ALJ's construction of the claim term ''gas washout vent'' and construe the limitation to mean ''a vent comprising a thin air permeable membrane extending across an opening for exhausting gas to the atmosphere.'' As a result of the new claim construction, the Commission has determined to review the ALJ's findings on infringement, invalidity, and the technical prong of the domestic industry requirement. Regarding the '453 patent, the Commission has determined to review (1) the ALJ's construction of the claim limitation ''a retaining mechanism configured to secure the connecting structure to the CPAP apparatus'' and strike the ID's requirement that the claimed ''retaining mechanism'' must include an arrangement of moving parts; (2) the ALJ's finding that the prior art REMstar device does not anticipate the asserted claims of the '453 patent; and (3) the ALJ's findings on infringement and the technical prong of the domestic industry requirement. The Commission has also determined to review the ID's findings and conclusions regarding the economic prong of the domestic industry requirement under 19 U.S.C. 1337(a)(3)(C).

The parties are requested to brief their positions on the issues under review with reference to the applicable law and the evidentiary record. In connection with its review, the Commission is particularly interested in responses to the following:

The Commission has determined to revise the ALJ's construction of the claim limitation ''a retaining mechanism'' recited in the asserted claims of the '453 patent and strike the requirement that it requires an arrangement of moving parts. That is, the claim limitation ''a retaining mechanism configured to secure the connecting structure to the CPAP apparatus'' is construed to mean ''one or more parts for holding in place the CPAP apparatus that is configured to attach the connecting structure to the CPAP apparatus.'' *See* ID at 124. Please discuss whether the REMstar device anticipates the asserted claims under the revised construction.

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in the Respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* Presidential Memorandum of July 21, 2005. 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The parties to the investigation are requested to file written submissions on the issues identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding. Complainants and the IA are also requested to submit proposed remedial orders for the Commission's consideration and to provide identification information for all importers of the subject articles. Complainants are also requested to state the date that the patents expire and the HTSUS numbers under which the accused products are imported. The written submissions and proposed remedial orders must be filed no later than close of business on October 31, 2014. Reply submissions must be filed no later than the close of business on November 7, 2014. Such submissions should address the ALJ's recommended determinations on remedy and bonding. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight 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 investigation number (''Inv. No. 337–TA–890'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). 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. A redacted non-confidential version of the document must also be filed simultaneously with the any confidential filing. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.

Issued: October 16, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–25059 Filed 10–21–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–919]

Certain Archery Products and Related Marketing Materials; Commission Determination Not To Review an Initial Determination Finding Respondent Ningbo Topoint Outdoor Sports Co., Ltd., To Be in Default; Request for Written Submissions on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 11) issued by the presiding administrative law judge (''ALJ'') on September 16, 2014, finding the sole respondent, Ningbo Topoint Outdoor Sports Co., Ltd. (''Ningbo''), to be in default. Accordingly, the Commission requests written submissions, under the schedule set forth below, on remedy, public interest, and bonding.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–5468. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 16, 2014, based on a complaint filed by Bear Archery, Inc. and SOP Services, Inc. (''Complainants''). 79 FR 34356. The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain archery products and related marketing materials by reason of infringement of certain claims of U.S. Patent No. RE38,096; U.S. Patent No. 6,978,775; U.S. Patent No. 7,226,375; U.S. Trademark Registration No. 2,501,255; and U.S. Trademark Registration No. 3,312,392. *Id.* The complaint further alleges the existence of a domestic industry. *Id.* The Commission's notice of investigation named Ningbo as the respondent, and indicated that the Office of Unfair Import Investigations is participating in this investigation. *Id.*

On June 11, 2014, the Commission attempted to serve Ningbo with the complaint and notice of investigation, but the notice was returned as undeliverable mail on July 23, 2014. On July 24, 2014, Complainants sought leave to attempt to effect personal service on Ningbo, and the leave was granted on July 30, 2014. On July 31, 2014, Complainants filed proof that they had served Ningbo with the complaint and notice of investigation.

On August 19, 2014, Complainants moved for an order directing Ningbo to show cause why it should not be found in default for its failure to respond to the complaint and notice of investigation, and, upon failure to show cause, for the issuance of an initial determination finding Ningbo in default. On August 20, 2014, Complainants filed a letter indicating that they did not seek a general exclusion order in the event of a default. On August 21, 2014, the Commission Investigative Attorney (''IA'') filed a response supporting Complainants' motion.

On September 2, 2014, the ALJ granted the motion and ordered Ningbo to show cause why it should not be found in default. *See* Order No. 10. No response to Order No. 10 was filed.

On September 16, 2014, the ALJ issued the subject ID finding Ningbo in default under Commission Rule 210.16(a)(1). *See* Order No. 11. No petitions for review of the ID were filed. The Commission has determined not to review the subject ID.

Ningbo is the sole respondent in this investigation. Section 337(g)(1) and Commission Rule 210.16(c) authorize the Commission to order relief against a respondent found in default, unless, after considering the public interest, it finds that such relief should not issue. Complainants indicated that they were not seeking a general exclusion order pursuant to Commission Rule 210.16(c)(2).

In connection with the final disposition of this investigation, the Commission may: (1) issue an order that could result in the exclusion of articles manufactured or imported by the defaulting respondent; and/or (2) issue a cease and desist order that could result in the defaulting respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (December 1994).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors that the Commission will consider include the effect that the exclusion order and/or cease and desists orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written

submissions on the issues of remedy, the public interest, and bonding. Complainants and the IA are requested to submit proposed remedial orders for the Commission's consideration. Complainants are also requested to state the HTSUS numbers under which the accused products are imported, and to state the dates that the patents expire.

Written submissions and proposed remedial orders must be filed no later than the close of business on October 30, 2014. Reply submissions must be filed no later than the close of business on November 6, 2014. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadline stated above and submit eight true paper copies to the Office of the Secretary 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 investigation number (''Inv. No. 337–TA–919'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf).* 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. A redacted nonconfidential version of the document must also be filed simultaneously with any confidential filing. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: October 16, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–25051 Filed 10–21–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1190–0018]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Civil Rights Division, Department of Justice.

ACTION: 30-day Notice.

SUMMARY: The Department of Justice, Civil Rights Division, Office of Special Counsel for Immigration-Related Unfair Employment Practices, will be submitting the following information collection request to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register**, Volume 79, Number 159, page 48765, on August 18, 2014, allowing for a 60-day comment period.

DATES: The purpose of this notice is to allow for an additional 30 days for public comment until November 21, 2014.

FOR FURTHER INFORMATION CONTACT: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: DOJ Desk Officer, Fax: 202 395–5806, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number [1190–0018]. Also include the DOJ docket number found in brackets in the heading of this document.

Written comments and/or suggestions are requested from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the function 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 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).

The information collection is listed below:

(1) *Type of information collection:* Extension of Currently Approved Collection.

(2) *The title of the form/collection:* Office of Special Counsel for Immigration-Related Unfair Employment Practices Charge Form [OSC Charge Form].

(3) *The agency form number and applicable component of the Department sponsoring the collection.* Form OSC–1. Office of Special Counsel for Immigration-Related Unfair Employment Practices, Civil Rights Division, U.S. Department of Justice.

(4) *Affected public who will be asked to respond, as well as a brief abstract:* Primary: The Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) enforces the anti-discrimination provision (§ 274B) of the Immigration and Nationality Act (INA), 8 U.S.C. 1324b. Individuals alleging discrimination by public and private entities based on (1) citizenship or immigration status discrimination in hiring, firing, or recruitment or referral for a fee, (2) national origin discrimination in hiring, firing, or recruitment or referral for a fee, (3) unfair documentary practices during the employment eligibility verification (Form I–9 and E-Verify) process, and (4) retaliation or intimidation for asserting rights covered by the statute. The Department's Civil Rights Division, Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC), investigates and, where reasonable cause is found, litigates charges alleging discrimination. OSC also initiates independent investigations, at times based on information developed during individual charge investigations. Independent investigations normally involve alleged discriminatory policies that potentially affect many employees or applicants. These investigations may result in complaints alleging a pattern or practice of discriminatory activity. If the Department lacks jurisdiction over a particular charge but believes another agency has jurisdiction over the claim, the charge is forwarded to the

applicable Federal, state or local agency for any action deemed appropriate.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 300 respondents per year at 30 minutes per charge form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 150 hours annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Policy and Planning Staff, Justice Management Division, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: October 16, 2014.

Jerri Murray,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. 2014–25027 Filed 10–21–14; 8:45 am]

BILLING CODE 4410–13–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

Notice is hereby given that, for a period of 30 days, the United States will receive public comments on a proposed Partial Consent Decree in *United States* v. *ATP Oil & Gas Corp. et al.* (Civil Action No. 2:13-cv-0262), which was lodged with the United States District Court for the Eastern District of Louisiana on October 16, 2014.

The Complaint in this Clean Water Act case was filed against ATP Oil & Gas Corporation (''ATP'') and ATP Infrastructure Partners, LP (''ATP–IP'') in February 2013. The Complaint seeks civil penalties and injunctive relief under the Clean Water Act and the Outer Continental Shelf Lands Act (''OCSLA'') related to unauthorized discharges of oil and chemicals from an oil platform, the ATP Innovator, into the Gulf of Mexico. The Partial Consent Decree addresses the CWA and OCSLA claims against ATP–IP. Under the settlement, ATP–IP will pay a $1 million civil penalty for violation of the Clean Water Act and perform corrective measures to resolve the claims against it. The claims against ATP are not part of this settlement with ATP–IP and remain pending before the district court for future resolution.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *ATP Oil & Gas Corp. et al.* (Civil Action No. 2:13-cv-0262), D.J. Ref. No. 90–5–1–1–10681/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email ...	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $7.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Thomas Carroll,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–25092 Filed 10–21–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice Lodging of Proposed Consent Decree Under the Clean Air Act

On October 16, 2014, the Department of Justice lodged a proposed consent decree with the United States District Court for the Eastern District of Michigan in the lawsuit entitled *United States* v. *Metal Dynamics Detroit, LLC,* Civil Action No. 14–13993.

The United States filed this lawsuit under the Clean Air Act. The United States' complaint seeks injunctive relief and civil penalties for violations of the regulations that govern the handling and disposal of refrigerant containing appliances as well as violations of opacity limits at defendant's scrap metal and iron recycling facility in Detroit, Michigan. The consent decree requires the defendant to perform injunctive relief and pay a civil penalty of $110,000. The consent decree also requires that defendant perform two supplemental environmental projects, each valued at $200,000 for a total of $400,000.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Metal Dynamics Detroit, LLC,* D.J. Ref. No. 90–5–2–1–10192. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email ...	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed consent decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the proposed consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $8.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–25091 Filed 10–21–14; 8:45 am]

BILLING CODE 4410–CW–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Telemanagement Forum

Notice is hereby given that, on September 16, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Telemanagement Forum (''The Forum'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of

antitrust plaintiffs to actual damages under specified circumstances. Specifically, the following parties have been added as members to this venture: NetYCE, Amsterdam, THE NETHERLANDS; Intense Technologies Limited, Secunderabad, INDIA; Enhancesys Innovations LLC, Cupertino, CA; Limtel Sp. z o.o., Olsztyn, POLAND; Vodafone India Limited, Mumbai, INDIA; SLA Mobile, Belfast, UNITED KINGDOM; Vasona Networks, Inc., Santa Clara, CA; Liberated Cloud Limited, Frome, UK; Intel Corporation, Santa Clara, CA; Basset AB, Sundysberg, SWEDEN; Unscrambl LLC, Atlanta, GA; Zain KSA, Riyadh, SAUDI ARABIA; Fiberblaze, New York, NY; BINARY OSS, Santiago, CHILE; PT Affia Andal Jasa Bismatamma (RSM AAJ ASSOCIATES), Jakarta, INDONESIA; Ni2, Montreal, CANADA; Archimu, Heverlee, BELGIUM; Nextel del Perú SA, Lima, PERU; GFI INFORMATIQUE, Saint-Ouen, FRANCE; CORRELOR TECHNOLOGIES PTE. LTD., Singapore, SINGAPORE; Bharat Broadband Network Limited, New Delhi, INDIA; Chongqing University of Posts & Telecommunications, Chongqing, PEOPLE'S REPUBLIC OF CHINA; Jisc Collections and Janet Limited, Didcot, UNITED KINGDOM; Ebizu Sdn. Bhd., Kuala Lumpur, MALAYSIA; Tracfone Wireless, Inc., Medley, FL; Skytree, San Jose, CA; Telenor Denmark, København, DENMARK; Thibera Consulting GmbH, Ingbert, GERMANY; Optulink Inc., Naperville, IL; Vitria Technology, Inc., Sunnyvale, CA; Moller & Company, Copenhagen, DENMARK; TBSP Engineering S.A., Athens, GREECE; M-net Telekommunikations GmbH, München Bayern, GERMANY; Smart Information Systems Gmbh, Vienna, AUSTRIA; BVG IT Services bvba, Mechelen, BELGIUM; Maxis Broadband Sdn Bhd, Kuala Lumpur, MALAYSIA; Semanticore Systems, Roodepoort, SOUTH AFRICA; uFONE, Islamabad, PAKISTAN; Jawwal, Ramallah, PALESTINE; edotco Group Sdn Bhd, Kuala Lumpur, MALAYSIA; Two Degrees Mobile Ltd., Auckland, NEW ZEALAND; and Korea Telecom, Seongnam City, REPUBLIC OF KOREA.

The following members have changed their names: Telekomunikacja Polska SA to Orange Polska, Warszawa, POLAND; Martin Dawes Systems Ltd. (MDS) to MDS, Warrington, UNITED KINGDOM; TIERONE OSS Technologies USA, Inc. to TIERONE, Inc., Reston, VA; Ooredoo (Former Qtel International) to Ooredoo Q.S.C., Doha, QATAR; JDSU Test & Measurement to JDSU, Eningen, GERMANY; Wataniya Telecom Maldives Private Limited to Ooredoo Maldives Pvt. Ltd., Hulhumale, MALDIVES; Oss Wave to DigitalWave, Gatineau, CANADA; HughesTelematics, Inc. to Verizon Telematics, Inc., Atlanta, GA; Cricket Communications to Cricket Wireless, San Diego, CA; ParStream, inc. to ParStream, Redwood City, CA; CenterNODE Limited to Bobbil, Cork, IRELAND; and Aria Systems, Inc. to Aria Systems Ltd., Reading, UNITED KINGDOM.

The following members have withdrawn as parties to this venture: Engineering IT, Pont St. Martin, ITALY; Applied Communication Sciences, Basking Ridge, NJ; Intelli Solutions SA, Athens, GREECE; Synopsis S.A., Lima, PERU; EE, Hertfordshire, UNITED KINGDOM; Romtelecom SA, Bucharest, ROMANIA; Moseco Group, Amman, JORDAN; Tele Greenland, Nuuk, GREENLAND; Booz & Company NA Inc., New York, NY; Wisdom Networks Co., Ltd., Tokyo, JAPAN; UnboundID Corp., Austin, TX; Computer Sciences Corporation, Wiesbaden, GERMANY; Telecom Personal Argentina, Ciudad Autónoma de Buenos Aires, ARGENTINA; ACG Research, Gilbert, AZ; Tellabs Operations, Inc., Naperville, IL; Vector Communications Ltd., Auckland, NEW ZEALAND; Defence Science and Technology Organisation, Edinburgh, AUSTRALIA; OGIS International, Inc., San Mateo, CA; HGTelekom, Reillanne, FRANCE; Renoir Consulting, Oxford, UNITED KINGDOM; Latin America Business Consulting Mexico, S.A. de C.V., Estado de México, MEXICO; IPSCAPE LTD, Warwickshire, UNITED KINGDOM; Sitronics Telecom Solutions Co. (Pvt.) Ltd., Punjab, PAKISTAN; VIVA Bahrain, Manama, BAHRIAN; ConceptWave Software, Ontario, CANADA; and Advanced Roaming & Clearing House (ARCH), Guangdong, PEOPLE'S REPUBLIC OF CHINA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and The Forum intends to file additional written notifications disclosing all changes in membership.

On October 21, 1988, Forum filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 8, 1988 (53 FR 49615).

The last notification was filed with the Department on April 23, 2014. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on May 16, 2014 (79 FR 28554).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–25136 Filed 10–21–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Advanced Media Workflow Association, Inc.

Notice is hereby given that, on September 24, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Advanced Media Workflow Association, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Canon U.S.A., Inc., Melville, NY; Vizrt, Kista, SWEDEN; and John Fleming (individual member), Ascot Vale, AUSTRALIA, have been added as parties to this venture.

Also, EMC Isilon, Seattle, WA; Encompass, Stamford, CT; The Weather Company, Atlanta, GA; Jone Lee (individual member), Suwon, REPUBLIC OF SOUTH KOREA; and Andreas Georg Stasheit (individual member), Dortmund, GERMANY, have withdrawn as parties to this venture. No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Advanced Media Workflow Association, Inc. intends to file additional written notifications disclosing all changes in membership.

On March 28, 2000, Advanced Media Workflow Association, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 29, 2000 (65 FR 40127).

The last notification was filed with the Department on June 25, 2014. A notice was published in the **Federal**

Register pursuant to Section 6(b) of the Act on July 23, 2014 (79 FR 42816).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–25137 Filed 10–21–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Heterogeneous System Architecture Foundation

Notice is hereby given that, on September 29, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Heterogeneous System Architecture Foundation (''HSA Foundation'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Vivante Corporation, Sunnyvale, CA, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and HSA Foundation intends to file additional written notifications disclosing all changes in membership.

On August 31, 2012, HSA Foundation filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 11, 2012 (77 FR 61786).

The last notification was filed with the Department on April 25, 2014. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on May 30, 2014 (79 FR 31142).

Patricia A. Brink,

Director of Civil Enforcement Antitrust Division.

[FR Doc. 2014–25139 Filed 10–21–14; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Miner's Claim for Benefits Under the Black Lung Benefits Act and Employment History

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) revision titled, ''Miner's Claim for Benefits Under the Black Lung Benefits Act and Employment History,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before November 21, 2014.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201405-1240-005* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OWCP, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Miner's Claim for Benefits Under the Black Lung Benefits Act and Employment History (Forms CM–911 and CM–911a) information collection. A miner files Form CM–911 to apply for benefits under the Black Lung Benefits Act. The applicant lists the coal miner's work history on the CM–911a; all applicants, both miners and survivors, complete this latter form. This information collection has been classified as a revision, because of minor changes to the forms. The changes clarify certain sections so claimants can better understand what information to provide. The OWCP has also incorporated a notice that informs persons with disabilities how they may request assistance to complete the information collection. The Black Lung Benefits Act (30 U.S.C. 901 et seq.) authorizes this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1240–0038. The current approval is scheduled to expire on October 31, 2014; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 21, 2014 (79 FR 29218).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1240–0038. The OMB is particularly interested in comments that:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–OWCP.

Title of Collection: Miner's Claim for Benefits Under the Black Lung Benefits Act and Employment History.

OMB Control Number: 1240–0038.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 11,000.

Total Estimated Number of Responses: 11,000.

Total Estimated Annual Time Burden: 7,750 hours.

Total Estimated Annual Other Costs Burden: $2,058.

Dated: October 9, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–25057 Filed 10–21–14; 8:45 am]

BILLING CODE 4510–CK–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

174th Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 174th open meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans (also known as the ERISA Advisory Council) will be held on November 3–4, 2014.

The meeting will take place in C5320 Room 6, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210 on November 3, from 1 p.m. to approximately 5:00 p.m. On November 4, the meeting will start at 8:30 a.m. and conclude at approximately 4:00 p.m., with a break for lunch. The morning session on November 4 will be in C5320 Room 6. The afternoon session on November 4 will take place in Room S–2508 at the same address. The purpose of the open meeting on November 3 and the morning of November 4 is for the Advisory Council members to finalize the recommendations they will present to the Secretary. At the November 4 afternoon session, the Council members will receive an update from the Assistant Secretary of Labor for the Employee Benefits Security Administration (EBSA) and present their recommendations.

The Council recommendations will be on the following issues: (1) PBM Compensation and Fee Disclosure, (2) Outsourcing Employee Benefit Plan Services, and (3) Issues and Considerations around Facilitating Lifetime Plan Participation. Descriptions of these topics are available on the Advisory Council page of the EBSA Web site at *http://www.dol.gov/ebsa/aboutebsa/erisa_advisory_council.html.*

Organizations or members of the public wishing to submit a written statement may do so by submitting 30 copies on or before October 27, 2014 to Larry Good, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N–5623, 200 Constitution Avenue NW., Washington, DC 20210. Statements also may be submitted as email attachments in rich text, Word, or pdf format transmitted to *good.larry@dol.gov.* It is requested that statements not be included in the body of an email. Statements deemed relevant by the Advisory Council and received on or before October 27 will be included in the record of the meeting and will be available by contacting the EBSA Public Disclosure Room. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed.

Individuals or representatives of organizations wishing to address the Advisory Council should forward their requests to the Executive Secretary or telephone (202) 693–8668. Oral presentations will be limited to ten minutes, time permitting, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations should contact the Executive Secretary by October 27, 2014 at the address indicated.

Signed at Washington, DC this 10th day of October, 2014

Phyllis C. Borzi,

Assistant Secretary, Employee Benefits Security Administration.

[FR Doc. 2014–25213 Filed 10–20–14; 11:15 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Bureau of Labor Statistics Technical Advisory Committee; Notice of Meeting and Agenda

The Bureau of Labor Statistics Technical Advisory Committee will meet on Friday, November 21, 2014. The meeting will be held in the Postal Square Building, 2 Massachusetts Avenue NE., Washington, DC.

The Committee provides advice and makes recommendations to the Bureau of Labor Statistics (BLS) on technical aspects of the collection and formulation of economic measures. The BLS presents issues and then draws on the expertise of Committee members representing specialized fields within the academic disciplines of economics, statistics and survey design.

The meeting will be held in rooms 1 and 2 of the Postal Square Building Conference Center. The schedule and agenda for the meeting are as follows:

8:30 a.m. Commissioner's welcome and review of agency developments

9:00 a.m. Adjusting Major Sector Productivity Industry Multifactor Productivity to Account for Changes in the Composition of Labor

10:45 a.m. Updates on topics from past committee meetings:

- Survey of Occupational Injuries and Illnesses (SOII) Undercount
- How to Take Account of Internet Job Search in Measuring Unemployment in the Current Population Survey (CPS)

1:30 p.m. Discussion of future priorities

2:00 p.m. Occupational Employment Statistics (OES) Redesign: Sampling and Estimation

4:00 p.m. Approximate conclusion

The meeting is open to the public. Any questions concerning the meeting should be directed to Lisa Fieldhouse, Bureau of Labor Statistics Technical Advisory Committee, on 202–691–5025. Individuals who require special accommodations should contact Ms. Fieldhouse at least two days prior to the meeting date.

Signed at Washington, DC, this 16th day of October 2014.

Eric P. Molina,

Acting Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 2014–25058 Filed 10–21–14; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0034]

Subpart A (''General Provisions'') and Subpart B (''Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment''); Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in 29 CFR part 1915, subpart A (''General Provisions'') and subpart B (''Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment'').

DATES: Comments must be submitted (postmarked, sent, or received) by December 22, 2014.

ADDRESSES: *Electronically:* You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2011–0034, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and the OSHA docket number (OSHA–2011–0034) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 et seq.) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The following is a description of the requirements in subparts A and B that pertain to the collection and retention of information.

One provision in subpart A contains paperwork requirements (§ 1915.7). Section 1915.7(b)(2) specifies that shipyard employers must maintain a roster of designated competent persons (for inspecting and testing spaces covered by subpart B), or a statement that a Marine Chemist will perform these inspections and tests. Section 1915.7(d) requires employers to ensure that competent persons, Marine Chemists, and certified industrial hygienists (CIHs) make a record of each inspection and test they conduct, post the record near the covered space while work is in progress, and file the record for at least three months. In addition, employers must make the roster or statement and the inspection and test records available for inspection by designated parties.

Subpart B consists of several standards governing entry into confined and enclosed spaces and other dangerous atmospheres in shipyard employment. These standards require that employers:

- Ensure that competent persons conduct inspections and atmospheric testing prior to workers entering a confined or enclosed space (§§ 1915.12(a)–(c));
- Warn workers not to enter hazardous spaces and other dangerous atmospheres (§§ 1915.12 (a)–(c) and § 1915.16);
- Certify that workers who will be entering confined or enclosed spaces have been trained (§ 1915.12(d)(5));
- Establish and train shipyard rescue teams or arrange for outside rescue teams and provide them with information (§ 1915.12(e));
- Ensure that one person on each rescue team maintains a current first aid training certification (§ 1915.12(e));
- Exchange information regarding hazards, safety rules, and emergency procedures concerning these spaces and atmospheres with other employers whose workers may enter these same spaces (§ 1915.12(f));
- Ensure testing of spaces containing or having contained combustible or flammable liquids or gases, or solids that are toxic, corrosive, or irritating and other dangerous atmospheres, boundaries or pipelines before cleaning and other cold work is started and as necessary thereafter while the operations are ongoing (§§ 1915.13(b)(2) and (4));

• Post signs prohibiting ignition sources within or near a space that contains bulk quantities of flammable or combustible liquids or gases (§ 1915.13(b)(10));

• Ensure that confined and enclosed spaces are tested before workers perform hot work in these work areas (§ 1915.14(a));

• Post warnings of testing conducted by competent persons and certificates of testing conducted by a Marine Chemist or Coast Guard authorized person in the immediate vicinity of the hot-work operation while the operation is in progress (§§ 1915.14(a) and (b)); and

• Retain certificates of testing on file for at least three months after completing the operation (§ 1915.14(a)(2)).

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

• Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;

• The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;

• The quality, utility, and clarity of the information collected; and

• Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend its approval of the collection of information (paperwork) requirements mandated by Subpart A (''General Provisions'') and Subpart B (''Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment'') of 29 CFR part 1915. The Agency is requesting an adjustment increase of 26,220 burden hours (from 312,764 to 338,984 hours). The adjustment increase is due to an increase in the number of establishments affected by these standards.

The Agency will summarize the comments submitted in response to this notice and will include this summary in its request to OMB.

Type of Review: Extension of a currently approved collection.

Title: Subpart A (''General Provisions'') and Subpart B (''Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment'') (29 CFR part 1915).

OMB Control Number: 1218–0011.

Affected Public: Business or other for-profits; Not-for-profit organizations; Federal Government; State, Local or Tribal Government.

Number of Respondents: 2,759.

Frequency of Responses: On occasion.

Total Responses: 2,098,172.

Average Time per Response: Varies from one minute (.02 hour) for an employer to maintain a training certificate to 10 minutes (.17 hour) to develop and maintain a roster of competent persons to perform required inspections and tests.

Estimated Total Burden Hours: 338,984.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number (Docket No. OSHA–2011–0034) for the ICR. You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (e.g., copyrighted material) is not publicly available to read or download from this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 et seq.) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on October 17, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–25147 Filed 10–21–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0063]

Slings; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend OMB approval of the information collection requirements contained in the Standard on Slings (29 CFR 1910.184). The collection of information (paperwork) provisions of the Standard specify affixing identification tags or markings on slings, developing and maintaining inspection records, and retaining proof-testing certificates.

DATES: Comments must be submitted (postmarked, sent, or received) by December 22, 2014.

ADDRESSES: *Electronically:* You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer

than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2011–0063, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and the OSHA docket office number (OSHA–2011–0063) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 et seq.) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The Slings Standard (29 CFR 1910.184) specifies several collection of information (paperwork) requirements, depending on the type of sling (paragraph (e) of the Standard covers alloy steel chain slings; paragraph (f) covers wire rope slings; paragraph (g) covers metal mesh slings; paragraph (h) covers natural and synthetic fiber-rope slings; and paragraph (i) covers synthetic web slings).

The purpose of each of these requirements is to prevent workers from using defective or deteriorated slings, thereby reducing their risk of death or serious injury caused by sling failure during material handling. The information on the identification tags, markings, and codings assist the employer in determining whether the sling can be used for the lifting task. The sling inspections enable early detection of faulty slings. The inspection and repair records provide employers with information about when the last inspection was done and about the type of repairs made. This information provides some assurance about the condition of the slings. These records also provide the most efficient means for an OSHA compliance officer to determine that an employer is complying with the Standard. Proof-testing certificates give employers, workers, and OSHA compliance officers assurance that the slings are safe to use. The certificates also provide the compliance officers with an efficient means to assess employer compliance with the Standard.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is proposing to increase the existing burden hour estimate for the collection of information requirements specified by the Standard from 20,001 hours to 24,181, a total increase of 4,180 hours. This increase in burden hours is a result of an adjustment in the number of slings (from 1,116,667 to 1,350,000).

Type of Review: Extension of a currently approved collection.

Title: Slings (29 CFR 1910.184).

OMB Control Number: 1218–0223.

Affected Public: Business or other for-profits; Not-for-profit organizations; Federal Government; State, Local, or Tribal Government.

Number of Respondents: 1,350,000.

Frequency of Response: On occasion.

Total Responses: 297,676.

Average Time per Responses: Varies from 1 minute (.02 hour) to maintain a certificate to 30 minutes (.50 hour) for a manufacturing worker to acquire information from a manufacturer for a new tag, make a new tag, and affix it to a sling.

Estimated Total Burden Hours: 24,181.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number (Docket No. OSHA–2011–0063) for the ICR. You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled ''**ADDRESSES**''). The additional materials must clearly identify your

electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (e.g., copyrighted material) is not publicly available to read or download from this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 et seq.) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on October 17, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–25146 Filed 10–21–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2014–0001]

National Advisory Committee on Occupational Safety and Health (NACOSH); Charter Renewal

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Renewal of the NACOSH charter.

SUMMARY: The Secretary of Labor (Secretary) has renewed the NACOSH charter for two years.

FOR FURTHER INFORMATION CONTACT: Ms. Michelle Walker, OSHA Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, Room N–2625, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2350 (TTY (877) 889–5627); email *walker.michelle@dol.gov.*

SUPPLEMENTARY INFORMATION: The Secretary has renewed the NACOSH charter for two years until October 7, 2016.

NACOSH was established by Section 7(a) of the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651, 656) to advise, consult with and make recommendations to the Secretary and the Secretary of Health and Human Services on matters relating to the administration of the OSH Act. NACOSH is a continuing advisory committee of indefinite duration.

NACOSH operates in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2), its implementing regulations (41 CFR part 102–3), and OSHA's regulations on NACOSH (29 CFR part 1912a). Pursuant to FACA (5 U.S.C. App. 2, § 14(b)(2)), the NACOSH charter must be renewed every two years.

The new charter establishes uniform term expiration dates for NACOSH members, with all terms expiring at the end of a given calendar year. In addition, the charter decreases the costs and staff years (1.5 years down from 2 years) for operating NACOSH.

The new NACOSH charter is available to read or download at *http://www.regulations.gov* (Docket No. OSHA–2014–0001), the federal eRulemaking portal. The charter also is available on the NACOSH page on OSHA's Web page at *http://www.osha.gov* and at the OSHA Docket Office, N–2625, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2350. In addition, the charter is available for viewing or download at the Federal Advisory Committees Database at *http://www.fido.gov.*

Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice under the authority granted by 29 U.S.C. 656; 5 U.S.C. App. 2; 29 CFR Part 1912a; 41 CFR part 102–3; and Secretary of Labor's Order No. 1–2012 (77 FR 3912 (1/25/2012)).

Signed at Washington, DC, on October 17, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–25145 Filed 10–21–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Executive Order 13650 Improving Chemical Facility Safety and Security Webinar: Implementation Updates

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of Listening Session Webinar.

SUMMARY: The Department of Labor (DOL), in coordination with the Department of Homeland Security (DHS) and the Environmental Protection Agency (EPA), is announcing a webinar to update stakeholders on issues pertaining to implementation of Executive Order [E.O.] 13650: Improving Chemical Facility Safety and Security.

DATES: The Webinar will take place on November 10th, from 4:00 p.m. EST to 5:30 p.m. EST.

Registration to Participate: Please click *www.cvent.com/d/n4qt96/4w* to register. Each participant will be provided with webinar connection instructions by email once their registration has been completed. There is no fee to register.

FOR FURTHER INFORMATION CONTACT: For further information please email: *eo.chemical@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On August 1, 2013, President Obama issued E.O. 13650 to improve chemical facility safety and security. The Working Group charged with implementing the E.O. is co-chaired by DHS, DOL, and EPA, and includes participation from the Departments of Justice, Agriculture, and Transportation, all of whom play a role in Chemical Facility safety and security. During the initial months from the issuance of the E.O., the Working Group met the deliverables outlined in the E.O. as well as conducted a number of in-person listening sessions and webinars to gather input from stakeholders. This work is reflected in a report to the President released June 6,

2014, *Executive Order 13650: Actions To Improve Chemical Safety and Security—A Shared Commitment.* The report was a milestone, not an end point, and includes a Federal Action Plan for the path forward.

The Working Group has made significant progress on the implementation front of the Federal Action Plan since the release of the report by initiating community planning preparedness measures, increasing Federal coordination, improving data management techniques and technology, revising regulations, issuing guidance and advisory documents, and creating a best practices repository, among other initiatives.

II. Scope of Webinar

The purpose of this webinar is to update stakeholders and the public on progress made on issues related to E.O. 13650 and implementation of items from the Federal Action Plan contained in the report to the President, and to raise awareness of the E.O. 13650 Working Group Web site, located at *www.osha.gov/chemicalexecutive order.*

III. Public Participation

This webinar will accommodate over 250 participants. As time permits, participants will be able to ask questions on a first come, first serve basis. We will do our best to accommodate all persons who wish to ask questions during the session. We request that participants refrain from making statements, and use this time to ask questions. Should time run out, participants may submit questions, or those wishing to submit statements, may do so via *eo.chemical@hq.dhs.gov.* For general inquiries regarding the E.O., please contact the Working Group at: *eo.chemical@hq.dhs.gov.*

Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice.

Signed at Washington, DC, on October 17, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–25142 Filed 10–21–14; 8:45 am]

BILLING CODE 4510–26–P

NEIGHBORHOOD REINVESTMENT CORPORATION

Audit Committee Meeting; Sunshine Act

TIME AND DATE: 2 p.m., Monday, October 27, 2014.

PLACE: NeighborWorks America—Gramlich Boardroom, 999 North Capitol Street NE., Washington, DC 20002.

STATUS: Open (with the exception of Executive Sessions).

CONTACT PERSON: Jeffrey Bryson, General Counsel/Secretary, (202) 760–4101; *jbryson@nw.org.*

AGENDA:

I. Call To Order
II. Executive Session with the Chief Audit Executive
III. Executive Session: Chief Audit Executive Performance Review
IV. Executive Session: CEO Transition Update
V. Executive Session: Pending Litigation
VI. Internal Audit Reports with Management's Response
VII. Internal Audit Status Reports
VIII. OHTS Watch List Review
IX. Update on A–133 Findings
X. Annual Audit Update & Other External Audit Reports
XI. Management Updates
XII. Adjournment

Jeffrey T. Bryson,

EVP & General Counsel/Corporate Secretary.

[FR Doc. 2014–25243 Filed 10–20–14; 4:15 pm]

BILLING CODE 7570–02–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2014–0135]

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on July 14, 2014.

1. *Type of submission, new, revision, or extension: Extension.*
2. *The title of the information collection:* 48 CFR 20 U.S. Nuclear Regulatory Commission Acquisition Regulation (NRCAR).
3. *Current OMB approval number:* 3150–0169.
4. *The form number if applicable:* N/A.
5. *How often the collection is required:* On occasion, one time.
6. *Who will be required or asked to report:* NRC contractors and potential contractors.
7. *An estimate of the number of annual responses:* 4,871.
8. *The estimated number of annual respondents:* 2,473.
9. *An estimate of the total number of hours needed annually to complete the requirement or request:* 20,095 (18,750 reporting plus 1,345 recordkeeping).
10. *Abstract:* The mandatory requirements of the NRCAR implement and supplement the government-wide Federal Acquisition Regulation (FAR), and ensure that the regulations governing the procurement of goods and services with the NRC satisfy the particular needs of the agency. Because of differing statutory authorities among Federal agencies, the FAR permits agencies to issue regulation to implement FAR policies and procedures internally to satisfy the specific need of the agency.

The public may examine and have copied for a fee publicly-available documents, including the final supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The OMB clearance requests are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/.* The document will be available on the NRC's home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by November 21, 2014. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Vlad Dorjets, Desk Officer, Office of Information and Regulatory Affairs (3150–0169), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be emailed to *Vladik_Dorjets@omb.eop.gov* or

submitted by telephone at 202–395–7315.

The NRC Clearance Officer is Tremaine Donnell, telephone: 301–415–6258.

Dated at Rockville, Maryland, this 16th day of October, 2014.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2014–25100 Filed 10–21–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS), Meeting of the ACRS Subcommittee on Advanced Boiling Water Reactor

Notice of Meeting

The ACRS Subcommittee on Advanced Boiling Water Reactor (ABWR) will hold a meeting on November 5, 2014, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of a portion that may be closed to protect information that is propriety pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Wednesday, November 5, 2014—8:30 a.m. until 2:00 p.m.

The Subcommittee will review selected chapters of the Safety Evaluation Report associated with the combined license application for the South Texas Project, Units 3 and 4, as well as a potential issue associated with 10 CFR Part 21, ''Reporting of Defects and Non Compliance.'' The Subcommittee will hear presentations by and hold discussions with the applicant, Nuclear Innovation North America (NINA), the NRC staff and other interested persons regarding these matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Maitri Banerjee (Telephone 301–415–6973 or Email: *Maitri.Banerjee@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 13, 2014 (79 FR 59307–59308).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: October 15, 2014.

Cayetano Santos,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2014–25184 Filed 10–21–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS), Meeting of the ACRS Subcommittee on Plant License Renewal

Notice of Meeting

The ACRS Subcommittee on Plant License Renewal will hold a meeting on November 5, 2014, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, November 5, 2014—1:30 p.m. until 5:00 p.m.

The Subcommittee will discuss the license renewal application for Sequoyah Nuclear Plant, Units 1 and 2. The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, Tennessee Valley Authority, and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Kent Howard (Telephone 301–415–2989 or Email: *Kent.Howard@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 14, 2014 (79 FR 59307–59308).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: October 15, 2014.

Cayetano Santos,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2014–25185 Filed 10–21–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS), Meeting of the ACRS Subcommittee on Planning and Procedures

Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on November 5, 2014, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to the internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, November 5, 2014—12:00 p.m. until 1:00 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Quynh Nguyen (Telephone 301–415–5844 or Email: *Quynh.Nguyen@nrc.gov*) five days prior to the meeting, if possible, so that arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 14, 2014 (79 FR 59307–59308).

Information regarding changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the DFO if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (240–888–9835) to be escorted to the meeting room.

Dated: October 15, 2014.

Cayetano Santos,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2014–25183 Filed 10–21–14; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. R2015–1; Order No. 2216]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning a modification of a bilateral agreement with Korea Post. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* October 24, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Background
III. Contents of Filing
IV. Commission Action
V. Ordering Paragraphs

I. Introduction

On October 15, 2014, the Postal Service filed notice of a Type 2 rate adjustment and notice of a modification (Modification One) of a bilateral agreement with Korea Post (Agreement).[1] The Postal Service seeks to have Modification One included within the Inbound Market Dominant Multi-Service Agreements with Foreign Postal Operators 1 (Foreign Postal Operators 1) product on grounds of functional equivalence to the China Post 2010 Agreement approved in Docket No. R2010–6 (baseline China Post Agreement). *Id.* at 8.

II. Background

The Agreement and Modification One concern negotiated pricing for inbound small packets with delivery scanning.[2] Notice at 1. The Modification amends the Agreement in two ways: It extends the term to November 30, 2015, and revises the Financial Requirements section of Annex 2 of the Agreement by clarifying procedures related to settlement charges. *Id.* at 1–2; 5. The Postal Service expects the rate changes to take effect December 1, 2014. *Id.* at 3. The Postal Service asserts that it is presenting only an extension and a revision of the Financial Requirements section of Annex 2 to the Agreement, which concerns negotiated rates for an inbound market dominant product. *Id.* at 5.

III. Contents of Filing

The Postal Service's filing consists of the Notice (which includes three attachments) and supporting financial workpapers. Attachment 1 is the Application of the United States Postal Service for Non-Public Treatment of Materials (Application).[3] Attachment 2 is an unredacted copy of Modification One. Attachment 3 is a redacted copy of the Agreement (filed in Docket No. R2013–9). The Postal Service includes a redacted version of the financial workpapers with its filing as a separate public Excel file.

[1] Notice of United States Postal Service of Type 2 Rate Adjustment, and Notice of Filing Functionally Equivalent Agreement, October 15, 2014 (collectively, Notice). The Notice was filed pursuant to 39 CFR 3010.40 *et seq.*

[2] Docket No. R2013–9, Order Approving an Additional Inbound Market Dominant Multi-Service Agreement with Foreign Postal Operators 1 Negotiated Service Agreement (with Korea Post), October 30, 2013.

[3] The material filed under seal consists of a copy of the Korea Post Agreement filed in Docket No. R2013–9 (Notice, Attachment 3) and supporting financial workpapers. The Application seeks protection for the period allowed under Commission rules (ten years). Notice, Attachment 1 at 8.

The Postal Service states that the intended effective date of Modification One is December 1, 2014; asserts that it is providing more than the 45 days advance notice required under 39 CFR 3010.41; and identifies the parties to Modification One as the United States Postal Service and Korea Post, the postal operator for Korea. *Id.* at 3–4.

Reporting requirements. In lieu of the detailed data collection plan required by rule 3010.43, the Postal Service proposes to report information on Modification One through the Annual Compliance Report. *Id* at 6. The Postal Service also invokes, with respect to service performance measurement reporting under rule 3055.3(a)(3), the standing exception in Order No. 996 for all agreements filed in the Foreign Postal Operators 1 product grouping. *Id.*

Consistency with applicable statutory criteria. The Postal Service recites the three criteria for Commission review in 39 U.S.C. 3622 and asserts that it addresses the two it considers pertinent to this filing (concerning whether the modification improves the Postal Service's net financial position (or enhances the performance of operational functions) and will not cause unreasonable harm to the marketplace). The Postal Service asserts that the third criterion (available on public and reasonable terms to similarly situated mailers) is not applicable. *Id.* at 6–7.

Functional equivalence. The Postal Service addresses reasons why it considers the modification functionally equivalent to the baseline China Post Agreement, notwithstanding acknowledgement and identification of similarities and differences. *Id.* at 8–10. The Postal Service asserts that it does not consider that the specified differences detract from the conclusion that Modification One is functionally equivalent to the baseline China Post Agreement. *Id.* at 10.

IV. Commission Action

The Commission, in conformance with rule 3010.44, establishes Docket No. R2015–1 to consider issues raised by the Notice. The Commission invites comments from interested persons on whether Modification One is consistent with 39 U.S.C. 3622 and the requirements of 39 CFR part 3040. Comments are due no later than October 24, 2014. The public portions of this filing can be accessed via the Commission's Web site (*http://www.prc.gov*). Information on how to obtain access to non-public material appears in 39 CFR part 3007.

The Commission appoints John P. Klingenberg to serve as Public Representative in this docket.

V. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. R2015–1 for consideration of matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, John P. Klingenberg is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments by interested persons in this proceeding are due no later than October 24, 2014.

4. The Secretary shall arrange for publication of this order in the **Federal Register.**

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–25056 Filed 10–21–14; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2013–58; Order No. 2215]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the contingency prices pursuant to an existing International Business Reply Service (IBRS) Competitive Contract 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 23, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Filings
III. Ordering Paragraphs

I. Introduction

On October 15, 2014, the Postal Service filed notice that it has established contingency prices pursuant to an existing, albeit expired, International Business Reply Service (IBRS) Competitive Contract 3 negotiated service agreement.[1]

In support of its Notice, the Postal Service includes four attachments: A redacted copy of the notice to the customer of the contingency prices (Attachment 1), a certification of compliance with 39 U.S.C. 3633(a) (Attachment 2), a redacted copy of Governors' Decision No. 08–24 (Attachment 3), and an application for non-public treatment of certain materials (Attachment 4). It also includes supporting financial workpapers.

The Postal Service intends for the contingency prices in Attachment 1 to become effective November 1, 2014. *Id.* at 3; *Id.* Attachment 1 at 1.

II. Notice of Filings

The Commission invites comments on whether the changes presented in the Postal Service's Notice are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than October 23, 2014. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Cassie D'Souza to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission reopens Docket No. CP2013–58 for consideration of the matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, Cassie D'Souza is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments by interested persons in these proceedings are due no later than October 23, 2014.

4. The Secretary shall arrange for publication of this order in the **Federal Register.**

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[1] Notice of United States Postal Service of Prices Under Functionally Equivalent International Business Reply Service Competitive Contract 3 Negotiated Service Agreement, October 15, 2014 (Notice).

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–25014 Filed 10–21–14; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31290; File No. 812–14295]

Principal Real Estate Income Fund and ALPS Advisors, Inc.; Notice of Application

October 16, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 19(b) of the Act and rule 19b–1 under the Act.

APPLICANTS: Principal Real Estate Income Fund (''PGZ'') and Alps Advisors, Inc. (''ALPS'').

SUMMARY: *Summary of Application:* Applicants request an order to permit certain registered closed-end investment companies to make periodic distributions of long-term capital gains with respect to their outstanding common shares as frequently as twelve times in any one taxable year, and as frequently as distributions are specified by or in accordance with the terms of any outstanding preferred shares that the investment companies may issue.

DATES: *Filing Dates:* The application was filed on April 2, 2014, and amended on August 14, 2014.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on November 10, 2014 and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: ALPS Fund Services, Inc., 1290 Broadway, Suite 1100, Denver, CO 80203.

FOR FURTHER INFORMATION CONTACT: Courtney S. Thornton, Senior Counsel, at (202) 551–6812, or David P. Bartels, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Applicants' Representations

1. PGZ is registered as a closed-end management investment company organized as a Delaware statutory trust.[1] The common shares of PGZ are listed and traded on the New York Stock Exchange. The investment objective of PGZ is high current income, with a secondary objective of capital appreciation. Applicants represent that, under normal market conditions, PGZ invests at least 80% of its total assets in commercial real estate securities, primarily consisting of commercial mortgage backed securities and other U.S. and non-U.S. real estate-related securities (primarily real estate investment trusts (''REITs'')). Although PGZ does not currently intend to issue preferred shares, applicants state that the board of trustees (''Board'') of PGZ may authorize the issuance of preferred shares in the future.

2. The Adviser, a corporation organized under the laws of the State of Colorado, is registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act'').[2] Principal Real Estate Investors, LLC, a limited liability company organized under the laws of the State of Delaware, is registered as an investment adviser under the Advisers Act and is the sub-adviser to PGZ. Any sub-adviser to a Fund will be registered as an investment adviser under the Advisers Act or not subject to registration.

3. Applicants state that prior to the Fund's implementing a distribution policy (''Distribution Policy'') in reliance on the order, the Board, including a majority of the trustees who are not ''interested persons'' of the Fund, as defined in section 2(a)(19) of the Act (the ''Independent Trustees''), will request, and the Adviser will provide, the information as is reasonably necessary to make an informed determination of whether the Board should adopt a proposed Distribution Policy. In particular, the Board and the Independent Trustees will review information regarding the purpose and terms of the Distribution Policy; the likely effects of the policy on the Fund's long-term total return (in relation to market price and its net asset value per common share (''NAV'')); the expected relationship between the Fund's distribution rate on its common shares under the policy and the Fund's total return (in relation to NAV); whether the rate of distribution would exceed the Fund's expected total return in relation to its NAV; and any reasonably foreseeable material effects of the policy on the Fund's long-term total return (in relation to market price and NAV). The Independent Trustees also will consider what conflicts of interest the Adviser and the affiliated persons of the Adviser and the Fund might have with respect to the adoption or implementation of the Distribution Policy. Applicants state that only after considering the information will the Board, including the Independent Trustees, approve a Distribution Policy and, in connection with the approval, will determine that the Distribution Policy is consistent with the Fund's investment objectives and in the best interests of the Fund's common shareholders.

1. Applicants state that the purpose of a Distribution Policy, generally, would be to permit a Fund to distribute over the course of each year, through periodic distributions in relatively equal amounts (plus any required special distributions) that are composed of payments received from portfolio holdings, supplemental amounts generally representing capital gains or, possibly, returns of capital that may represent unrealized capital gains. The Fund seeks to establish a distribution rate that approximates the Fund's projected total return that can reasonably be expected to be generated by the Fund over an extended period of

[1] The only registered closed-end investment company that currently intends to rely on the order has been named as an applicant. Applicants request that the order also apply to each other registered closed-end investment company advised or to be advised in the future by ALPS or by an entity controlling, controlled by, or under common control (within the meaning of section 2(a)(9) of the Act) with ALPS (including any successor in interest) (each such entity, including ALPS, the ''Adviser'') that in the future seeks to rely on the order (such investment companies, together with PGZ, are collectively, the ''Funds'' and individually, a ''Fund''). Any Fund that relies on the order in the future will comply with the terms and conditions of the application. A successor in interest is limited to entities that result from a reorganization into another jurisdiction or a change in the type of business organization.

[2] Any investment adviser to a Fund will be registered under the Advisers Act.

time, although the distribution rate will not be solely dependent on the amount of income earned or capital gains realized by the Fund. Under the Distribution Policy, the Fund would distribute periodically (as frequently as 12 times in any taxable year) to its respective common shareholders a fixed percentage of the market price of the Fund's common shares at a particular point in time or a fixed percentage of NAV at a particular time or a fixed amount per share of common shares, any of which may be adjusted from time to time. It is anticipated that under a Distribution Policy, the minimum annual distribution rate with respect to the Fund's common shares would be independent of the Fund's performance during any particular period but would be expected to correlate with the Fund's performance over time. Except for extraordinary distributions and potential increases or decreases in the amount of the distributions in the final dividend period in light of a Fund's projected performance for the entire calendar year and to enable the Fund to comply with the distribution requirements of Subchapter M of the Internal Revenue Code (''Code'') for the calendar year, each distribution on the Fund's common shares would be at the stated rate then in effect.

2. Applicants state that prior to the implementation of a Distribution Policy for the Fund, the Board will have adopted policies and procedures under rule 38a–1 under the Act that: (i) Are reasonably designed to ensure that all notices required to be sent to the Fund's shareholders pursuant to section 19(a) of the Act, rule 19a–1 thereunder and condition 4 below (each a ''19(a) Notice'') include the disclosure required by rule 19a–1 under the Act and by condition 2(a) below, and that all other written communications by the Fund or its agents regarding distributions under the Distribution Policy include the disclosure required by condition 3(a) below; and (ii) require the Fund to keep records that demonstrate its compliance with all of the conditions of the order and are necessary for the Fund to form the basis for, or demonstrate the calculation of, the amounts disclosed in its 19(a) Notices.

Applicants' Legal Analysis

1. Section 19(b) of the Act generally makes it unlawful for any registered investment company to make long-term capital gains distributions more than once every twelve months. Rule 19b–1 limits the number of capital gains dividends, as defined in section 852(b)(3)(C) of the Code (''distributions''), that a fund may make with respect to any one taxable year to one, plus a supplemental distribution made pursuant to section 855 of the Code not exceeding 10% of the total amount distributed for the year, plus one additional capital gain dividend made in whole or in part to avoid the excise tax under section 4982 of the Code.

2. Section 6(c) of the Act provides, in relevant part, that the Commission may exempt any person or transaction from any provision of the Act to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

3. Applicants state that one of the concerns leading to the enactment of section 19(b) and adoption of rule 19b–1 was that shareholders might be unable to distinguish between frequent distributions of capital gains and dividends from investment income. Applicants state, however, that rule 19a–1 effectively addresses this concern by requiring that distributions (or the confirmation of the reinvestment thereof) estimated to be sourced in part from capital gains or capital be accompanied by a separate statement showing the sources of the distribution (*e.g.,* estimated net income, net short-term capital gains, net long-term capital gains and/or return of capital). Applicants state that similar information is included in the Fund's annual report to shareholders and on the Internal Revenue Service Form 1099 DIV, which is sent to each common and preferred shareholder who received distributions during a particular year.

4. Applicants further state that the Fund will make the additional disclosures required by the conditions set forth below and will adopt compliance policies and procedures in accordance with rule 38a–1 under the Act to ensure that all required 19(a) Notices and disclosures are sent to shareholders. Applicants state that the information required by section 19(a), rule 19a–1, the Distribution Policy, the policies and procedures under rule 38a–1 noted above, and the conditions listed below will help ensure that the Fund's shareholders are provided sufficient information to understand that their periodic distributions are not tied to a Fund's net investment income (which for this purpose is the Fund's taxable income other than from capital gains) and realized capital gains to date, and may not represent yield or investment return. Accordingly, applicants assert that continuing to subject the Fund to section 19(b) and rule 19b–1 would afford shareholders no extra protection.

5. Applicants note that section 19(b) and rule 19b–1 also were intended to prevent certain improper sales practices, including, in particular, the practice of urging an investor to purchase shares of a fund on the basis of an upcoming capital gains dividend (''selling the dividend''), where the dividend would result in an immediate corresponding reduction in NAV and would be in effect a taxable return of the investor's capital. Applicants submit that the ''selling the dividend'' concern should not apply to closed-end investment companies, such as the Fund. According to applicants, if the underlying concern extends to secondary market purchases of shares of closed-end funds that are subject to a large upcoming capital gains dividend, adoption of a periodic distribution plan actually helps minimize the concern by avoiding, through periodic distributions, any buildup of large end-of-the-year distributions.

6. Applicants also note that common shares of closed-end funds often trade in the marketplace at a discount to their NAV. Applicants believe that this discount may be reduced if the Funds are permitted to pay relatively frequent dividends on their common shares at a consistent rate, whether or not those dividends contain an element of long-term capital gains.

7. Applicants assert that the application of rule 19b–1 to a Distribution Policy actually could have an inappropriate influence on portfolio management decisions. Applicants state that, in the absence of an exemption from rule 19b–1, the adoption of a periodic distribution plan imposes pressure on management (i) not to realize any net long-term capital gains until the point in the year that the fund can pay all of its remaining distributions in accordance with rule 19b–1, and (ii) not to realize any long-term capital gains during any particular year in excess of the amount of the aggregate pay-out for the year (since as a practical matter excess gains must be distributed and accordingly would not be available to satisfy pay-out requirements in following years), notwithstanding that purely investment considerations might favor realization of long-term gains at different times or in different amounts. Applicants assert that by limiting the number of long-term capital gain dividends that the Fund may make with respect to any one year, rule 19b–1 may prevent the normal and efficient operation of a periodic distribution plan whenever the Fund's realized net long-term capital gains in any year exceed

the total of the periodic distributions that may include the capital gains under the rule.

8. Applicants also assert that rule 19b–1 may force fixed regular periodic distributions under a periodic distribution plan to be funded with returns of capital [3] (to the extent net investment income and realized short-term capital gains are insufficient to fund the distribution), even though realized net long-term capital gains otherwise would be available. To distribute all of a Fund's long-term capital gains within the limits in rule 19b–1, a Fund may be required to make total distributions in excess of the annual amount called for by its periodic distribution plan, or to retain and pay taxes on the excess amount. Applicants assert that the requested order would minimize these anomalous effects of rule 19b–1 by enabling the Fund to realize long-term capital gains as often as investment considerations dictate without fear of violating rule 19b–1.

9. Applicants state that Revenue Ruling 89–81 under the Code requires that a fund that seeks to qualify as a regulated investment company under the Code and that has both common shares and preferred shares outstanding designate the types of income, *e.g.,* investment income and capital gains, in the same proportion as the total distributions distributed to each class for the tax year. To satisfy the proportionate designation requirements of Revenue Ruling 89–81, whenever a fund has realized a long-term capital gain with respect to a given tax year, the fund must designate the required proportionate share of the capital gain to be included in common and preferred share dividends. Applicants state that although rule 19b–1 allows a fund some flexibility with respect to the frequency of capital gains distributions, a fund might use all of the exceptions available under the rule for a tax year and still need to distribute additional capital gains allocated to the preferred shares to comply with Revenue Ruling 89–81.

10. Applicants assert that the potential abuses addressed by section 19(b) and rule 19b–1 do not arise with respect to preferred shares issued by a closed-end fund. Applicants assert that the distributions are either fixed or determined in periodic auctions by reference to short-term interest rates rather than by reference to performance of the issuer, and Revenue Ruling 89–81 determines the proportion of the distributions that are comprised of long-term capital gains.

11. Applicants also submit that the ''selling the dividend'' concern is not applicable to preferred shares, which entitle a holder to no more than a specified periodic dividend at a fixed rate or the rate determined by the market, and, like a debt security, are priced based upon their liquidation preference, dividend rate, credit quality, and frequency of payment. Applicants state that investors buy preferred shares for the purpose of receiving payments at the frequency bargained for, and any application of rule 19b–1 to preferred shares would be contrary to the expectation of investors.

12. Applicants request an order under section 6(c) of the Act granting an exemption from the provisions of section 19(b) of the Act and rule 19b–1 thereunder to permit the Fund to distribute periodic capital gain dividends (as defined in section 852(b)(3)(C) of the Code) as frequently as twelve times in any one taxable year in respect of its common shares and as often as specified by, or determined in accordance with the terms of, any preferred shares issued by the Fund.

Applicants' Conditions

Applicants agree that, with respect to each Fund seeking to rely on the order, the order will be subject to the following conditions:

1. Compliance Review and Reporting

The Fund's chief compliance officer will: (a) Report to the Fund's Board, no less frequently than once every three months or at the next regularly scheduled quarterly Board meeting, whether (i) the Fund and the Adviser have complied with the conditions of the order, and (ii) a material compliance matter (as defined in rule 38a–1(e)(2) under the Act) has occurred with respect to the conditions; and (b) review the adequacy of the policies and procedures adopted by the Board no less frequently than annually.

2. Disclosures to Fund Shareholders

(a) Each 19(a) Notice disseminated to the holders of the Fund's common shares, in addition to the information required by section 19(a) and rule 19a–1:

(i) Will provide, in a tabular or graphical format:

(1) The amount of the distribution, on a per common share basis, together with the amounts of the distribution amount, on a per common share basis and as a percentage of the distribution amount, from estimated: (A) Net investment income; (B) net realized short-term capital gains; (C) net realized long-term capital gains; and (D) return of capital or other capital source;

(2) the fiscal year-to-date cumulative amount of distributions, on a per common share basis, together with the amounts of the cumulative amount, on a per common share basis and as a percentage of the cumulative amount of distributions, from estimated: (A) Net investment income; (B) net realized short-term capital gains; (C) net realized long-term capital gains; and (D) return of capital or other capital source;

(3) the average annual total return in relation to the change in NAV for the 5-year period (or, if the Fund's history of operations is less than five years, the time period commencing immediately following the Fund's first public offering) ending on the last day of the month ended immediately prior to the most recent distribution record date compared to the current fiscal period's annualized distribution rate expressed as a percentage of NAV as of the last day of the month prior to the most recent distribution record date; and

(4) the cumulative total return in relation to the change in NAV from the last completed fiscal year to the last day of the month prior to the most recent distribution record date compared to the fiscal year-to-date cumulative distribution rate expressed as a percentage of NAV as of the last day of the month prior to the most recent distribution record date.

Such disclosure shall be made in a type size at least as large and as prominent as the estimate of the sources of the current distribution; and

(ii) will include the following disclosure:

(1) ''You should not draw any conclusions about the Fund's investment performance from the amount of this distribution or from the terms of the Applicants' Distribution Policy'';

(2) ''The Fund estimates that it has distributed more than its income and net realized capital gains; therefore, a portion of your distribution may be a return of capital. A return of capital may occur, for example, when some or all of the money that you invested in the Fund is paid back to you. A return of capital distribution does not necessarily reflect the Fund's investment performance and should not be confused with 'yield' or 'income' [4]''; and

(3) ''The amounts and sources of distributions reported in this 19(a)

[3] Returns of capital as used in the application means return of capital for financial accounting purposes and not for tax accounting purposes.

[4] The disclosure in condition 2(a)(ii)(2) will be included only if the current distribution or the fiscal year-to-date cumulative distributions are estimated to include a return of capital.

Notice are only estimates and are not being provided for tax reporting purposes. The actual amounts and sources of the amounts for tax reporting purposes will depend upon the Fund's investment experience during the remainder of its fiscal year and may be subject to changes based on tax regulations. The Fund will send you a Form 1099–DIV for the calendar year that will tell you how to report these distributions for federal income tax purposes.''

The disclosure shall be made in a type size at least as large as and as prominent as any other information in the 19(a) Notice and placed on the same page in close proximity to the amount and the sources of the distribution.

(b) On the inside front cover of each report to shareholders under rule 30e–1 under the Act, the Fund will:

(i) Describe the terms of the Distribution Policy (including the fixed amount or fixed percentage of the distributions and the frequency of the distributions);

(ii) include the disclosure required by condition 2(a)(ii)(1) above;

(iii) state, if applicable, that the Distribution Policy provides that the Board may amend or terminate the Distribution Policy at any time without prior notice to Fund shareholders; and

(iv) describe any reasonably foreseeable circumstances that might cause the Fund to terminate the Distribution Policy and any reasonably foreseeable consequences of the termination.

(c) Each report provided to shareholders of the Fund under rule 30e-1 under the Act and each prospectus filed with the Commission on Form N–2 under the Act, will provide the Fund's total return in relation to changes in NAV in the financial highlights table and in any discussion about the Fund's total return.

3. Disclosure to Shareholders, Prospective Shareholders and Third Parties

(a) The Fund will include the information contained in the relevant 19(a) Notice, including the disclosure required by condition 2(a)(ii) above, in any written communication (other than a communication on Form 1099) about the Distribution Policy or distributions under the Distribution Policy by the Fund, or agents that the Fund has authorized to make the communication on the Fund's behalf, to any Fund shareholder, prospective shareholder or third-party information provider;

(b) The Fund will issue, contemporaneously with the issuance of any 19(a) Notice, a press release containing the information in the 19(a) Notice and will file with the Commission the information contained in the 19(a) Notice, including the disclosure required by condition 2(a)(ii) above, as an exhibit to its next filed Form N–CSR; and

(c) The Fund will post prominently a statement on its (or the Adviser's) Web site containing the information in each 19(a) Notice, including the disclosure required by condition 2(a)(ii) above, and will maintain the information on the Web site for at least 24 months.

4. Delivery of 19(a) Notices to Beneficial Owners

If a broker, dealer, bank or other person (''financial intermediary'') holds common shares issued by the Fund in nominee name, or otherwise, on behalf of a beneficial owner, the Fund: (a) Will request that the financial intermediary, or its agent, forward the 19(a) Notice to all beneficial owners of the Fund's shares held through the financial intermediary; (b) will provide, in a timely manner, to the financial intermediary, or its agent, enough copies of the 19(a) Notice assembled in the form and at the place that the financial intermediary, or its agent, reasonably requests to facilitate the financial intermediary's sending of the 19(a) Notice to each beneficial owner of the Fund's shares; and (c) upon the request of any financial intermediary, or its agent, that receives copies of the 19(a) Notice, will pay the financial intermediary, or its agent, the reasonable expenses of sending the 19(a) Notice to the beneficial owners.

5. Additional Board Determinations for Funds Whose Common Shares Trade at a Premium

If:

(a) The Fund's common shares have traded on the stock exchange that they primarily trade on at the time in question at an average premium to NAV equal to or greater than 10%, as determined on the basis of the average of the discount or premium to NAV of the Fund's common shares as of the close of each trading day over a 12-week rolling period (each the 12-week rolling period ending on the last trading day of each week); and

(b) The Fund's annualized distribution rate for the 12-week rolling period, expressed as a percentage of NAV as of the ending date of the 12-week rolling period, is greater than the Fund's average annual total return in relation to the change in NAV over the 2-year period ending on the last day of the 12-week rolling period; then:

(i) At the earlier of the next regularly scheduled meeting or within four months of the last day of the 12-week rolling period, the Board, including a majority of the Independent Trustees:

(1) Will request and evaluate, and the Fund's Adviser will furnish, the information as may be reasonably necessary to make an informed determination of whether the Distribution Policy should be continued or continued after amendment;

(2) will determine whether continuation, or continuation after amendment, of the Distribution Policy is consistent with the Fund's investment objective(s) and policies and is in the best interests of the Fund and its shareholders, after considering the information in condition 5(b)(i)(1) above; including, without limitation:

(A) Whether the Distribution Policy is accomplishing its purpose(s);

(B) the reasonably foreseeable material effects of the Distribution Policy on the Fund's long-term total return in relation to the market price and NAV of the Fund's common shares; and

(C) the Fund's current distribution rate, as described in condition 5(b) above, compared with the Fund's average annual taxable income or total return over the 2-year period, as described in condition 5(b), or the longer period as the Board deems appropriate; and

(3) based upon that determination, will approve or disapprove the continuation, or continuation after amendment, of the Distribution Policy; and

(ii) The Board will record the information considered by it, including its consideration of the factors listed in condition 5(b)(i)(2) above, and the basis for its approval or disapproval of the continuation, or continuation after amendment, of the Distribution Policy in its meeting minutes, which must be made and preserved for a period of not less than six years from the date of the meeting, the first two years in an easily accessible place.

6. Public Offerings

The Fund will not make a public offering of the Fund's common shares other than:

(a) A rights offering below NAV to holders of the Fund's common shares;

(b) an offering in connection with a dividend reinvestment plan, merger, consolidation, acquisition, spin-off or reorganization of the Fund; or

(c) an offering other than an offering described in conditions 6(a) and 6(b) above, provided that, with respect to the other offering:

(i) The Fund's annualized distribution rate for the six months ending on the last day of the month ended immediately prior to the most recent distribution record date,[5] expressed as a percentage of NAV as of the date, is no more than 1 percentage point greater than the Fund's average annual total return for the 5-year period ending on the date;[6] and

(ii) the transmittal letter accompanying any registration statement filed with the Commission in connection with the offering discloses that the Fund has received an order under section 19(b) to permit it to make periodic distributions of long-term capital gains with respect to its common shares as frequently as twelve times each year, and as frequently as distributions are specified by or determined in accordance with the terms of any outstanding preferred shares as the Fund may issue.

7. Amendments to Rule 19b–1

The requested order will expire on the effective date of any amendment to rule 19b–1 that provides relief permitting certain closed-end investment companies to make periodic distributions of long-term capital gains with respect to their outstanding common shares as frequently as twelve times each year.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

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BILLING CODE 8011–01–P

[5] If the Fund has been in operation fewer than six months, the measured period will begin immediately following the Fund's first public offering.

[6] If the Fund has been in operation fewer than five years, the measured period will begin immediately following the Fund's first public offering.

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31291; File No. 812–13784]

BlackRock Advisors, LLC, et al.; Notice of Application

October 16, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 15(a) of the Act and rule 18f–2 under the Act, as well as from certain disclosure requirements.

SUMMARY OF APPLICATION: Applicants request an order that would permit them to enter into and materially amend subadvisory agreements with Wholly-Owned Subadvisers (as defined below) and non-affiliated subadvisers without shareholder approval and would grant relief from certain disclosure requirements.

APPLICANTS: BlackRock Advisors, LLC (''BlackRock Advisors''), BlackRock Funds (the ''Trust''), and FDP Series, Inc. (the ''Corporation'').

FILING DATES: The application was filed on June 17, 2010, and amended on November 22, 2013, May 9, 2014, and October 3, 2014.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on November 10, 2014, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants, 55 East 52nd Street, New York, NY 10055.

FOR FURTHER INFORMATION CONTACT: David J. Marcinkus, Senior Counsel, at (202) 551–6882, or David P. Bartels, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Corporation is an open-end management investment company registered under the Act that is organized as a Maryland corporation. The Corporation is organized as a series fund (each, an ''FDP Series'') and currently consists of four FDP Series. The Trust is an open-end management investment company registered under the Act that is organized as a Massachusetts business trust. The Trust is organized as a series fund and currently consists of thirty-four series, only one of which, the BlackRock Multi-Manager Alternative Strategies Fund (the ''Multi-Manager Fund''), currently intends to operate under the manager of managers structure described in the application (the ''Manager of Managers Structure''). BlackRock Advisors is a Delaware limited liability company that is registered with the Commission as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act'').

2. Applicants request an order to permit the Adviser,[1] subject to the approval of the board of directors or trustees of the Corporation or the Trust, as applicable (each a ''Board''),[2] including a majority of the directors or trustees who are not ''interested persons'' as defined in section 2(a)(19) of the Act of the Corporation or the Trust, as applicable, or of the Adviser (the ''Independent Directors''), to take certain actions without obtaining shareholder approval as follows: (i) Select certain wholly-owned an non-affiliated investment advisers (each a ''Subadviser'' [3]) to manage all or a portion of the assets of one of more of the Subadvised Funds (as defined below) pursuant to an investment subadvisory agreement with each Subadviser (each a ''Subadvisory Agreement''), and (ii) materially amend Subadvisory Agreement with such Subadvisers.[4] Applicants request that

[1] The term ''Adviser'' means (i) BlackRock Advisors and (ii) any entity controlling, controlled by or under common control with, BlackRock Advisors or its successor. For purposes of the requested order, ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

[2] The term ''Board'' includes the board of directors or trustees of a Subadvised Fund.

[3] A ''Subadviser'' for a Subadvised Fund is (a) an indirect or direct ''wholly-owned subsidiary'' (as such term is defined in the Act) of the Adviser for that Subadvised Fund; (b) a sister company of the Adviser for that Subadvised Fund that is an indirect or direct ''wholly-owned subsidiary'' (as such term is defined in the Act) of the same company that, indirectly or directly, wholly owns the Adviser (each of (a) and (b), a ''Wholly-Owned Subadviser'' and collectively, the ''Wholly-Owned Subadvisers''), or (c) not an ''affiliated person'' (as such term is defined in section 2(a)(3) of the Act) of the applicable Subadvised Fund, the Corporation or the Trust, as applicable, or the Adviser, except to the extent that an affiliation arises solely because the Subadviser serves as a subadviser to a Subadvised Fund (each, a ''Non-Affiliated Subadviser'').

[4] Shareholder approval will continue to be required for any other subadviser changes and material amendments to an existing subadvisory agreement with any subadviser other than a Non-Affiliated Subadviser or Wholly-Owned Sub-

Continued

the relief apply to the named applicants, as well as to any future FDP Series of the Corporation, any other existing or future series of the Trust, and any other existing or future registered open-end management investment company or series thereof[5] that relies on the requested relief and (a) is advised by an Adviser, (b) uses Manager of Managers Structure, and (c) complies with the terms and conditions set forth in the application (the ''Subadvised Funds,'' and each a ''Subadvised Fund'').[6] The requested relief will not extend to any subadviser, other than a Wholly-Owned Subadviser, who is an affiliated person, as defined in section 2(a)(3) of the Act, of the Subadvised Fund or of the Adviser, other than by reason of serving as a subadviser to one or more of the Subadvised Funds (''Affiliated Sub-Adviser'').

3. BlackRock Advisors currently serves as investment adviser to each FDP Series and to the Multi-Manager Fund, pursuant to investment advisory agreements with the Corporation and the Trust, respectively (each, an ''Investment Advisory Agreement'').[7] Any other Adviser will be registered with the Commission as an investment adviser under the Advisers Act. The terms of each Investment Advisory Agreement comply with section 15(a) of the Act, and applicants are not seeking an exemption from the provisions of the Act with respect to the Investment Advisory Agreements.

4. Applicants state that, under the terms of each Investment Advisory Agreement, subject to and in accordance with the investment objective and policies of a Subadvised Fund and any directions which the Board may issue to the Adviser, the Adviser has overall responsibility for the general management and investment of the assets and securities portfolios of the Subadvised Fund. In addition, the Adviser shall develop the overall investment program and strategies for the Subadvised Fund, or segments thereof, shall revise such program as necessary, and shall monitor and report periodically to the Board concerning the implementation of the program. For the investment management services it provides to a Subadvised Fund, the Adviser receives the fee specified in the Investment Advisory Agreement. Each Investment Advisory Agreement permits the Adviser, subject to the approval of the Board, to appoint one or more subadvisers to perform investment advisory services with respect to a Subadvised Fund. Applicants represent that, to the extent applicable, the Adviser shall research and evaluate subadvisers and shall advise the Board of the subadvisers that the Adviser believes are best-suited to invest the assets of a Subadvised Fund; shall monitor and evaluate the performance of each Subadviser; shall determine the portion of a Subadvised Fund's assets to be managed by each Subadviser; shall recommend to the Board changes or additions of Subadvisers when appropriate; and shall coordinate the investment activities of the Subadvisers. In addition, Applicants state that the Adviser may directly manage a portion or, from time to time, all of the assets of a Subadvised Fund.

5. Pursuant to the authority under the Investment Advisory Agreements, the Adviser has entered into subadvisory agreements with subadvisers with respect to the existing FDP Series and the Multi-Manager Fund. Applicants state that each of the current subadvisory agreements relating to the FDP Series and the Multi-Manager Fund has been approved by the respective Board, including by a majority of the Independent Directors, and the shareholders of the respective FDP Series and the Multi-Manager Fund, in accordance with Sections 15(a) and 15(c) of the Act and Rule 18f–2 under the 1940 Act. Applicants further state that, in the future, the Adviser may enter into new, additional or amended Subadvisory Agreements on behalf of the FDP Series, the Multi-Manager Fund or other Subadvised Funds, subject to (i) applicable Board and Independent Director approval and (ii) (a) any required shareholder approval or (b) any and all applicable terms and conditions set forth in the application. The terms of each Subadvisory Agreement will comply fully with the requirements of Section 15(a) of the Act.

6. Each current subadviser is, and any future Subadviser will be either registered with the Commission as an investment adviser under the Advisers Act or not subject to such registration. Applicants state that the specific investment decisions for each Subadvised Fund will be made by that Subadviser which has discretionary authority to invest the assets or a portion of the assets of that Subadvised Fund, subject to the general supervision of the Adviser and the Board. For its services to a Subadvised Fund, a Subadviser will receive a fee paid by the Adviser from the fee the Adviser receives from the Subadvised Fund. None of the Subadvised Funds is responsible for paying subadvisory fees to any Subadviser.

7. Subadvised Funds will inform shareholders of the hiring of a new Subadviser pursuant to the following procedures (''Modified Notice and Access Procedures''): (a) Within 90 days after a new Subadviser is hired for any Subadvised Fund, that Subadvised Fund will send its shareholders either a Multi-manager Notice or a Multi-manager Notice and Multi-manager Information Statement;[8] and (b) the Subadvised Fund will make the Multi-manager Information Statement available on the Web site identified in the Multi-manager Notice no later than when the Multi-manager Notice (or Multi-manager Notice and Multi-manager Information Statement) is first sent to shareholders, and will maintain it on that Web site for at least 90 days. Applicants state that, in the circumstances described in the application, a proxy solicitation to approve the appointment of new Subadvisers provides no more meaningful information to shareholders than the proposed Multi-manager Information Statement. Applicants also state that the applicable Board would comply with the requirements of

Adviser (all such changes referred to as ''Ineligible Subadviser Changes''), except as otherwise permitted by applicable law or by rule.

[5] Any such existing or future series or investment company and any existing or future series of the Corporation or the Trust, a ''Fund.''

[6] All registered open-end investment companies that currently intend to rely on the requested order are named as applicants. All funds that currently are, or that currently intend to be, Subadvised Funds (as defined below) are identified in the application. Any entity that relies on the requested order will do so only in accordance with the terms and conditions contained in the application. If the name of any Subadvised Fund contains the name of a Subadviser (as defined below), the name of the Adviser that serves as the primary adviser to that Subadvised Fund, or a trademark or trade name that is owned by or publicly used to identify that Adviser, will precede the name of the Subadviser.

[7] The term ''Investment Advisory Agreement'' includes each investment advisory agreement entered into by an Adviser with, or on behalf of, a Subadvised Fund that in the future seeks to rely on the order.

[8] A ''Multi-manager Notice'' will be modeled on a Notice of Internet Availability as defined in rule 14a–16 under the Securities Exchange Act of 1934 (''Exchange Act''), and specifically will, among other things: (a) Summarize the relevant information regarding the new Subadviser; (b) inform shareholders that the Multi-manager Information Statement is available on a Web site; (c) provide the Web site address; (d) state the time period during which the Multi-manager Information Statement will remain available on that Web site; (e) provide instructions for accessing and printing the Multi-manager Information Statement; and (f) instruct the shareholder that a paper or email copy of the Multi-manager Information Statement may be obtained, without charge, by contacting the Subadvised Funds.

A ''Multi-manager Information Statement'' will meet the requirements of Regulation 14C, Schedule 14C and Item 22 of Schedule 14A under the Exchange Act for an information statement, except as modified to permit Aggregate Fee Disclosure. Multi-manager Information Statements will be filed with the Commission via the EDGAR system.

sections 15(a) and 15(c) of the Act before entering into or amending Subadvisory Agreements.

8. Applicants also request an order under section 6(c) of the Act exempting the Subadvised Fund from certain disclosure obligations that may require each Subadvised Fund to disclose fees paid by the Adviser to a subadviser. Applicants seek relief to permit each Subadvised Fund to disclose (as a dollar amount and a percentage of the Subadvised Fund's net assets) only: (a) The aggregate fees paid to the Subadvised Fund's Adviser and any Wholly-Owned Subadvisers; (b) the aggregate fees paid to Non-Affiliated Subadvisers; and (c) the fee paid to each Affiliated Subadviser (collectively, the ''Aggregate Fee Disclosure''). All other items required by Sections 6–07(2)(a), (b) and (c) of Regulation S–X will be disclosed.

Applicants' Legal Analysis

1. Section 15(a) of the Act states, in part, that it is unlawful for any person to act as an investment adviser to a registered investment company ''except pursuant to a written contract, which contract, whether with such registered company or with an investment adviser of such registered company, has been approved by the vote of a majority of the outstanding voting securities of such registered company.'' Rule 18f–2 under the Act provides that each series or class of stock in a series investment company affected by a matter must approve that matter if the Act requires shareholder approval.

2. Form N–1A is the registration statement used by open-end investment companies. Item 19(a)(3) of Form N–1A requires a registered investment company to disclose in its statement of additional information the method of computing the ''advisory fee payable'' by the investment company, including the total dollar amounts that the investment company ''paid to the adviser (aggregated with amounts paid to affiliated advisers, if any), and any advisers who are not affiliated persons of the adviser, under the investment advisory contract for the last three fiscal years.''

3. Rule 20a–1 under the Act requires proxies solicited with respect to a registered investment company to comply with Schedule 14A under the Exchange Act. Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A, taken together, may require a Subadvised Fund to disclose the fees paid to a Subadviser in connection with a Subadvisory Agreement or with shareholder action with respect to entering into, or materially amending, an advisory agreement or establishing, or increasing, advisory fees.

4. Regulation S–X sets forth the requirements for financial statements required to be included as part of a registered investment company's registration statement and shareholder reports filed with the Commission. Sections 6–07(2)(a), (b), and (c) of Regulation S–X require a registered investment company to include in its financial statement information about the investment advisory fees. These provisions could require a Subadvised Fund's financial statements to disclose information concerning fees paid to a subadviser.

5. Section 6(c) of the Act provides that the Commission by order upon application may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or from any rule thereunder, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants assert that their requested relief meets this standard for the reasons discussed below.

6. Applicants assert that the shareholders expect the Adviser, subject to the review and approval of the Board, to select the Subadvisers that the Adviser has reasonably determined are well suited to achieve the Subadvised Fund's investment objective. Applicants assert that, from the perspective of the shareholder, the role of the Subadviser is substantially equivalent to the role of the individual portfolio managers employed by an investment adviser to a traditional investment company with a single investment adviser (a ''Single-Manager Fund''). Applicants believe that permitting the Adviser to perform the duties for which the shareholders of the Subadvised Fund are paying the Adviser (which include the selection, supervision and evaluation of the Subadvisers)—without incurring unnecessary delays or expenses is appropriate in the interest of the Subadvised Fund's shareholders and will allow such Subadvised Fund to operate more efficiently.

7. Applicants state that a Subadvised Fund will be required to obtain shareholder approval of the Manager of Managers Structure before relying on the requested order. Applicants assert that conditions 6, 10, and 11 are designed to provide the Board with sufficient independence and the resources and information it needs to monitor and address any conflicts of interest.

8. Applicants believe that relief from disclosure of the individual fees that the Adviser would pay to the Subadvisers is necessary or appropriate in the public interest, consistent with the protection of investors and consistent with the purposes fairly intended by the policy and provisions of the Act, and should be granted for the following reasons: (1) The Adviser will operate the Subadvised Funds using the services of one or more Subadvisers in a manner different from that of Single-Manager Funds such that disclosure of the individual fees that the Adviser or Subadvised Funds would pay to each Subadviser would not be relevant to a shareholder or prospective shareholder in understanding the aggregate amount that the fund would pay for investment advisory services; (2) the relief would benefit shareholders by enabling the Subadvised Funds to operate in a less costly and more efficient manner, for example, by facilitating the Adviser's ability to negotiate and manage subadvisory relationships; and (3) the relief is subject to a number of conditions that adequately address disclosure concerns.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions: [9]

1. Before a Subadvised Fund may rely on the order requested in the application, the operation of the Subadvised Fund in the manner described in the application, including the hiring of Wholly-Owned Subadvisers, will be approved by a majority of the Subadvised Fund's outstanding voting securities as defined in the Act, or, in the case of a Subadvised Fund whose public shareholders purchase shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below, by the initial shareholder before such Subadvised Fund's shares are offered to the public.

2. The prospectus for each Subadvised Fund will disclose the existence, substance and effect of any order granted pursuant to the application. In addition, each Subadvised Fund will hold itself out to the public as employing the Manager of Managers Structure. The prospectus will prominently disclose that the Adviser has the ultimate responsibility, subject

[9] A Subadvised Fund relying on the order granted hereunder will comply with conditions 7, 8, 9 and 12 only if it relies on the relief that would allow it to provide Aggregate Fee Disclosure.

to oversight by the Board, to oversee the Subadvisers and recommend their hiring, termination, and replacement.

3. The Adviser will provide general management services to each Subadvised Fund, including overall supervisory responsibility for the general management and investment of the Subadvised Fund's assets, and, subject to the review and approval by the Board, the Adviser will (a) set a Subadvised Fund's overall investment strategies, (b) evaluate, select, and recommend Subadvisers to manage all or a portion of the Subadvised Fund's assets, and (c) implement procedures reasonably designed to ensure that the Subadvisers comply with the Subadvised Fund's investment objectives, policies and restrictions. Subject to review by the Board, the Adviser will (a) when appropriate, allocate and reallocate the Subadvised Fund's assets among multiple Subadvisers; and (b) monitor and evaluate the performance of the Subadvisers.

4. A Subadvised Fund will not make any Ineligible Subadviser Changes without the approval of the shareholders of the applicable Subadvised Fund.

5. Subadvised Funds will inform shareholders of the hiring of a new Subadviser within 90 days after the hiring of the new Subadviser pursuant to the Modified Notice and Access Procedures.

6. At all times, at least a majority of the Board will be Independent Directors, and the selection and nomination of new or additional Independent Directors will be placed within the discretion of the then-existing Independent Directors.

7. Independent Legal Counsel, as defined in rule 0–1(a)(16) under the Act, will be engaged to represent the Independent Directors. The selection of such counsel will be within the discretion of the then-existing Independent Directors.

8. The Adviser will provide the Board, no less frequently than quarterly, with information about the profitability of the Adviser on a per Subadvised Fund basis. The information will reflect the impact on profitability of the hiring or termination of any subadviser during the applicable quarter.

9. Whenever a subadviser is hired or terminated, the Adviser will provide the Board with information showing the expected impact on the profitability of the Adviser.

10. Whenever a subadviser change is proposed for a Subadvised Fund with an Affiliated Subadviser or a Wholly-Owned Sub-Adviser, the Board, including a majority of the Independent Directors, will make a separate finding, reflected in the Board minutes, that such change is in the best interests of the Subadvised Fund and its shareholders, and does not involve a conflict of interest from which the Adviser or the Affiliated Subadviser or Wholly-Owned Subadviser derives an inappropriate advantage.

11. No Director or officer of the Trust, the Corporation, a Subadvised Fund, or partner, director or officer of the Adviser, will own directly or indirectly (other than through a pooled investment vehicle that is not controlled by such person) any interest in a Subadviser except for (a) ownership of interests in the Adviser or any entity, other than a Wholly-Owned Subadviser, that controls, is controlled by, or is under common control with the Adviser, or (b) ownership of less than 1% of the outstanding securities of any class of equity or debt of any publicly traded company that is either a Subadviser or an entity that controls, is controlled by, or under common control with a Subadviser.

12. Each Subadvised Fund will disclose in its registration statement the Aggregate Fee Disclosure.

13. In the event the Commission adopts a rule under the Act providing substantially similar relief to that requested in the application, the requested order will expire on the effective date of that rule.

14. Any new subadvisory agreement or any amendment to a Subadvised Fund's existing Investment Advisory Agreement or subadvisory agreement that directly or indirectly results in an increase in the aggregate advisory fee rate payable by the Subadvised Fund will be submitted to the Subadvised Fund's shareholders for approval.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–25083 Filed 10–21–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold an Open Meeting on Wednesday, October 22, 2014 at 10 a.m., in the Auditorium, Room L–002.

The subject matter of the Open Meeting will be:

- The Commission will consider whether to adopt rules relating to credit risk retention by securitizers of asset-backed securities, as mandated by Section 15G of the Exchange Act and Section 941(b) of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

The duty officer has determined that no earlier notice was practicable.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted, or postponed, please contact:

The Office of the Secretary at (202) 551–5400.

Dated: October 17, 2014.

Brent J. Fields,

Secretary.

[FR Doc. 2014–25208 Filed 10–20–14; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73371; File No. SR–CME–2014–14]

Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 850 Regarding Fees

October 16, 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, Chicago Mercantile Exchange Inc. (''CME'') 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 CME. CME filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(1) [4] thereunder, 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(1).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CME is proposing to make certain amendments to CME Rule 850. The text of the proposed rule change is available on CME's Web site at *http://www.cmegroup.com,* at the principal office of CME, 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, CME 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. CME 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

CME is registered as a derivatives clearing organization with the Commodity Futures Trading Commission and currently offers clearing services for many different futures and swaps products. With this filing, CME proposes to make certain amendments to CME Rule 850. The amendments relate to fees assessed against clearing members. The revisions would streamline Rule 850 by deleting current text and including new language that specifies that current information concerning applicable fees and transaction surcharges would be set forth in the CME fee schedule and/or CME Fee Policy Bulletins available on CME's Web site. Fee schedules and Fee Policy Bulletins are updated on CME's Web site as a regular practice, as applicable, when fee changes become effective.

The proposed changes will become effective immediately, however, CME plans operationalize the proposed changes on October 9, 2014. CME has also certified the proposed rule change that is the subject of this filing to the Commodity Futures Trading Commission (''CFTC'') in CFTC Submission 14–102.

CME believes the proposed rule change is consistent with the requirements of the Exchange Act including Section 17A of the Exchange Act.[5] The proposed changes would streamline Rule 850 by deleting current text and specifying that current information concerning applicable fees and transaction surcharges would be set forth in the CME fee schedule and/or CME Fee Policy Bulletins available on CME's Web site, which are updated as a regular practice, as applicable, when fee changes become effective. As such, the proposed rule change would not add new membership or fee requirements but rather would streamline existing rule text to refer to the already existing CME fee schedule and/or CME Fee Policy Bulletins, as applicable. Because the proposed rule change would remove content that is separately covered by existing CME Fee Schedule and applicable Fee Policy Bulletins currently available on CME's Web site, the proposed administrative changes would simply streamline the language in CME Rule 850 without having the effect of making any substantive changes to existing rules. The proposed changes should therefore be seen to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivatives agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of CME or for which it is responsible, and, in general, to protect investors and the public interest in a way that is consistent with Section 17A(b)(3)(F) of the Exchange Act.[6] Because these proposed changes simply streamline the language in CME Rule 850 without making any substantive changes to existing requirements, the proposed changes are consistent with the requirements of Section 17A of the Exchange Act[7] and are properly filed under Section 19(b)(3)(A)[8] and Rule 19b–4(f)(1)[9] thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

CME does not believe that the proposed rule change will have any impact, or impose any burden, on competition. The revisions do not impact current fee levels but rather simply streamline current CME Rule 850 by deleting text and replacing it with new language that makes clear applicable fees and transaction surcharges will be set forth in the CME fee schedule and/or CME Fee Policy Bulletins available on CME's Web site.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

CME has not solicited, and does not intend to solicit, comments regarding this proposed rule change. CME has not received any unsolicited written comments from interested parties.

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)[10] of the Act and Rule 19b–4(f)(1)[11] thereunder. 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–CME–2014–14 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–CME–2014–14. 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

[5] 15 U.S.C. 78q–1.

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 15 U.S.C. 78q–1.

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(1).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(1).

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 CME and on CME's Web site at *http://www.cmegroup.com/market-regulation/rule-filings.html.*

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–CME–2014–14 and should be submitted on or before November 12, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–25077 Filed 10–21–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73374; File No. SR–NYSEArca–2014–112]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change in Connection With the Proposed Termination of the Amended and Restated Trust Agreement, Dated as of November 13, 2013 and Amended on June 2, 2014 By and Among NYSE Holdings LLC, a Delaware Limited Liability Company, NYSE Group, Inc., a Delaware Corporation, Wilmington Trust Company, as Delaware Trustee, and Each of Jacques de Larosière de Champfeu, Alan Trager and John Shepard Reed, as Trustees

October 16, 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 8, 2014, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes this rule filing in connection with the proposed termination of the Amended and Restated Trust Agreement, dated as of November 13, 2013 and amended on June 2, 2014 (the ''Trust Agreement''), by and among NYSE Holdings LLC, a Delaware limited liability company (''NYSE Holdings''), NYSE Group, Inc., a Delaware corporation (''NYSE Group''), Wilmington Trust Company, as Delaware Trustee, and each of Jacques de Larosière de Champfeu, Alan Trager and John Shepard Reed, as Trustees. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange seeks approval for its 100% direct parent, NYSE Group, and its 100% indirect parent, NYSE Holdings, to terminate the Trust Agreement.[4] NYSE Arca believes that the regulatory considerations that led to the implementation of the Trust Agreement in 2007 are now moot as a result of the sale by Intercontinental Exchange, Inc., a Delaware corporation (''ICE''), of Euronext N.V. (''Euronext'') in June 2014 and certain changes in the corporate governance of ICE, ICE Holdings and NYSE Holdings that occurred upon such sale.[5]

Background

In 2007, NYSE Group, which is the 100% owner of NYSE Arca, combined with Euronext (the ''Combination''). The new parent company formed in the Combination, NYSE Euronext, operated several regulated entities in the United States and various jurisdictions in Europe. In the Commission's notice relating to the proposed Combination, NYSE Arca emphasized the importance of continuing to regulate marketplaces locally:

> A core aspect of the structure of the Combination is continued local regulation of the marketplaces. Accordingly, the Combination is premised on the notion that . . . [c]ompanies listing their securities only on markets operated by Euronext and its subsidiaries will not become newly subject to U.S. laws or regulation by the SEC as a result of the Combination, and companies listing their securities only on the Exchange or NYSE Arca, will not become newly subject to European rules or regulation as a result of the Combination.[6]

In connection with obtaining regulatory approval of the Combination, NYSE Euronext implemented certain special arrangements consisting of two standby structures, one involving a Dutch foundation (Stichting) and one involving a Delaware trust. The Dutch foundation was empowered to take actions to mitigate the effects of any material adverse change in U.S. law that had an ''extraterritorial'' impact on non-U.S. issuers listed on Euronext markets, non-U.S. financial services firms that were members of Euronext markets or holders of exchange licenses with respect to the Euronext markets. The Delaware trust was empowered to take

[12] 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] ICE, a public company listed on the New York Stock Exchange, LLC (the ''NYSE''), owns 100% of Intercontinental Exchange Holdings, Inc., a Delaware corporation (''ICE Holdings''), which in turn owns 100% of NYSE Holdings. Through ICE Holdings, NYSE Holdings and NYSE Group, ICE indirectly owns (1) 100% of the equity interest of three registered national securities exchanges and self-regulatory organizations (together, the ''NYSE Exchanges'')—NYSE Arca, the NYSE and NYSE MKT LLC (''NYSE MKT'')—and (2) 100% of the equity interest of NYSE Market (DE), Inc. (''NYSE Market''), NYSE Regulation, Inc. (''NYSE Regulation''), NYSE Arca L.L.C., NYSE Arca Equities, Inc. and NYSE Amex Options LLC. *See* Exchange Act Release No. 70210 (August 15, 2013) (SR–NYSE–2013–62) [sic], 78 FR 51758 (August 21, 2013) (approving proposed rule change relating to a corporate transaction in which NYSE Euronext will become a wholly owned subsidiary of IntercontinentalExchange Group, Inc.).

[5] The Exchange's affiliates, the NYSE and NYSE MKT, have also submitted the same proposed rule change to terminate the Trust Agreement. *See* SR–NYSEMKT–2014–83 and SR–NYSE–2014–53.

[6] *See* Exchange Act Release No. 55026 (Dec. 29, 2006) (SR–NYSE–2006–120), 72 FR 814, 816–817 (January 8, 2007) (the ''NYSE Euronext Notice''). NYSE Euronext acquired NYSE MKT, the third of the NYSE Exchanges, in 2008.

actions to mitigate the effects of any material adverse change in European law that had an ''extraterritorial'' impact on the non-European issuers listed on NYSE Group securities exchanges, non-European financial services firms that were members of any NYSE Group securities market or holders of exchange licenses with respect to the NYSE Group securities exchanges.

The current form of the Trust Agreement is attached as Exhibit 5A, and a form of unanimous written consent of all parties to, or otherwise bound by, the Trust Agreement resolving that the Delaware trust be terminated is attached as Exhibit 5B. The terms of the Dutch foundation and the Delaware trust are complex. An explanation of the terms is included in the NYSE Euronext Notice. Subsequent modifications to the arrangements, to the extent relevant to the proposed rule change, are described herein.

The Dutch foundation and the Delaware trust remained in effect after the merger of ICE Holdings (then known as IntercontinentalExchange, Inc.) and NYSE Euronext in 2013 under ICE (then known as IntercontinentalExchange Group, Inc.) as a new public holding company. However, in connection with ICE's announced plan to sell the Euronext securities exchanges in an initial public offering, the Dutch Ministry of Finance permitted modifications of the terms of the governing document of the Dutch foundation under which the powers of the Dutch foundation would cease to apply to ICE and its affiliates at such time as ICE ceased to hold a ''controlling interest'' in Euronext, with ''controlling interest'' defined by reference to the definition of ''control'' under Rule 10 of the International Financial Reporting Standards (''IFRS 10'').[7] In June 2014 ICE announced that it had sold all but approximately 6% of the ownership interest in Euronext in an underwritten public offering outside the United States.[8] Upon application by ICE, the Dutch Ministry of Finance confirmed on July 16, 2014 that the conditions to the cessation of the application of the Dutch foundation to ICE had been satisfied or waived.[9] As a result, ICE and its subsidiaries are no longer subject to the provisions of the Dutch foundation.

In the 2013 merger, NYSE Euronext was succeeded by the entity now known as NYSE Holdings, which is currently a party to the Trust Agreement. At that time, references to the nominating and governance committee of the board of directors of NYSE Euronext, which selected the Trustees of the Delaware trust, were replaced by references to the nominating and governance committee of the board of directors of ICE.[10] Other provisions of the Trust Agreement are substantially unchanged.[11]

In connection with the Combination of NYSE Group and Euronext in 2007 and the establishment of the Dutch foundation and the Delaware trust, the Certificate of Incorporation and Bylaws of NYSE Euronext included several provisions relating to representation of European interests on the board of directors and other provisions requiring the board to give due consideration to European regulatory requirements and the interests of identified categories of European stakeholders. These provisions are summarized in the NYSE Euronext Notice. Each such provision was subject to automatic revocation in the event that NYSE Euronext no longer held a controlling interest in Euronext or certain of its subsidiaries. For this purpose, ''controlling interest'' was defined to mean 50% or more of the outstanding shares of each class of voting securities and of the combined voting power of outstanding voting securities entitled to vote generally in the election of directors. Substantially identical provisions were added to the Certificate of Incorporation and Bylaws of ICE and ICE Holdings, and were retained in the Operating Agreement of NYSE Holdings, when ICE acquired NYSE Euronext in 2013, except that the ''controlling interest'' test was modified to become a ''control'' test under IFRS 10, as described above with respect to the Dutch foundation. As a result of the initial public offering of Euronext, ICE has established that it no longer controls Euronext within the meaning of IFRS 10, and the provisions of the constituent documents of ICE, ICE Holdings and NYSE Holdings have automatically and without further action become void and are of no further force and effect.

Proposed Rule Change

NYSE Arca requests approval to terminate the Delaware trust because it believes that the regulatory considerations that led to the implementation of the Trust Agreement in 2007 have been mooted by the sale of Euronext in June 2014, the automatic revocation of corporate governance provisions applicable to ICE, ICE Holdings and NYSE Holdings that occurred upon such sale, and the fact that the Dutch foundation which functioned as a European analog to the Delaware trust, ceased to have any authority over ICE and its subsidiaries upon the closing of the sale of Euronext.[12] NYSE Arca believes that the prospect for any material adverse change in European law that would have an ''extraterritorial'' impact on the non-European issuers listed on NYSE Group securities exchanges, non-European financial services firms that are members of any NYSE Group securities market or holders of exchange licenses with respect to the NYSE Group securities exchanges is now remote.

Continuance of the Trust Agreement when it no longer furthers the purposes of Section 6(b) of the Exchange Act[13] also imposes certain administrative burdens and costs upon NYSE Arca and its affiliates, and may cause investor uncertainty, that create impediments to a free and open market. Specifically, the Trust Agreement imposes administrative burdens on ICE and the nominating and governance committee of its board of directors, such as the need to periodically consider and vote on Trustees; the need to consider whether any proposed action requires approval under the Trust Agreement and, if so, the obligation to prepare materials for consideration and vote by the Trustees; and the need to consider whether any proposed action requires an amendment to the Trust Agreement and, if so, the additional obligation to submit such amendment to the Commission for approval under Rule 19b–4.[14] The Trust Agreement results in out-of-pocket costs to NYSE Arca and its affiliates including the fees of the individual Trustees and the Delaware Trustee as well as fees of counsel incurred in connection with review of proposed amendments and assistance with the SEC approval process. NYSE Arca also believes that some analysts and institutional investors may not fully understand the purpose of the Delaware trust and may not have appreciated that,

[7] Excerpts from the Further Amended and Restated Governance and Option Agreement, dated March 21, 2014, among the Dutch foundation, Euronext Group N.V. and ICE are attached as Exhibit 5C.

[8] ICE's press release dated June 24, 2014 is available at the following link: *http://ir.theice.com/investors-and-media/press/press-releases/press-release-details/2014/Intercontinental-Exchange-Announces-Closing-of-Euronext-Initial-Public-Offering/default.aspx.*

[9] An English translation of the Dutch Ministry of Finance's letter is attached as Exhibit 5D.

[10] *See* note 4, *supra.*

[11] *See* Exchange Act Release No. 72158 (May 13, 2014) (SR–NYSE–2014–23), 79 FR 28784 (May 19, 2014) (notice of filing and immediate effectiveness of proposed rule change relating to name changes of the Exchange's ultimate parent) (revising Trust Agreement to reflect name changes of ICE and ICE Holdings).

[12] As noted above, this has been confirmed by the Dutch Ministry of Finance.

[13] 15 U.S.C. 78f(b).

[14] 17 CFR 240.19b–4.

even when ICE controlled Euronext and European regulatory considerations played a substantial role in ICE's corporate governance, the likelihood of the Delaware trust's substantive provisions ever being invoked was, by design, extremely remote. In light of the sale of Euronext, the revocation of the governance provisions relating to European considerations, and the cessation of application of the Dutch foundation to ICE and its affiliates, ICE believes it is appropriate to terminate the Delaware trust in order to avoid any future need to reassure analysts and investors that the trust does not impact the daily operations or valuations of ICE's national securities exchanges.

Termination of the Delaware trust would be implemented through a unanimous written consent of all parties to, or otherwise bound by, the Trust Agreement in the form attached as Exhibit 5B.

References to the Delaware trust also would be deleted from, and related conforming changes would be made to, the constituent documents of NYSE Holdings, NYSE Group, the Exchange, NYSE MKT, NYSE Market and NYSE Regulation. In particular:

NYSE Holdings. The Fifth Amended and Restated Limited Liability Company Agreement of NYSE Holdings would be further amended and restated to eliminate the definition of the term ''Trust'' in Section 1.1 and the references to the Delaware trust in Section 7.2. *See* Exhibit 5E.

NYSE Group. The Third Amended and Restated Certificate of Incorporation of NYSE Group would be further amended and restated to eliminate references to the Delaware trust in Article IV, Section 4(a) and (b). *See* Exhibit 5F.

The Exchange. The Sixth Amended and Restated Operating Agreement of the Exchange would be further amended and restated to eliminate references to the Delaware trust in Section 3.03. *See* Exhibit 5G.

NYSE MKT. The Fifth Amended and Restated Operating Agreement of NYSE MKT would be further amended and restated to eliminate references to the Delaware trust in Section 3.03. *See* Exhibit 5H.

NYSE Market. The Second Amended and Restated Certificate of Incorporation of NYSE Market would be further amended and restated to eliminate references to the Delaware trust in Article IV, Section 2. *See* Exhibit 5I.

NYSE Regulation. The Restated Certificate of Incorporation of NYSE Regulation would be further amended and restated to eliminate references to the Delaware trust in Article V. *See* Exhibit 5J.

2. Statutory Basis

NYSE Arca believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act,[15] in general, and with Section 6(b)(1)[16] in particular, in that it enables NYSE Arca to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of NYSE Arca. The Delaware trust was implemented in response to potential concerns arising under non-U.S. law and regulation at a time when NYSE Arca was owned by a company with substantial holdings of non-U.S. securities exchanges, substantial non-U.S. board representation, and explicit obligations on the part of its board to give due consideration to matters of non-U.S. law and the interests of non-U.S. stakeholders. In light of the elimination of these concerns as discussed above, NYSE Arca believes that termination of the Delaware trust is consistent with Section 6(b)(1).

NYSE Arca also believes that this filing furthers the objectives of Section 6(b)(5) of the Exchange Act[17] because the proposed rule change would be consistent with and facilitate a governance and regulatory structure that is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. As discussed above, the Exchange believes that termination of the Delaware trust will remove impediments to the operation of NYSE Arca by eliminating certain expenses and administrative burdens as well as the potential for uncertainty among analysts and investors as to the practical implications of the Delaware trust on NYSE Arca as a marketplace and as a significant asset of ICE. For the same reasons, the proposed rule change is also designed to protect investors as well as the public interest . . . [sic]

B. Self-Regulatory Organization's Statement on Burden on Competition

NYSE Arca 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 Exchange Act. Indeed, the proposed rule change would eliminate an earlier arrangement intended in part to address potential competitive issues in the European securities markets that have abated as a result of ICE's sale of the Euronext securities exchanges in June 2014. The proposed rule change results in no concentration or other changes of ownership of exchanges.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days after publication (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–NYSEArca–2014–112 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–NYSEArca–2014–112. 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

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(1).

[17] 15 U.S. C. 78f(b)(5).

only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2014–112 and should be submitted on or before November 12, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–25080 Filed 10–21–14; 8:45 am]

BILLING CODE 8011–01–P

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73373; File No. SR–NYSE–2014–53]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change in Connection With the Proposed Termination of the Amended and Restated Trust Agreement, Dated as of November 13, 2013 and Amended on June 2, 2014 by and Among NYSE Holdings LLC, a Delaware Limited Liability Company, NYSE Group, Inc., a Delaware Corporation, Wilmington Trust Company, as Delaware Trustee, and Each of Jacques de Larosière de Champfeu, Alan Trager and John Shepard Reed, as Trustees

October 16, 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 8, 2014, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes this rule filing in connection with the proposed termination of the Amended and Restated Trust Agreement, dated as of November 13, 2013 and amended on June 2, 2014 (the ''Trust Agreement''), by and among NYSE Holdings LLC, a Delaware limited liability company (''NYSE Holdings''), NYSE Group, Inc., a Delaware corporation (''NYSE Group''), Wilmington Trust Company, as Delaware Trustee, and each of Jacques de Larosière de Champfeu, Alan Trager and John Shepard Reed, as Trustees. 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–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, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange seeks approval for its 100% direct parent, NYSE Group, and its 100% indirect parent, NYSE Holdings, to terminate the Trust Agreement.[4] The Exchange believes that the regulatory considerations that led to the implementation of the Trust Agreement in 2007 are now moot as a result of the sale by Intercontinental Exchange, Inc., a Delaware corporation (''ICE''), of Euronext N.V. (''Euronext'') in June 2014 and certain changes in the corporate governance of ICE, ICE Holdings and NYSE Holdings that occurred upon such sale.[5]

Background

In 2007, NYSE Group, which is the 100% owner of the Exchange, combined with Euronext (the ''Combination''). The new parent company formed in the Combination, NYSE Euronext, operated several regulated entities in the United States and various jurisdictions in Europe. In the Commission's notice

[4] ICE, a public company listed on the Exchange, owns 100% of Intercontinental Exchange Holdings, Inc., a Delaware corporation (''ICE Holdings''), which in turn owns 100% of NYSE Holdings. Through ICE Holdings, NYSE Holdings and NYSE Group, ICE indirectly owns (1) 100% of the equity interest of three registered national securities exchanges and self-regulatory organizations (together, the ''NYSE Exchanges'')—the Exchange, NYSE Arca, Inc. (''NYSE Arca'') and NYSE MKT LLC (''NYSE MKT'')—and (2) 100% of the equity interest of NYSE Market (DE), Inc. (''NYSE Market''), NYSE Regulation, Inc. (''NYSE Regulation''), NYSE Arca L.L.C., NYSE Arca Equities, Inc. and NYSE Amex Options LLC. *See* Exchange Act Release No. 70210 (August 15, 2013) (SR–NYSE–2013–42), 78 FR 51758 (August 21, 2013) (approving proposed rule change relating to a corporate transaction in which NYSE Euronext will become a wholly owned subsidiary of IntercontinentalExchange Group, Inc.).

[5] The Exchange's affiliates NYSE Arca and NYSE MKT have also submitted the same proposed rule change to terminate the Trust Agreement. *See* SR–NYSEMKT–2014–83 and SR–NYSEArca–2014–112.

relating to the proposed Combination, the Exchange emphasized the importance of continuing to regulate marketplaces locally:

> A core aspect of the structure of the Combination is continued local regulation of the marketplaces. Accordingly, the Combination is premised on the notion that . . . [c]ompanies listing their securities only on markets operated by Euronext and its subsidiaries will not become newly subject to U.S. laws or regulation by the SEC as a result of the Combination, and companies listing their securities only on the Exchange or NYSE Arca, will not become newly subject to European rules or regulation as a result of the Combination.[6]

In connection with obtaining regulatory approval of the Combination, NYSE Euronext implemented certain special arrangements consisting of two standby structures, one involving a Dutch foundation (Stichting) and one involving a Delaware trust. The Dutch foundation was empowered to take actions to mitigate the effects of any material adverse change in U.S. law that had an ''extraterritorial'' impact on non-U.S. issuers listed on Euronext markets, non-U.S. financial services firms that were members of Euronext markets or holders of exchange licenses with respect to the Euronext markets. The Delaware trust was empowered to take actions to mitigate the effects of any material adverse change in European law that had an ''extraterritorial'' impact on the non-European issuers listed on NYSE Group securities exchanges, non-European financial services firms that were members of any NYSE Group securities market or holders of exchange licenses with respect to the NYSE Group securities exchanges.

The current form of the Trust Agreement is attached as Exhibit 5A, and a form of unanimous written consent of all parties to, or otherwise bound by, the Trust Agreement resolving that the Delaware trust be terminated is attached as Exhibit 5B. The terms of the Dutch foundation and the Delaware trust are complex. An explanation of the terms is included in the NYSE Euronext Notice. Subsequent modifications to the arrangements, to the extent relevant to the proposed rule change, are described herein.

The Dutch foundation and the Delaware trust remained in effect after the merger of ICE Holdings (then known as IntercontinentalExchange, Inc.) and NYSE Euronext in 2013 under ICE (then known as IntercontinentalExchange Group, Inc.) as a new public holding company. However, in connection with ICE's announced plan to sell the Euronext securities exchanges in an initial public offering, the Dutch Ministry of Finance permitted modifications of the terms of the governing document of the Dutch foundation under which the powers of the Dutch foundation would cease to apply to ICE and its affiliates at such time as ICE ceased to hold a ''controlling interest'' in Euronext, with ''controlling interest'' defined by reference to the definition of ''control'' under Rule 10 of the International Financial Reporting Standards (''IFRS 10'').[7] In June 2014 ICE announced that it had sold all but approximately 6% of the ownership interest in Euronext in an underwritten public offering outside the United States.[8] Upon application by ICE, the Dutch Ministry of Finance confirmed on July 16, 2014 that the conditions to the cessation of the application of the Dutch foundation to ICE had been satisfied or waived.[9] As a result, ICE and its subsidiaries are no longer subject to the provisions of the Dutch foundation.

In the 2013 merger, NYSE Euronext was succeeded by the entity now known as NYSE Holdings, which is currently a party to the Trust Agreement. At that time, references to the nominating and governance committee of the board of directors of NYSE Euronext, which selected the Trustees of the Delaware trust, were replaced by references to the nominating and governance committee of the board of directors of ICE.[10] Other provisions of the Trust Agreement are substantially unchanged.[11]

In connection with the Combination of NYSE Group and Euronext in 2007 and the establishment of the Dutch foundation and the Delaware trust, the Certificate of Incorporation and Bylaws of NYSE Euronext included several provisions relating to representation of European interests on the board of directors and other provisions requiring the board to give due consideration to European regulatory requirements and the interests of identified categories of European stakeholders. These provisions are summarized in the NYSE Euronext Notice. Each such provision was subject to automatic revocation in the event that NYSE Euronext no longer held a controlling interest in Euronext or certain of its subsidiaries. For this purpose, ''controlling interest'' was defined to mean 50% or more of the outstanding shares of each class of voting securities and of the combined voting power of outstanding voting securities entitled to vote generally in the election of directors. Substantially identical provisions were added to the Certificate of Incorporation and Bylaws of ICE and ICE Holdings, and were retained in the Operating Agreement of NYSE Holdings, when ICE acquired NYSE Euronext in 2013, except that the ''controlling interest'' test was modified to become a ''control'' test under IFRS 10, as described above with respect to the Dutch foundation. As a result of the initial public offering of Euronext, ICE has established that it no longer controls Euronext within the meaning of IFRS 10, and the provisions of the constituent documents of ICE, ICE Holdings and NYSE Holdings have automatically and without further action become void and are of no further force and effect.

Proposed Rule Change

The Exchange requests approval to terminate the Delaware trust because it believes that the regulatory considerations that led to the implementation of the Trust Agreement in 2007 have been mooted by the sale of Euronext in June 2014, the automatic revocation of corporate governance provisions applicable to ICE, ICE Holdings and NYSE Holdings that occurred upon such sale, and the fact that the Dutch foundation which functioned as a European analog to the Delaware trust, ceased to have any authority over ICE and its subsidiaries upon the closing of the sale of Euronext.[12] The Exchange believes that the prospect for any material adverse change in European law that would have an ''extraterritorial'' impact on the non-European issuers listed on NYSE Group securities exchanges, non-European financial services firms that are members of any NYSE Group securities market or holders of exchange

[6] *See* Exchange Act Release No. 55026 (Dec. 29, 2006) (SR–NYSE–2006–120), 72 FR 814, 816–817 (January 8, 2007) (the ''NYSE Euronext Notice''). NYSE Euronext acquired NYSE MKT, the third of the NYSE Exchanges, in 2008.

[7] Excerpts from the Further Amended and Restated Governance and Option Agreement, dated March 21, 2014, among the Dutch foundation, Euronext Group N.V. and ICE are attached as Exhibit 5C.

[8] ICE's press release dated June 24, 2014 is available at the following link: *http://ir.theice.com/investors-and-media/press/press-releases/press-release-details/2014/Intercontinental-Exchange-Announces-Closing-of-Euronext-Initial-Public-Offering/default.aspx.*

[9] An English translation of the Dutch Ministry of Finance's letter is attached as Exhibit 5D.

[10] *See* note 4, *supra.*

[11] *See* Exchange Act Release No. 72158 (May 13, 2014) (SR–NYSE–2014–23), 79 FR 28784 (May 19, 2014) (notice of filing and immediate effectiveness of proposed rule change relating to name changes of the Exchange's ultimate parent) (revising Trust Agreement to reflect name changes of ICE and ICE Holdings).

[12] As noted above, this has been confirmed by the Dutch Ministry of Finance.

licenses with respect to the NYSE Group securities exchanges is now remote.

Continuance of the Trust Agreement when it no longer furthers the purposes of Section 6(b) of the Exchange Act [13] also imposes certain administrative burdens and costs upon the Exchange and its affiliates, and may cause investor uncertainty, that create impediments to a free and open market. Specifically, the Trust Agreement imposes administrative burdens on ICE and the nominating and governance committee of its board of directors, such as the need to periodically consider and vote on Trustees; the need to consider whether any proposed action requires approval under the Trust Agreement and, if so, the obligation to prepare materials for consideration and vote by the Trustees; and the need to consider whether any proposed action requires an amendment to the Trust Agreement and, if so, the additional obligation to submit such amendment to the Commission for approval under Rule 19b–4.[14] The Trust Agreement results in out-of-pocket costs to the Exchange and its affiliates including the fees of the individual Trustees and the Delaware Trustee as well as fees of counsel incurred in connection with review of proposed amendments and assistance with the SEC approval process. The Exchange also believes that some analysts and institutional investors may not fully understand the purpose of the Delaware trust and may not have appreciated that, even when ICE controlled Euronext and European regulatory considerations played a substantial role in ICE's corporate governance, the likelihood of the Delaware trust's substantive provisions ever being invoked was, by design, extremely remote.

In light of the sale of Euronext, the revocation of the governance provisions relating to European considerations, and the cessation of application of the Dutch foundation to ICE and its affiliates, ICE believes it appropriate to terminate the Delaware trust in order to avoid any future need to reassure analysts and investors that the trust does not impact the daily operations or valuations of ICE's national securities exchanges.

Termination of the Delaware trust would be implemented through a unanimous written consent of all parties to, or otherwise bound by, the Trust Agreement in the form attached as Exhibit 5B.

References to the Delaware trust also would be deleted from, and related conforming changes would be made to, the constituent documents of NYSE Holdings, NYSE Group, the Exchange, NYSE MKT, NYSE Market and NYSE Regulation. In particular:

NYSE Holdings. The Fifth Amended and Restated Limited Liability Company Agreement of NYSE Holdings would be further amended and restated to eliminate the definition of the term ''Trust'' in Section 1.1 and the references to the Delaware trust in Section 7.2. *See* Exhibit 5E.

NYSE Group. The Third Amended and Restated Certificate of Incorporation of NYSE Group would be further amended and restated to eliminate references to the Delaware trust in Article IV, Section 4(a) and (b). *See* Exhibit 5F.

The Exchange. The Sixth Amended and Restated Operating Agreement of the Exchange would be further amended and restated to eliminate references to the Delaware trust in Section 3.03. *See* Exhibit 5G.

NYSE MKT. The Fifth Amended and Restated Operating Agreement of NYSE MKT would be further amended and restated to eliminate references to the Delaware trust in Section 3.03. *See* Exhibit 5H.

NYSE Market. The Second Amended and Restated Certificate of Incorporation of NYSE Market would be further amended and restated to eliminate references to the Delaware trust in Article IV, Section 2. *See* Exhibit 5I.

NYSE Regulation. The Restated Certificate of Incorporation of NYSE Regulation would be further amended and restated to eliminate references to the Delaware trust in Article V. *See* Exhibit 5J.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act [15] in general, and with Section 6(b)(1) [16] in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange. The Delaware trust was implemented in response to potential concerns arising under non-U.S. law and regulation at a time when the Exchange was owned by a company with substantial holdings of non-U.S. securities exchanges, substantial non-U.S. board representation, and explicit obligations on the part of its board to give due consideration to matters of non-U.S. law and the interests of non-U.S. stakeholders. In light of the elimination of these concerns as discussed above, the Exchange believes that termination of the Delaware trust is consistent with Section 6(b)(1).

The Exchange also believes that this filing furthers the objectives of Section 6(b)(5) of the Exchange Act [17] because the proposed rule change would be consistent with and facilitate a governance and regulatory structure that is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. As discussed above, the Exchange believes that termination of the Delaware trust will remove impediments to the operation of the Exchange by eliminating certain expenses and administrative burdens as well as the potential for uncertainty among analysts and investors as to the practical implications of the Delaware trust on the Exchange as a marketplace and as a significant asset of ICE. For the same reasons, the proposed rule change is also designed to protect investors as well as the public interest.

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 Exchange Act. Indeed, the proposed rule change would eliminate an earlier arrangement intended in part to address potential competitive issues in the European securities markets that have abated as a result of ICE's sale of the Euronext securities exchanges in June 2014. The proposed rule change results in no concentration or other changes of ownership of exchanges.

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.

[13] 15 U.S.C. 78f(b).

[14] 17 CFR 240.19b–4.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(1).

[17] 15 U.S.C. 78f(b)(5).

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 after publication (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–NYSE–2014–53 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–NYSE–2014–53. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2014–53 and should be submitted on or before November 12, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–25079 Filed 10–21–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73370; File No. SR–CME–2014–41]

Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to CME Rule 816

October 16, 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 7, 2014, Chicago Mercantile Exchange Inc. (''CME'') 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 CME. CME filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(4)(ii)[4] thereunder, 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

CME is proposing to make certain changes to CME Rule 816 which governs guaranty fund deposits. More specifically, the proposed changes would amend CME Rule 816 (Guaranty Fund Deposit) to establish CME risk management staff as responsible for determining one of the two alternative minimum amounts for clearing members' Base Guaranty Fund deposits. The proposed changes would only impact the CME Base Guaranty Fund and would not impact the CME CDS Guaranty Fund.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CME 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. CME 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

CME is registered as a derivatives clearing organization with the Commodity Futures Trading Commission (''CFTC'') and operates a substantial business clearing futures and swaps contracts subject to the jurisdiction of the CFTC. CME is proposing to make certain changes to CME Rule 816 which governs guaranty fund deposits. The proposed changes would only impact the CME Base Guaranty Fund and would not impact the CME CDS Guaranty Fund.

More specifically, the proposed changes would amend CME Rule 816 (Guaranty Fund Deposit) to establish CME risk management staff as responsible for determining one of the two alternative minimum amounts for clearing members' Base Guaranty Fund deposits. Under current Rule 816, the minimum Base Guaranty Fund deposit of each clearing member is calculated as the greater of (a) a minimum amount specified by the Clearing House Risk Committee (''CHRC'') or (b) the clearing member's proportionate share of the ''Aggregate Guaranty Fund Deposit,'' an amount which is also determined by the CHRC.

Revised Rule 816 would empower CME risk management staff rather than the CHRC to determine the Aggregate Guaranty Fund Deposit, thus enabling risk management staff to adjust the minimum Base Guaranty Fund deposit as necessary to remain in compliance with CME's financial resource requirements under applicable Commodity Futures Trading Commission (''CFTC'') regulations. The

[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4)(ii).

'greater of' measure established in Rule 816 will remain unchanged, meaning risk management staff may not establish a clearing member's minimum Base Guaranty Fund deposit lower than the minimum amount specified by the CHRC.

Additionally, a paragraph referencing Kansas City Board of Trade (''KCBT'') clearing permit holders is being removed from CME Rule 816 as the permit holders' status has expired pursuant to the terms of the KCBT-Chicago Board of Trade merger agreement.

As highlighted above, the proposed changes in this filing are limited to CME's Base Guaranty Fund and therefore do not impact CME's CDS guaranty fund. The proposed rule change would become effective immediately but would be operationalized on October 17, 2014.

CME believes the proposed rule change is consistent with the requirements of the Exchange Act including Section 17A of the Exchange Act.[5] The proposed changes would enhance CME's ability to manage risks posed by its clearing members by enabling clearing house staff to require a higher minimum Base Guaranty Fund deposit amount as needed. Allowing staff rather than the CHRC to determine the Aggregate Guaranty Fund Deposit amount provides CME with additional risk management flexibility. For these reasons, the proposed changes should be seen to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivatives agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and, in general, to protect investors and the public interest consistent with Section 17A(b)(3)(F) of the Exchange Act.[6]

Furthermore, the proposed changes are limited to CME's Base Guaranty Fund, which means the proposed changes are limited in their effect to products that are under the exclusive jurisdiction of the CFTC. As such, the proposed CME changes are limited to CME's activities as a DCO clearing products that are not security-based swaps. CME notes that the policies of the CFTC with respect to administering the Commodity Exchange Act are comparable to a number of the policies underlying the Exchange Act, such as promoting market transparency for over-the-counter derivatives markets, promoting the prompt and accurate clearance of transactions and protecting investors and the public interest.

Because the proposed changes are limited in their effect to products that are under the exclusive jurisdiction of the CFTC and are therefore offered under CME's authority to act as a DCO, the proposed changes are properly classified as effecting a change in an existing service of CME that:

(a) Primarily affects the clearing operations of CME with respect to products that are not securities, including futures that are not security futures, swaps that are not security-based swaps or mixed swaps, and forwards that are not security forwards; and

(b) does not significantly affect any securities clearing operations of CME or any rights or obligations of CME with respect to securities clearing or persons using such securities-clearing service.

As such, the changes are therefore consistent with the requirements of Section 17A of the Exchange Act[7] and are properly filed under Section 19(b)(3)(A)[8] and Rule 19b–4(f)(4)(ii)[9] thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

CME does not believe that the proposed rule change will have any impact, or impose any burden, on competition. The proposed changes would enhance CME's ability to manage risks posed by its clearing members by enabling clearing house staff to require a higher minimum Base Guaranty Fund deposit amount as needed. Allowing staff rather than the CHRC to determine the Aggregate Guaranty Fund Deposit amount provides CME with additional risk management flexibility. Further, the proposed changes relate only to products that fall under the exclusive jurisdiction of the CFTC. As such, these proposed changes do not affect the security-based swap clearing activities of CME in any way and therefore do not impose 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

CME has not solicited, and does not intend to solicit, comments regarding this proposed rule change. CME has not received any unsolicited written comments from interested parties.

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)[10] of the Act and Rule 19b–4(f)(4)(ii)[11] thereunder. 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–CME–2014–41 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–CME–2014–41. 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

[5] 15 U.S.C. 78q–1.

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 15 U.S.C. 78q–1.

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(4)(ii).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(4)(ii).

filings will also be available for inspection and copying at the principal office of CME and on CME's Web site at *http://www.cmegroup.com/market-regulation/rule-filings.html.*

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–CME–2014–41 and should be submitted on or before November 12, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–25076 Filed 10–21–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73382; File No. SR–MIAX–2014–52]

Self-Regulatory Organizations: Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend MIAX Rule 1107 Concerning Exchange Arbitrations

October 17, 2014.

Pursuant to the provisions of 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 2, 2014, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. The Exchange has designated the proposed rule change as constituting a ''non-controversial'' rule change under Rule 19b–4(f)(6) of the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rules to harmonize the language of MIAX Rule 1107 (Arbitration) with that of another options exchange, the International Securities Exchange, LLC (''ISE''). The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing,* 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 Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend MIAX Rule 1107 (Arbitration) to harmonize it with the rules of ISE in order to incorporate by reference the arbitration rules of Financial Industry Regulatory Authority, Inc. (''FINRA'').[4] The current MIAX Rule 1107 is based on ISE Rule 1800, but incorporates by reference the arbitration rules of the Chicago Board Options Exchange (''CBOE''). This was appropriate when the Exchange maintained a Regulatory Service Agreement (''RSA'') with CBOE. The Exchange, however, recently entered into a RSA with FINRA, which became effective on October 1, 2014. The Exchange believes the proposed rule change to reference the arbitration rules of FINRA is consistent with this recent change in regulatory service providers.

Proposed Rule Change

The Exchange proposes to replace current references to CBOE arbitration rules in MIAX Rule 1107 with references to the corresponding arbitration rules of FINRA. The proposed rule change would align MIAX's arbitration rule with the arbitration rule of ISE, which also references FINRA's arbitration rules.[5] As proposed, the Rule 12000 Series and Rule 13000 Series of the FINRA Manual (Code of Arbitration Procedures for Customer Disputes and Code of Arbitration Procedures for Industry Disputes, respectively) (collectively, the ''FINRA Code of Arbitration''), as the same may be in effect from time to time, would govern Exchange arbitrations except as may be specified in proposed Rule 1107. Definitions in the FINRA Code of Arbitration would have the same meaning as prescribed therein, and procedures in the FINRA Code of Arbitration would have the same application with respect to Exchange arbitrations.

Under proposed Rule 1107, any dispute, claim, or controversy arising out of or in connection with the business of any member of the Exchange (''Member''), or arising out of the employment or termination of employment of associated person(s) with any Member would be arbitrable, except that: (1) A dispute, claim, or controversy alleging employment discrimination (including a sexual harassment claim) in violation of a statue may only be arbitrated if the parties have agreed to arbitrate it after the dispute arose; and (2) any type of dispute, claim, or controversy that is not permitted to be arbitrated under the FINRA Code of Arbitration (such as class action claims) shall not be eligible for arbitration under proposed Rule 1107. In addition, under the proposal the requirements of FINRA Rule 2268 (Requirements When Using Predispute Arbitration Agreements for Customer Accounts) would apply to predispute arbitration agreements between Members and their customers.

In addition, under proposed Rule 1107, if any matter comes to the attention of an arbitrator during, and in connection with, the arbitrator's participation in a proceeding, either from the record of the proceeding or from material or communications related to the proceeding, that the arbitrator has reason to believe may constitute a violation of the Exchange's rules or the federal securities laws, the arbitrator may initiate a referral of the matter to the Exchange for disciplinary investigation; provided, however, that any such referral could only be initiated by an arbitrator after the matter before her or him has been settled or otherwise disposed of, or after an award finally disposing of the matter has been rendered pursuant to FINRA Rules 12904 or 13904, as applicable.

If the proposal is approved, the principle structure of the Exchange's arbitration rule would remain the same, except that it would reference the applicable FINRA arbitration rules in

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[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] *See* ISE Rule 1800.

[5] *See* ISE Rule 1800.

lieu of the CBOE arbitration rules. In addition, the proposed rule change would closely align the Exchange's arbitration rule with the arbitration rule of another options exchange (ISE).[6] The Exchange believes that the proposed rule change would provide detailed guidelines and framework concerning Exchange arbitrations in a manner that is easily understood and enforceable not only by Members, but also by FINRA, with which the Exchange recently entered into a RSA.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

In particular, the Exchange believes that the proposed rule change would provide a clear framework concerning Exchange arbitrations in a manner designed to prevent fraudulent and manipulative acts and practices, and to promote the protection of investors and the public interest. Further, the Exchange notes that the proposed rule change would provide greater harmonization between Exchange rules and the rules of similar substance and purpose of FINRA resulting in less burdensome and more efficient regulatory compliance for members of both MIAX and FINRA (''Dual Members''). As such, the Exchange believes that the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any competitive issues but rather is designed to provide greater harmonization between Exchange and FINRA rules of similar purpose, resulting in less burdensome and more efficient regulatory compliance for Dual Members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6) thereunder.[10] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[11]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii),[12] the Commission may designate a shorter period of time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule may become operative immediately upon filing.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, because it allows the Exchange to immediately harmonize its arbitration rules with those of ISE and, by extension, the FINRA Code of Arbitration. The Commission notes that the Exchange also recently entered into an RSA with FINRA, which became effective on October 1, 2014. Together, the Commission believes that these steps help ensure that Dual Members would be subject to a single set of SRO rules governing arbitration. The Commission also believes that this would promote less burdensome and more efficient regulatory compliance. For these reasons, the Commission designates the proposed rule change to be operative upon filing.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) of the Act[14] 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–MIAX–2014–52 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–MIAX–2014–52. 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

[6] *See* Proposed MIAX Rule 1107. *See also* ISE Rule 1800.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

[11] Rule 19b–4(f)(6) also requires a self-regulatory organization (''SRO'') to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] For purposes of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 15 U.S.C. 78s(b)(2)(B).

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 20549–1090, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–MIAX–2014–52 and should be submitted on or before November 12, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–25148 Filed 10–21–14; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73376; File No. SR–BATS–2014–026]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing of Amendment No. 3, and Order Granting Accelerated Approval of a Proposed Rule Change To List and Trade Shares of Certain Funds of the Alpha Architect ETF Trust

October 16, 2014.

On July 3, 2014, BATS Exchange, Inc. (''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of each of the following funds: (1) ValueShares U.S. Quantitative Value ETF; (2) ValueShares International Quantitative Value ETF; (3) MomentumShares U.S. Quantitative Momentum ETF; and (4) MomentumShares International Quantitative Momentum ETF (each referred to as the ''Fund'' and collectively the ''Funds''). The proposed rule change was published for comment in the **Federal Register** on July 23, 2014.[3] On August 15, 2014, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and replaced the proposal in its entirety. On August 26, 2014, the Exchange filed Amendment No. 2 to the proposed rule change, which also amended and replaced the proposal in its entirety. The Commission designated a longer period for Commission action on September 5, 2014.[4] On September 12, 2014, the Exchange filed Amendment No. 3 to the proposed rule change, which again amended and replaced the proposal in its entirety.[5] No comments on the proposal have been received. This order approves the proposed rule change, as modified by Amendment No. 3, on an accelerated basis.

I. Description of the Proposed Rule Change

The Exchange proposes to list and trade the Shares under BATS Rule 14.11(i), which governs the listing and trading of Managed Fund Shares on the Exchange. The Shares will be offered by the Alpha Architect ETF Trust (''Trust''), which was established as a Delaware statutory trust and is registered with the Commission as an open-end investment company.[6]

Empowered Funds, LLC is the investment adviser (''Adviser'') to the Funds.[7] The Adviser is not a registered broker-dealer and is not affiliated with any broker-dealers.[8] U.S. Bancorp Fund Services, LLC is the administrator and transfer agent for the Trust. U.S. Bank National Association is the custodian for the Trust. Quasar Distributors, LLC serves as the distributor for the Trust.[9]

A. ValueShares U.S. Quantitative Value ETF

The investment objective of the Fund is to provide long-term capital appreciation. Under normal circumstances,[10] the Fund will invest at

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 72636 (July 17, 2014), 79 FR 42852.

[4] *See* Securities Exchange Act Release No. 73003, 79 FR 54307 (September 11, 2014).

[5] Amendment No. 3 modified the proposed rule change by clarifying the holdings of the Funds, clarifying the valuation of various assets for purposes of calculating the net asset value (''NAV'') of each Fund, providing more information regarding the Share creation and redemption process, and adding information regarding its surveillance capability. With respect to the Funds' holdings, the Exchange specified: (1) That the common stock, preferred stock, international stocks, and depositary receipts that may be held by the Funds (as applicable) will all be *exchange-listed* (except that up to 10% the portfolios of the international Funds may be composed of unsponsored depositary receipts); (2) the types of fixed income securities that may be held by each of the Funds; (3) that the debt securities held by the ValueShares U.S. Quantitative Value ETF and the MomentumShares U.S. Quantitative Momentum ETF would be investment grade; (4) that the Funds would not invest in private investment funds, vehicles or structures; (5) that the 15% limit on illiquid *assets* applicable to each Fund is an *overarching investment restriction;* and (6) the depositary receipts in which the ValueShares International Quantitative Value ETF and MomentumShares International Quantitative Momentum ETF (collectively, ''International Funds'') may invest. With respect to NAV calculation, the Exchange: (1) Clarified the method for valuation of exchange-listed securities; (2) stated that non-exchange-listed equity securities would be valued at their last reported sale prices or, if no last reported sale price is available, at the most recent bid price; and (3) clarified that fixed income securities (with the exception of repurchase agreements) would be valued by pricing services. With respect to Share creations and redemptions, the Exchange provided additional information regarding the circumstances in which a Fund may accept a custom fund deposit in connection with Share creations as well as the daily dissemination of the redemption basket. Lastly, the Exchange stated that it is able to access, as needed, trade information for certain fixed income instruments reported to the Trade Reporting and Compliance Engine (''TRACE'') of the Financial Industry Regulatory Authority (''FINRA'').

[6] The Trust and has filed a registration statement on behalf of the Funds on Form N–1A (''Registration Statement'') with the Commission. *See* Registration Statement on Form N–1A for the Trust, dated April 25, 2014 (File Nos. 333–195493 and 811–22961). The Commission has issued an order granting certain exemptive relief to the Trust under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act''). *See* Investment Company Act Release No. 31018 (April 16, 2014) (File No. 812–14245).

[7] The Adviser is an indirect subsidiary of Empirical Finance, LLC d/b/a Empiritrage, LLC.

[8] BATS Rule 14.11(i)(7) provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, the investment adviser shall erect a firewall between the investment adviser and the broker-dealer with respect to access to information concerning the composition of or changes to the investment company portfolio. In addition, Rule 14.11(i)(7) further requires that personnel who make decisions on the investment company's portfolio composition must be subject to procedures designed to prevent the misuse and dissemination of material nonpublic information regarding the applicable investment company portfolio. The Exchange states that, in the event that (a) the Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement a firewall with respect to its relevant personnel or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition of or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the portfolio.

[9] Additional information regarding the Trust, the Funds, the Shares, investment strategies, investment restrictions, risks, NAV calculation, creation and redemption procedures, fees, portfolio holdings, disclosure policies, distributions, and taxes, among other information, is included in Amendment No. 3 and the Registration Statement, as applicable. *See* Amendment No. 3 and Registration Statement, *supra* note 5 and 6, respectively.

[10] The term ''under normal circumstances'' includes, but is not limited to, the absence of adverse market, economic, political, or other conditions, including extreme volatility or trading

least 80% of its net assets, plus any borrowings for investment purposes, in exchange-listed common stock of U.S. companies.

Other Portfolio Holdings. The Fund may invest in exchange-listed preferred stocks. The Fund may enter into repurchase agreements with banks and broker-dealers. The Fund may invest in debt securities by purchasing the following: Obligations of the U.S. government, its agencies and instrumentalities; corporate debt securities; master-demand notes; bank certificates of deposit; time deposits; bankers' acceptances; commercial paper and other notes; and inflation-indexed securities. All debt securities held by the Fund will be investment grade. The Fund may also invest in the securities of other investment companies (including money market funds and ETFs) to the extent permitted under the 1940 Act, Commission rules thereunder and exemptions thereto.

B. ValueShares International Quantitative Value ETF

The investment objective of the Fund is to provide long-term capital appreciation. To achieve its objective, under normal circumstances, the Fund will invest at least 65%—but generally greater than 80%—of its net assets, plus any borrowings for investment purposes, in equity securities of international companies.[11] Specifically, the Fund may invest in exchange-listed common stock of international companies, American Depositary Receipts, Global Depositary Receipts, and European Depositary Receipts (collectively, ''Depositary Receipts''). Among the international stocks and Depositary Receipts held by the Fund, at least 90% of that part of the portfolio will consist of securities that trade in markets that are members of the Intermarket Surveillance Group (''ISG'') or are parties to a comprehensive surveillance sharing agreement with the Exchange.[12]

Other Portfolio Holdings. The Fund may invest in exchange-listed preferred stocks. The Fund may enter into repurchase agreements with banks and broker-dealers. The Fund may invest in the following types of debt securities: Obligations of the U.S. government, its agencies and instrumentalities; corporate debt securities; master-demand notes; bank certificates of deposit; time deposits; bankers' acceptances; commercial paper and other notes; and inflation-indexed securities. All debt securities held by the Fund will be investment grade. The Fund may also invest in the securities of other investment companies (including money market funds and ETFs) to the extent permitted under the 1940 Act, Commission rules thereunder and exemptions thereto.

C. MomentumShares U.S. Quantitative Momentum ETF

The investment objective of the Fund is to provide long-term capital appreciation. Under normal circumstances, the Fund will invest at least 80% of its net assets, plus any borrowings for investment purposes, in exchange-listed common stock of U.S. companies. The Fund may invest in securities of companies in any industry and of any market capitalization.

Other Portfolio Holdings. The Fund may invest in exchange-listed preferred stocks. The Fund may enter into repurchase agreements with banks and broker-dealers. The Fund may invest in the following types of debt securities: Obligations of the U.S. government, its agencies and instrumentalities; corporate debt securities; master-demand notes; bank certificates of deposit; time deposits; bankers' acceptances; commercial paper and other notes; and inflation-indexed securities. All debt securities held by the Fund will be investment grade. The Fund may also invest in the securities of other investment companies (including money market funds and ETFs) to the extent permitted under the 1940 Act, Commission rules thereunder and exemptions thereto.

D. MomentumShares International Quantitative Momentum ETF

The investment objective of the Fund is to provide long-term capital appreciation. To achieve its objective, under normal circumstances, the Fund will invest at least 65%—but generally greater than 80%—of its net assets, plus any borrowings for investment purposes, in exchange-listed common stock of international companies and Depositary Receipts. The Fund may invest in securities of companies in any industry and of any market capitalization. Among the international stocks and Depositary Receipts held by the Fund, at least 90% of that part of the portfolio will consist of securities that trade in markets that are members of the ISG or are parties to a comprehensive surveillance sharing agreement with the Exchange.

Other Portfolio Holdings. The Fund may invest in exchange-listed preferred stocks. The Fund may enter into repurchase agreements with banks and broker-dealers. The Fund may invest in the following types of debt securities: Obligations of the U.S. government, its agencies and instrumentalities; corporate debt securities; master-demand notes; bank certificates of deposit; time deposits; bankers' acceptances; commercial paper and other notes; and inflation-indexed securities. All debt securities held by the Fund will be investment grade. The Fund may also invest in the securities of other investment companies (including money market funds and ETFs) to the extent permitted under the 1940 Act, Commission rules thereunder and exemptions thereto.

II. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of Section 6 of the Act and the rules and regulations thereunder applicable to a national securities exchange.[13] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act, which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission also finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Act, which sets forth Congress's finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for, and transactions in, securities.

According to the Exchange, quotation and last-sale information for the Shares will be available on the facilities of the Consolidated Tape Association, and the previous day's closing price and trading volume information for the Shares will be published daily in the financial

halts in the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot, or labor disruption, or any similar intervening circumstance.

[11] The Fund may invest in securities of companies in any industry and of any market capitalization.

[12] For a list of the current members and affiliate members of ISG, see *www.isgportal.com.*

[13] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

section of newspapers. Additionally, information regarding market price and trading of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. The Exchange states that intraday, executable price quotations on U.S. and non-U.S. securities as well as other assets are available from major broker-dealer firms, and, for exchange-traded assets, such intraday information is available directly from the applicable listing exchange. Further, the Exchange states that intraday price information is available through subscription services. Pricing information for securities not listed on an exchange or national securities market and repurchase agreements will be available from major broker-dealer firms and from subscription services, such as Bloomberg, Thomson Reuters and International Data Corporation.

In addition, the Intraday Indicative Value, as defined in defined in BATS Rule 14.11(i)(3)(C), will be widely disseminated at least every 15 seconds during the Exchange's Regular Trading Hours.[14] On each business day, before commencement of trading in Shares during Regular Trading Hours on the Exchange, the Funds will disclose the identities and quantities of the portfolio of securities and other assets held by each Fund that will form the basis for the Fund's calculation of NAV at the end of the business day (''Disclosed Portfolio'').[15] The NAV of each Fund will be calculated each business day as of the close of regular trading on the New York Stock Exchange (normally 4:00 p.m. Eastern Time) on each day the New York Stock Exchange is open for trading. Portfolio composition files will be sent via the National Securities Clearing Corporation and made available on each business day, prior to the opening of business on the Exchange (currently 9:30 a.m., Eastern time), and will include a list of the names and the required number of shares of each security in the in-kind creation basket (based on information about the Fund's portfolio at the end of the previous business day) and a list of the names and the number of shares of each security in the in-kind redemption basket. The Web site for the Funds will include a form of the prospectus for the Funds and additional data relating to NAV and other applicable quantitative information.

The Commission further believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. The Commission notes that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share of each Fund will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, trading in the Shares would be subject to BATS Rules 11.18 and 14.11(i)(4)(B)(iv), which set forth circumstances under which trading in the Shares may be halted. Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities or the financial instruments composing the Disclosed Portfolio of a Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Further, the Commission notes that the Reporting Authority that provides the Disclosed Portfolio of each Fund must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material, non-public information regarding the actual components of the portfolio.[16] In addition, the Exchange may obtain information regarding trading in the Shares and the underlying shares of exchange-listed equity securities via the ISG, from other exchanges that are members or affiliates of the ISG, or with which the Exchange has entered into a comprehensive surveillance sharing agreement. The Commission also notes that the Exchange is able to access, as needed, trade information for certain fixed income securities held by the Funds reported to TRACE. The Exchange represents that it prohibits the distribution of material non-public information by its employees. The Exchange represents that the Adviser is not a registered broker-dealer and is not affiliated with any broker-dealers. The Exchange represents that, in the event that (a) the Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition of or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. The Commission notes that the Funds and the Shares must comply with the requirements of BATS Rule 14.11(i) for the Shares to be listed and traded on the Exchange.

Additionally, in support of its proposal, the Exchange has made the following representations:

(1) The Shares will be subject to BATS Rule 14.11(i), which sets forth the initial and continued listing criteria applicable to Managed Fund Shares.

(2) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(3) Trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Managed Fund Shares, which are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws.

(4) Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (a) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (b) BATS Rule 3.7, which imposes suitability obligations on Exchange members with respect to recommending transactions in the Shares to customers; (c) how information regarding the Intraday Indicative Value is disseminated; (d) the risks involved in trading the Shares during the Pre-Opening[17] and After Hours Trading Sessions[18] when an updated Intraday Indicative Value will not be calculated or publicly disseminated; (e) the requirement that

[14] Currently, it is the Exchange's understanding that several major market data vendors display or make widely available Intraday Indicative Values published via the CTA or other data feeds.

[15] The Disclosed Portfolio will include, as applicable, the names, quantity, percentage weighting and market value of securities and other assets held by the Fund and the characteristics of such assets. The Funds will disseminate the Disclosed Portfolios through their Web site at no charge.

[16] *See* BATS Rule 14.11(i)(4)(B)(ii)(b).

[17] The Pre-Opening Session is from 8:00 a.m. to 9:30 a.m. Eastern Time.

[18] The After Hours Trading Session is from 4:00 p.m. to 5:00 p.m. Eastern Time.

members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (f) trading information.

(5) For initial and continued listing, the Funds will be in compliance with Rule 10A–3 under the Exchange Act.

(6) A Fund may hold up to an aggregate amount of 15% of its net assets (calculated at the time of investment) in assets deemed illiquid by the Adviser, consistent with Commission guidance.

(7) A minimum of 100,000 Shares of each Fund will be outstanding at the commencement of trading on the Exchange.

(8) With respect to their investments in exchange-listed common stocks and Depositary Receipts, the International Funds will invest at least 90% of their assets invested in such securities in exchange-listed common stocks and Depositary Receipts that trade in markets that are members of the ISG or are parties to a comprehensive surveillance sharing agreement with the Exchange.

(9) All of the debt securities held by the Funds will be rated investment grade.

This approval order is based on all of the Exchange's representations and description of the Funds, including those set forth above and in Amendment No. 3.

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 3, is consistent with Section 6(b)(5) of the Act and the rules and regulations thereunder applicable to a national securities exchange.

III. Solicitation of Comments on Amendment No. 3

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether Amendment No. 3 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–BATS–2014–026 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–BATS–2014–026. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BATS–2014–026 and should be submitted on or before November 12, 2014.

IV. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 3

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 3, prior to the thirtieth day after the date of publication of notice of Amendment No. 3 in the **Federal Register**. Amendment No. 3 supplements the proposed rule change by, among other things: (1) Clarifying the holdings of the Funds; (2) providing additional information regarding the NAV valuation of certain of the Funds' holdings; (3) and supplemented the description of the Exchange's surveillance capabilities.[19]

This additional information has aided the Commission's analysis of the intra-day trading of the Shares and has clarified the Exchange's ability to obtain trading information regarding the underlying assets and thereby monitor trading in the Shares. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act, to approve the proposed rule change, as modified by Amendment No. 3, on an accelerated basis.[20]

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR–BATS–2014–026), as modified by Amendment No. 3, be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–25081 Filed 10–21–14; 8:45 am]

BILLING CODE 8011–01–P

[19] *See* note 5, *supra.*

[20] This approval order is based on all of the Exchange's representations and description of the Funds set forth above and in Amendment No. 3.

[21] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73372; File No. SR–NYSEMKT–2014–83]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing of Proposed Rule Change in Connection With the Proposed Termination of the Amended and Restated Trust Agreement, Dated as of November 13, 2013 and Amended on June 2, 2014 By and Among NYSE Holdings LLC, a Delaware Limited Liability Company, NYSE Group, Inc., a Delaware Corporation, Wilmington Trust Company, as Delaware Trustee, and Each of Jacques de Larosière de Champfeu, Alan Trager and John Shepard Reed, as Trustees

October 16, 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 8, 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 this rule filing in connection with the proposed

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

termination of the Amended and Restated Trust Agreement, dated as of November 13, 2013 and amended on June 2, 2014 (the ''Trust Agreement''), by and among NYSE Holdings LLC, a Delaware limited liability company (''NYSE Holdings''), NYSE Group, Inc., a Delaware corporation (''NYSE Group''), Wilmington Trust Company, as Delaware Trustee, and each of Jacques de Larosière de Champfeu, Alan Trager and John Shepard Reed, as Trustees. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NYSE MKT seeks approval for its 100% direct parent, NYSE Group, and its 100% indirect parent, NYSE Holdings, to terminate the Trust Agreement.[4] NYSE MKT believes that the regulatory considerations that led to the implementation of the Trust Agreement in 2007 are now moot as a result of the sale by Intercontinental Exchange, Inc., a Delaware corporation (''ICE''), of Euronext N.V. (''Euronext'') in June 2014 and certain changes in the corporate governance of ICE, ICE Holdings and NYSE Holdings that occurred upon such sale.[5]

Background

In 2007, NYSE Group, which is the 100% owner of NYSE MKT, combined with Euronext (the ''Combination''). The new parent company formed in the Combination, NYSE Euronext, operated several regulated entities in the United States and various jurisdictions in Europe. In the Commission's notice relating to the proposed Combination, NYSE MKT emphasized the importance of continuing to regulate marketplaces locally:

> A core aspect of the structure of the Combination is continued local regulation of the marketplaces. Accordingly, the Combination is premised on the notion that . . . [c]ompanies listing their securities only on markets operated by Euronext and its subsidiaries will not become newly subject to U.S. laws or regulation by the SEC as a result of the Combination, and companies listing their securities only on the Exchange or NYSE Arca, will not become newly subject to European rules or regulation as a result of the Combination.[6]

In connection with obtaining regulatory approval of the Combination, NYSE Euronext implemented certain special arrangements consisting of two standby structures, one involving a Dutch foundation (Stichting) and one involving a Delaware trust. The Dutch foundation was empowered to take actions to mitigate the effects of any material adverse change in U.S. law that had an ''extraterritorial'' impact on non-U.S. issuers listed on Euronext markets, non-U.S. financial services firms that were members of Euronext markets or holders of exchange licenses with respect to the Euronext markets. The Delaware trust was empowered to take actions to mitigate the effects of any material adverse change in European law that had an ''extraterritorial'' impact on the non-European issuers listed on NYSE Group securities exchanges, non-European financial services firms that were members of any NYSE Group securities market or holders of exchange licenses with respect to the NYSE Group securities exchanges.

The current form of the Trust Agreement is attached as Exhibit 5A, and a form of unanimous written consent of all parties to, or otherwise bound by, the Trust Agreement resolving that the Delaware trust be terminated is attached as Exhibit 5B. The terms of the Dutch foundation and the Delaware trust are complex. An explanation of the terms is included in the NYSE Euronext Notice. Subsequent modifications to the arrangements, to the extent relevant to the proposed rule change, are described herein. The Dutch foundation and the Delaware trust remained in effect after the merger of ICE Holdings (then known as IntercontinentalExchange, Inc.) and NYSE Euronext in 2013 under ICE (then known as IntercontinentalExchange Group, Inc.) as a new public holding company. However, in connection with ICE's announced plan to sell the Euronext securities exchanges in an initial public offering, the Dutch Ministry of Finance permitted modifications of the terms of the governing document of the Dutch foundation under which the powers of the Dutch foundation would cease to apply to ICE and its affiliates at such time as ICE ceased to hold a ''controlling interest'' in Euronext, with ''controlling interest'' defined by reference to the definition of ''control'' under Rule 10 of the International Financial Reporting Standards (''IFRS 10'').[7] In June 2014 ICE announced that it had sold all but approximately 6% of the ownership interest in Euronext in an underwritten public offering outside the United States.[8] Upon application by ICE, the Dutch Ministry of Finance confirmed on July 16, 2014 that the conditions to the cessation of the application of the Dutch foundation to ICE had been satisfied or waived.[9] As a result, ICE and its subsidiaries are no longer subject to the provisions of the Dutch foundation.

In the 2013 merger, NYSE Euronext was succeeded by the entity now known as NYSE Holdings, which is currently a party to the Trust Agreement. At that time, references to the nominating and governance committee of the board of directors of NYSE Euronext, which selected the Trustees of the Delaware trust, were replaced by references to the

[4] ICE, a public company listed on the New York Stock Exchange, LLC (the ''NYSE''), owns 100% of Intercontinental Exchange Holdings, Inc., a Delaware corporation (''ICE Holdings''), which in turn owns 100% of NYSE Holdings. Through ICE Holdings, NYSE Holdings and NYSE Group, ICE indirectly owns (1) 100% of the equity interest of three registered national securities exchanges and self-regulatory organizations (together, the ''NYSE Exchanges'')—the Exchange, NYSE Arca, Inc. (''NYSE Arca'') and the NYSE—and (2) 100% of the equity interest of NYSE Market (DE), Inc. (''NYSE Market''), NYSE Regulation, Inc. (''NYSE Regulation''), NYSE Arca L.L.C., NYSE Arca Equities, Inc. and NYSE Amex Options LLC. *See* Exchange Act Release No. 70210 (August 15, 2013) (SR–NYSEMKT–2013–50), 78 FR 51758 (August 21, 2013) (approving proposed rule change relating to a corporate transaction in which NYSE Euronext will become a wholly owned subsidiary of IntercontinentalExchange Group, Inc.).

[5] The Exchange's affiliates, the NYSE and NYSE Arca, have also submitted the same proposed rule change to terminate the Trust Agreement. *See* SR–NYSEArca–2014–112 and SR–NYSE–2014–53.

[6] *See* Exchange Act Release No. 55026 (Dec. 29, 2006) (SR–NYSE–2006–120), 72 FR 814, 816–817 (January 8, 2007) (the ''NYSE Euronext Notice''). NYSE Euronext acquired NYSE MKT in 2008.

[7] Excerpts from the Further Amended and Restated Governance and Option Agreement, dated March 21, 2014, among the Dutch foundation, Euronext Group N.V. and ICE are attached as Exhibit 5C.

[8] ICE's press release dated June 24, 2014 is available at the following link: *http://ir.theice.com/investors-and-media/press/press-releases/press-release-details/2014/Intercontinental-Exchange-Announces-Closing-of-Euronext-Initial-Public-Offering/default.aspx.*

[9] An English translation of the Dutch Ministry of Finance's letter is attached as Exhibit 5D.

nominating and governance committee of the board of directors of ICE.[10] Other provisions of the Trust Agreement are substantially unchanged.[11]

In connection with the Combination of NYSE Group and Euronext in 2007 and the establishment of the Dutch foundation and the Delaware trust, the Certificate of Incorporation and Bylaws of NYSE Euronext included several provisions relating to representation of European interests on the board of directors and other provisions requiring the board to give due consideration to European regulatory requirements and the interests of identified categories of European stakeholders. These provisions are summarized in the NYSE Euronext Notice. Each such provision was subject to automatic revocation in the event that NYSE Euronext no longer held a controlling interest in Euronext or certain of its subsidiaries. For this purpose, ''controlling interest'' was defined to mean 50% or more of the outstanding shares of each class of voting securities and of the combined voting power of outstanding voting securities entitled to vote generally in the election of directors. Substantially identical provisions were added to the Certificate of Incorporation and Bylaws of ICE and ICE Holdings, and were retained in the Operating Agreement of NYSE Holdings, when ICE acquired NYSE Euronext in 2013, except that the ''controlling interest'' test was modified to become a ''control'' test under IFRS 10, as described above with respect to the Dutch foundation. As a result of the initial public offering of Euronext, ICE has established that it no longer controls Euronext within the meaning of IFRS 10, and the provisions of the constituent documents of ICE, ICE Holdings and NYSE Holdings have automatically and without further action become void and are of no further force and effect.

Proposed Rule Change

NYSE MKT requests approval to terminate the Delaware trust because it believes that the regulatory considerations that led to the implementation of the Trust Agreement in 2007 have been mooted by the sale of Euronext in June 2014, the automatic revocation of corporate governance provisions applicable to ICE, ICE Holdings and NYSE Holdings that occurred upon such sale, and the fact that the Dutch which functioned as a European analog to the Delaware trust, ceased to have any authority over ICE and its subsidiaries upon the closing of the sale of Euronext.[12] NYSE MKT believes that the prospect for any material adverse change in European law that would have an ''extraterritorial'' impact on the non-European issuers listed on NYSE Group securities exchanges, non-European financial services firms that are members of any NYSE Group securities market or holders of exchange licenses with respect to the NYSE Group securities exchanges is now remote.

Continuance of the Trust Agreement when it no longer furthers the purposes of Section 6(b) of the Exchange Act[13] also imposes certain administrative burdens and costs upon NYSE MKT and its affiliates, and may cause investor uncertainty, that create impediments to a free and open market. Specifically, the Trust Agreement imposes administrative burdens on ICE and the nominating and governance committee of its board of directors, such as the need to periodically consider and vote on Trustees; the need to consider whether any proposed action requires approval under the Trust Agreement and, if so, the obligation to prepare materials for consideration and vote by the Trustees; and the need to consider whether any proposed action requires an amendment to the Trust Agreement and, if so, the additional obligation to submit such amendment to the Commission for approval under Rule 19b–4.[14] The Trust Agreement results in out-of-pocket costs to NYSE MKT and its affiliates including the fees of the individual Trustees and the Delaware Trustee as well as fees of counsel incurred in connection with review of proposed amendments and assistance with the SEC approval process. NYSE MKT also believes that some analysts and institutional investors may not fully understand the purpose of the Delaware trust and may not have appreciated that, even when ICE controlled Euronext and European regulatory considerations played a substantial role in ICE's corporate governance, the likelihood of the Delaware trust's substantive provisions ever being invoked was, by design, extremely remote. In light of the sale of Euronext, the revocation of the governance provisions relating to European considerations, and the cessation of application of the Dutch foundation to ICE and its affiliates, ICE believes it is appropriate to terminate the Delaware trust in order to avoid any future need to reassure analysts and investors that the trust does not impact the daily operations or valuations of ICE's national securities exchanges.

Termination of the Delaware trust would be implemented through a unanimous written consent of all parties to, or otherwise bound by, the Trust Agreement in the form attached as Exhibit 5B.

References to the Delaware trust also would be deleted from, and related conforming changes would be made to, the constituent documents of NYSE Holdings, NYSE Group, NYSE MKT, the Exchange, NYSE Market and NYSE Regulation. In particular:

NYSE Holdings. The Fifth Amended and Restated Limited Liability Company Agreement of NYSE Holdings would be further amended and restated to eliminate the definition of the term ''Trust'' in Section 1.1 and the references to the Delaware trust in Section 7.2. *See* Exhibit 5E.

NYSE Group. The Third Amended and Restated Certificate of Incorporation of NYSE Group would be further amended and restated to eliminate references to the Delaware trust in Article IV, Section 4(a) and (b). *See* Exhibit 5F.

The Exchange. The Sixth Amended and Restated Operating Agreement of the Exchange would be further amended and restated to eliminate references to the Delaware trust in Section 3.03. *See* Exhibit 5G.

NYSE MKT. The Fifth Amended and Restated Operating Agreement of NYSE MKT would be further amended and restated to eliminate references to the Delaware trust in Section 3.03. *See* Exhibit 5H.

NYSE Market. The Second Amended and Restated Certificate of Incorporation of NYSE Market would be further amended and restated to eliminate references to the Delaware trust in Article IV, Section 2. *See* Exhibit 5I.

NYSE Regulation. The Restated Certificate of Incorporation of NYSE Regulation would be further amended and restated to eliminate references to the Delaware trust in Article V. *See* Exhibit 5J.

2. Statutory Basis

NYSE MKT believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act[15] in general, and with Section 6(b)(1)[16] in particular, in that it enables NYSE MKT to be so organized as to have the capacity to be

[10] *See* note 4, *supra.*

[11] *See* Exchange Act Release No. 72158 (May 13, 2014) (SR–NYSE–2014–23), 79 FR 28784 (May 19, 2014) (notice of filing and immediate effectiveness of proposed rule change relating to name changes of the Exchange's ultimate parent) (revising Trust Agreement to reflect name changes of ICE and ICE Holdings).

[12] As noted above, this has been confirmed by the Dutch Ministry of Finance.

[13] 15 U.S.C. 78f(b).

[14] 17 CFR 240.19b–4.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(1).

able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of NYSE MKT. The Delaware trust was implemented in response to potential concerns arising under non-U.S. law and regulation at a time when NYSE MKT was owned by a company with substantial holdings of non-U.S. securities exchanges, substantial non-U.S. board representation, and explicit obligations on the part of its board to give due consideration to matters of non-U.S. law and the interests of non-U.S. stakeholders. In light of the elimination of these concerns as discussed above, NYSE MKT believes that termination of the Delaware trust is consistent with Section 6(b)(1).

NYSE MKT also believes that this filing furthers the objectives of Section 6(b)(5) of the Exchange Act [17] because the proposed rule change would be consistent with and facilitate a governance and regulatory structure that is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. As discussed above, the Exchange believes that termination of the Delaware trust will remove impediments to the operation of NYSE MKT by eliminating certain expenses and administrative burdens as well as the potential for uncertainty among analysts and investors as to the practical implications of the Delaware trust on NYSE MKT as a marketplace and as a significant asset of ICE. For the same reasons, the proposed rule change is also designed to protect investors as well as the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

NYSE MKT 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 Exchange Act. Indeed, the proposed rule change would eliminate an earlier arrangement intended in part to address potential competitive issues in the European securities markets that have abated as a result of ICE's sale of the Euronext securities exchanges in June 2014. The proposed rule change results in no concentration or other changes of ownership of exchanges.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days after publication (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–NYSEMKT–2014–83 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–2014–83. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2014–83 and should be submitted on or before November 12, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–25078 Filed 10–21–14; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78f(b)(5).

[18] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

National Women's Business Council (NWBC); Data Collection Available for Public Comments

AGENCY: National Women's Business Council, Small Business Administration.

ACTION: 60-day notice and request for comments.

SUMMARY: The National Women's Business Council (NWBC) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. Chapter 35 requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before December 22, 2014.

ADDRESSES: Send all comments to Erin Kelley, Director of Research and Policy,

National Women's Business Council, Small Business Administration, 409 3rd Street, Room 210, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Erin Kelley, Director of Research and Policy, National Women's Business Council, *erin.kelley@nwbc.gov* 202–205–3850, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: The National Women's Business Council (NWBC) is a non-partisan federal advisory council created to serve as an independent source of advice and counsel to the President, Congress, and the U.S. Small Business Administration on economic issues of importance to women business owners.

NWBC is undertaking a research study that will explore how corporate supplier diversity programs have and can be used to support the growth of women-owned businesses (WOBs). Data will be collected using surveys, focus groups and telephone interviews.

This study will build on the existing body of knowledge about the opportunities and challenges WOBs have faced in their experiences with corporate supplier diversity programs; the perceived and actual value corporations gain by offering supplier diversity programs; how corporations intentionally support the success of WOBs; and what factors are most critical to the success of supplier diversity programs—from the perspective of both women entrepreneurs and corporations.

NWBC will use the resulting report from this data collection to inform its annual report to the President, Congress, and the SBA on policy and program recommendations to support the growth of women-owned businesses.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

Title: Women's Participation in Corporate Supplier Diversity.

Description of Respondents: Respondents in the study will be women business owners and managers of corporate supplier diversity programs. A random selection of women business owners across the United States will be invited to complete a survey regarding their experiences with corporate supplier diversity programs. To delve more deeply into the perceptions and opinions about corporate supplier diversity programs, focus groups with women business owners will be held in Washington, DC, New York, NY, Chicago, IL, and Los Angeles, CA. Individual interviews will be conducted with managers of corporate supplier diversity programs in order to explore characteristics of corporate supplier diversity programs and factors that contribute to their success in meeting targets for participation of women owned businesses.

Form Number: N/A.

Total Estimated Annual Responses

The study anticipates that approximately 400 surveys will be completed by women business owners; that there will be a maximum of 96 focus group participants (no more than 12 persons for each of 8 focus groups); and 20 individual interviews will be conducted. Potential participants will be identified through organizations that certify and provide services that facilitate the growth of women owned businesses.

Total Estimated Annual Hour Burden

It is estimated that survey respondents will spend a maximum of 30 minutes completing the questionnaire. Focus groups participants will spend approximately 120 minutes completing a pre-discussion questionnaire, engaging in the focus group discussion and traveling to and from the focus group location. Interviews with corporate supplier diversity managers will require approximately 60 minutes.

The total annual time burden is estimated at 417 hours for completion of all aspects of data collection. To estimate the annualized cost of this time burden, we assumed 2,000 annual working hours and an annual salary of $75,000, which is the median salary of small business owners as reported by PayScale Human Resources [1], resulting in a cost per participant of $0.63. For survey respondents, the total annualized time burden would be would be $18.90 per participant or a total of $7,560; for focus group participants, it would be $75.60 or a total of $7,257.60; and for interview respondents it would be $37.80 or a total of $756.00.

In order to obtain 96 focus participants, it is estimated that 300 contacts will be needed. Of those 204 individuals who are contacted and screened, but who are not eligible, willing, or able to participate in the focus groups, the time burden is approximately five minutes. This adds an additional annual time burden of $642.60.

In total, the time burden cost for this study is estimated at $16,216.20.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2014–25071 Filed 10–21–14; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14159 and #14160]

Montana Disaster #MT–00044

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Montana (FEMA–4198–DR), dated 10/09/2014.

Incident: Severe Storms, Straight-line Winds, and Flooding.

Incident Period: 08/21/2014 through 08/25/2014.

Effective Date: 10/09/2014.

Physical Loan Application Deadline Date: 12/08/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 07/09/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 10/09/2014, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Blaine, Carter, Musselshell, Petroleum, Valley, and the Fort Belknap Reservation within Blaine County.

The Interest Rates are:

	Percent
For Physical Damage:	

	Percent
Non-Profit Organizations With Credit Available Elsewhere	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14159B and for economic injury is 14160B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2014–25069 Filed 10–21–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Military Reservist Economic Injury Disaster Loans Interest Rate for First Quarter FY 2015

In accordance with the Code of Federal Regulations 13—Business Credit and Assistance § 123.512, the following interest rate is effective for Military Reservist Economic Injury Disaster Loans approved on or after October 17, 2014.

Military Reservist Loan Program—4.000%

Dated: October 16, 2014.

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2014–25070 Filed 10–21–14; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 8923]

60-Day Notice of Proposed Information Collection: Annual Report—J-NONIMMIGRANT Exchange Visitor Program

ACTION: Notice of request for public comments.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to 60 days from October 22, 2014.

ADDRESSES: You may submit comments by any of the following methods:

- *Web:* Persons with access to the Internet may use the Federal Docket Management System (FDMS) to comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering ''Public Notice 8923'' in the Search bar. If necessary, use the Narrow by Agency filter option on the Results page.
- *Email: JExchanges@State.gov*
- *Mail (paper, disk, or CD–ROM submissions):* U.S. Department of State, ECA/EC, SA–5, Floor 5, 2200 C Street NW., Washington, DC 20522–0505, ATTN: Federal Register Notice Response. You must include the DS form number (if applicable), information collection title, and OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed information collection and supporting documents, to Robin J. Lerner, Deputy Assistant Secretary for Private Sector Exchange, ECA/EC, SA–5, Floor 5, Department of State, 2200 C Street NW., Washington, DC 20522–0505, who may be reached on 202–632–3206 or at *JExchanges@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Annual Report—J-NONIMMIGRANT Exchange Visitor Program.
- *OMB Control Number:* 1405–0151.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Educational and Cultural Affairs, Office of Private Sector Exchange, ECA/EC.
- *Form Number:* Form DS–3097.
- *Respondents:* Designated J-NONIMMIGRANT program sponsors.
- *Estimated Number of Respondents:* 1,400.
- *Estimated Number of Responses:* 1,400.
- *Average Hours per Response:* 2 hours.
- *Total Estimated Burden:* 2,800 hours.
- *Frequency:* Annually.
- *Obligation to Respond:* Required to Obtain or Retain Benefits.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper performance of our functions;
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected;
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

Abstract of Proposed Collection

Annual reports from designated program sponsors assist the Department in oversight and administration of the J-NONIMMIGRANT visa program. The reports provide qualitative data on the number of exchange participants an organization sponsored annually per category of exchange. The reports also provide a summary of the activities in which exchange visitors were engaged and indicate information about program effectiveness. Program sponsors include government agencies, academic institutions, and private sector not-for-profit and for-profit entities. Annual reports are completed through the Student and Exchange Visitor Information System (SEVIS) and then printed and signed by a sponsor official, and sent to the Department by mail or fax.

Dated: October 16, 2014.

Robin Lerner,

Deputy Assistant Secretary for Private Sector Exchange, Bureau of Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 2014–25180 Filed 10–21–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 8924]

In the Matter of the Designation of Ramzi Mawafi, also known as Ramzi Mowafi, also known as Ramzi Mahmoud Al Mowafi, also known as Ramzi Muwafi, as a Specially Designated Global Terrorist pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the individual known as Ramzi Mawafi, also known as Ramzi Mowafi, also known as Ramzi Mahmoud Al Mowafi, also known as Ramzi Muwafi, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of

U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that ''prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously,'' I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: October 10, 2014.

John F. Kerry,

Secretary of State.

[FR Doc. 2014–25169 Filed 10–21–14; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

[Public Notice: 8926]

In the Matter of the Designation of Khan Said, also known as Khan Sayed, also known as Sajna Mehsud, as a Specially Designated Global Terrorist pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the individual known as Khan Said, also known as Khan Sayed, also known as Sajna Mehsud, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that ''prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously,'' I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: September 17, 2014.

John F. Kerry,

Secretary of State.

[FR Doc. 2014–25173 Filed 10–21–14; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

[Public Notice: 8928]

In the Matter of the Designation of Qari Hussain as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

In accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended (''the Order''), I hereby determine that the individual known as Qari Hussain, also known as other aliases and transliterations, no longer meets the criteria for designation under the Order, and therefore I hereby revoke the designation of the aforementioned individual as a Specially Designated Global Terrorist pursuant to section 1(b) of the Order.

This notice shall be published in the **Federal Register**.

Dated: October 10, 2014.

John F. Kerry,

Secretary of State.

[FR Doc. 2014–25162 Filed 10–21–14; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

[Public Notice: 8927]

In the Matter of the Designation of Hakimullah Mehsud as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

In accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended (''the Order''), I hereby determine that the individual known as Hakimullah Mehsud, also known as other aliases and transliterations, no longer meets the criteria for designation under the Order, and therefore I hereby revoke the designation of the aforementioned individual as a Specially Designated Global Terrorist pursuant to section 1(b) of the Order.

This notice shall be published in the **Federal Register**.

Dated: September 29, 2014.

John F. Kerry,

Secretary of State.

[FR Doc. 2014–25164 Filed 10–21–14; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

[Public Notice: 8925]

In the Matter of the Designation of Sangeen Zadran as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

In accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended (''the Order''), I hereby determine that the individual known as Sangeen Zadran, also known as other aliases and transliterations, no longer meets the criteria for designation under the Order, and therefore I hereby revoke the designation of the aforementioned individual as a Specially Designated Global Terrorist pursuant to section 1(b) of the Order.

This notice shall be published in the **Federal Register**.

Dated: *October 10, 2014.*

John F. Kerry,

Secretary of State.

[FR Doc. 2014–25171 Filed 10–21–14; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

[Public Notice 8922]

U.S. National Commission for UNESCO Notice of Meeting

The 2014 Annual Meeting of the U.S. National Commission for the United Nations Educational, Scientific, and Cultural Organization (UNESCO) will take place on Friday, December 5, 2014, at the U.S. Department of State in Washington, DC (2201 C Street NW.) The Commission will hold a series of informational plenary sessions, subject-specific committee and thematic breakout sessions and discuss final recommendations, which will be open to the public 9:30 a.m. to 12:30 p.m. and from 2:00 p.m. to approximately 4:30 p.m.

Members of the public who wish to attend any of these meetings or who need reasonable accommodation should contact the U.S. National Commission for UNESCO at the email address below no later than Monday, December 1, 2014 for further information about admission, as seating is limited. Those who wish to make oral comments during the public comment section held during the

afternoon session should request to be scheduled by Friday, November 28, 2014. Each individual will be limited to five minutes, with the total oral comment period not exceeding thirty minutes.

Access to the building is strictly controlled. For pre-clearance purposes, those planning to attend will need to provide full name, address, date of birth, citizenship, driver's license or passport number, and email address. This information will greatly facilitate entry into the building.

Written comments should be submitted by Friday, November 28, 2014 to allow time for distribution to the Commission members prior to the meeting. The National Commission may be contacted via email at *DCUNESCO@state.gov,* or via phone at (202) 663–0026. The Web site can be accessed at: *http://www.state.gov/p/io/unesco./*

Personal information regarding attendees is requested pursuant to Public Law 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107–56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State–36) at *http://www.state.gov/documents/organization/103419.pdf* for additional information.

Dated: October 14, 2014.

Allison Wright,

Executive Director, U.S. National Commission for UNESCO, Department of State.

[FR Doc. 2014–25178 Filed 10–21–14; 8:45 am]

BILLING CODE 4710–19–P

DEPARTMENT OF STATE

[Public Notice: 8920]

Meeting on United States-Morocco Free Trade Agreement Environment Chapter Implementation, Working Group on Environmental Cooperation, and Public Session

AGENCY: Department of State.

ACTION: Announcement of meetings; solicitation of suggestions; invitation to public session.

SUMMARY: The Department of State and the Office of the United States Trade Representative (USTR) are providing notice that the governments of the United States and Kingdom of Morocco (the governments) intend to hold a meeting to review implementation of the Environment Chapter of the United States-Morocco Free Trade Agreement (FTA), a meeting of the United States-Morocco Working Group on Environmental Cooperation (Working Group), and a public session in Rabat, Morocco, on October 28, 2014, at the Ministry of Environment, to discuss implementation of the Environment Chapter and Joint Statement on Environmental Cooperation. During the meetings, the governments will review and discuss implementation of the Environment Chapter of the FTA. The governments will also discuss how the United States and Morocco can strengthen Morocco's capacity to protect and conserve the environment, highlight past bilateral environmental cooperation, review activities under the 2010–2012 Plan of Action, and develop a 2014–2017 Plan of Action. The Department of State and USTR invite the members of the public to submit written suggestions on items to include on the meeting agenda or in the 2014–2017 Plan of Action.

The Department of State and USTR also invite interested persons to attend a public session where the public will have the opportunity to ask about implementation of both the Joint Statement and the Environment Chapter of the United States-Morocco FTA.

DATES: The public session will be held on October 28, 2014, in Rabat, Morocco at the Ministry of Environment. Suggestions on the meeting agenda and/or the 2014–2017 Plan of Action should be provided no later than October 26, 2014, to facilitate consideration.

ADDRESSES: Those interested in attending the public session should email Geoff Finger at *FingerGT@state.gov* to find out the time of the session. Suggestions on the meeting agenda and/or the 2014–2017 Plan of Action should be emailed to *FingerGT@state.gov* or faxed to Geoff Finger at (202) 647–5947, with the subject line ''United States-Morocco Environmental Cooperation.'' Those with access to the internet can view and comment on this notice by going to: *http://www.regulations.gov/#!home* and searching on docket number DOS–2014–0025.

FOR FURTHER INFORMATION CONTACT: Geoff Finger, (202) 647–4828.

SUPPLEMENTARY INFORMATION: The Environment Chapter of the FTA includes obligations on each Party to ensure that its environmental laws and policies provide for and encourage high levels of environmental protection, effectively enforce its environmental laws, and provide opportunities for public participation on matters related to the implementation of the chapter. In the Joint Statement, the governments of the United States and Morocco (1) recognize ''the importance of protecting the environment while promoting sustainable development in concert with the expanded bilateral trade and investment ties accompanying the United States-Morocco Free Trade Agreement ('FTA')'' and (2) indicate their intent ''to pursue efforts to enhance bilateral environmental cooperation. . . .'' The governments express their intention to undertake cooperative environmental activities pursuant to the Joint Statement. In paragraph 5 of the Joint Statement, the governments establish the Working Group to coordinate and review environmental cooperation activities. As envisioned in the Joint Statement, the Working Group will endeavor to develop a Plan of Action, review and assess cooperative environmental activities pursuant to the Plan of Action, recommend ways to improve such cooperation, and undertake such other activities as may seem appropriate to the governments. The Plan of Action is a tool to establish goals, objectives, and areas for cooperation, including short-, medium-, and long-term bilateral and/or regional projects and activities. Through this notice, the United States is soliciting the views of the public with respect to the 2014–2017 Plan of Action.

In February 2010, the governments established the 2010–2012 Plan of Action for environmental cooperation with the following primary areas of cooperation: (1) Institutional and Policy Strengthening for Effective Implementation and Enforcement of Environmental Laws, Including Natural Resource-Related Laws; (2) Biodiversity Conservation and Improved Management of Protected Areas and Other Ecologically Important Ecosystems; (3) Improved Private Sector Environmental Performance; and (4) Environmental Education, Transparency and Public Participation in Environmental Decision-Making and Enforcement. The governments intend to adopt a 2014–2017 Plan of Action at the meetings, which the United States expects will build upon the cooperative work initiated in the 2010–2012 Plan of Action.

Members of the public, including NGOs, educational institutions, private sector enterprises, and all other interested persons are invited to submit written suggestions regarding items for inclusion in the meeting agendas or in the new Plan of Action. Please include your full name and identify any

organization or group you represent. We encourage submitters to refer to:

- United States-Morocco Joint Statement on Environmental Cooperation;
- 2010–2012 Plan of Action Pursuant to the United States-Morocco Joint Statement on Environmental Cooperation;
- Chapter 17 of the United States-Morocco Free Trade Agreement; and
- Final Environmental Review of the United States–Morocco Free Trade Agreement.

These documents are available at: *http://www.state.gov/e/oes/eqt/trade/morocco/index.htm.*

Dated: October 17, 2014.

Deborah Klepp,

Director, Office of Environmental Quality and Transboundary Issues, U.S. Department of State.

[FR Doc. 2014–25174 Filed 10–21–14; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Office of the Assistant Secretary for Research and Technology, Advisory Council on Transportation Statistics; Notice of Meeting

AGENCY: Bureau of Transportation Statistics, U.S. Department of Transportation.

ACTION: Notice.

This notice announces, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (FACA) (Pub. L. 72–363; 5 U.S.C. app. 2), a meeting of the Advisory Council on Transportation Statistics (ACTS). The meeting will be held on Wednesday, November 5th from 8:30 a.m. to 4 p.m. E.S.T. at the U.S. Department of Transportation, Room E37–302, 1200 New Jersey Ave. SE., Washington, DC. Section 52011 of the Moving Ahead for Progress in the 21st Century Act (MAP–21) directs the U.S. Department of Transportation to establish an Advisory Council on Transportation Statistics subject to the Federal Advisory Committee Act (5 U.S.C., App. 2) to advise the Bureau of Transportation Statistics (BTS) on the quality, reliability, consistency, objectivity, and relevance of transportation statistics and analyses collected, supported, or disseminated by the Bureau and the Department. The following is a summary of the draft meeting agenda: (1) USDOT Welcome and Introduction of Council Members; (2) Update on Integration with the Office of the Secretary; (3) Discussion about Stakeholder Interaction; (4) Program Review; (5) Research Priorities; (6) Public Comments and Closing Remarks. Participation is open to the public.

Members of the public who wish to participate must notify Courtney Freiberg at *Courtney.Freiberg@dot.gov,* not later than November 3, 2014. Members of the public may present oral statements at the meeting with the approval of Patricia Hu, Director of the Bureau of Transportation Statistics. Noncommittee members wishing to present oral statements or obtain information should contact Courtney Freiberg via email no later than November 3, 2014. Questions about the agenda or written comments may be emailed (*Courtney.Freiberg@dot.gov*) or submitted by U.S. Mail to: U.S. Department of Transportation, Office of the Assistant Secretary for Research and Technology, Bureau of Transportation Statistics, *Attention:* Courtney Freiberg, 1200 New Jersey Avenue SE., Room #E34–429, Washington, DC 20590, or faxed to (202) 366–3383. BTS requests that written comments be received by November 3, 2014. Access to the DOT Headquarters building is controlled therefore all persons who plan to attend the meeting must notify Courtney Freiberg at 202–366–1270 prior to November 3, 2014. Individuals attending the meeting must report to the main DOT entrance on New Jersey Avenue SE., for admission to the building. Attendance is open to the public, but limited space is available. Persons with a disability requiring special services, such as an interpreter for the hearing impaired, should contact Courtney Freiberg at 202–366–1270 at least seven calendar days prior to the meeting.

Notice of this meeting is provided in accordance with the FACA and the General Services Administration regulations (41 CFR part 102–3) covering management of Federal advisory committees.

Issued in Washington, DC, on the 15th day of October 2014.

Rolf Schmitt,

Deputy Director, Bureau of Transportation Statistics.

[FR Doc. 2014–24837 Filed 10–21–14; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Statute of Limitations on Claims; Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, that are final within the meaning of 23 U.S.C. 139(*l*)(1). The actions relate to a proposed highway project on Brookhurst Street from the southern end of La Palma Avenue between State Route 91 (SR–91) and Interstate 5 (I–5), in the City of Anaheim, County of Orange, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before March 23, 2015. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans:

Charles Baker, Senior Environmental Planner, Caltrans, 3347 Michelson Drive Suite #100, Irvine, CA 92612, 8 a.m.–4:30 p.m., 949–724–2252, *Charles_Baker@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans, has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: Widen Brookhurst Street from a four-lane facility to a six-lane facility by shifting the roadway centerline a maximum of 22 feet to the east and to widen the roadway right-of-way in order to accommodate (1) additional lanes in the northbound and southbound directions and 2 proposed bikeways, sidewalks and landscaped

areas. The total length of the project site spans approximately 0.4 miles. The project is located within the City of Anaheim between State Route 91 (SR–91) and Interstate 5 (I–5), Orange County. The purpose of the project is to relieve congestion along the roadway, provide continuity in the number of lanes on Brookhurst Street, and improve drainage along the corridor. The federal aid project number is STPL 5055(163). The actions by the Federal agency, and the laws under which such actions were taken, are described in the Final Environmental Assessment (FEA) for the project, approved on 9/12/14, in the FHWA Finding of No Significant Impact (FONSI) issued on 9/12/14, and in other documents in the FHWA project records. The FEA, FONSI, and other project records are available by contacting Caltrans at the addresses provided above. This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to

1. Council on Environmental Quality Regulations
2. National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 et seq.
3. Federal-Aid Highway Act of 1970, 23 U.S.C. 109
4. MAP–21, the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112–141)
5. Clean Air Act Amendments of 1990 (CAAA)
6. Clean Water Act of 1977 and 1987
7. Federal Water Pollution Control Act of 1972 (see Clean Water Act of 1977 & 1987)
8. Federal Land Policy and Management Act of 1976 (Paleontological Resources)
9. Noise Control Act of 1972
10. Safe Drinking Water Act of 1944, as amended
11. Endangered Species Act of 1973
12. Executive Order 11990, Protection of Wetlands
13. Executive Order 13112, Invasive Species
14. Executive Order 13186, Migratory Birds
15. Fish and Wildlife Coordination Act of 1934, as amended
16. Migratory Bird Treaty Act
17. Water Bank Act Wetlands Mitigation Banks, ISTEA 1991, Sections 1006–1007
18. Wildflowers, Surface Transportation and Uniform Relocation Act of 1987 Section 130
19. Coastal Zone Management Act of 1972
20. Coastal Zone Management Act Reauthorization Amendments Of 1990
21. Executive Order 11988, Floodplain Management
22. Department of Transportation (DOT) Executive Order 5650.2—Floodplain Management and Protection (April 23, 1979)
23. Rivers and Harbors Appropriation Act of 1899, Sections 9 and 10
24. Title VI of the Civil Rights Act of 1964, as amended
25. Executive Order 12898, Federal Actions to Address Environmental Justice and Low-Income Populations

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1).

Issued on: October 10th, 2014.

Cesar Perez,

Senior Transportation Engineer, Federal Highway Administration, Sacramento, California.

[FR Doc. 2014–25099 Filed 10–21–14; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2014–0019]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA confirms its decision to exempt 56 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions were effective on August 14, 2014. The exemptions expire on September 15, 2016.

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, R.N., Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Room W64–224, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone may search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, or other entity). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

II. Background

On August 14, 2014, FMCSA published a notice of receipt of Federal diabetes exemption applications from 56 individuals and requested comments from the public (79 FR 47702). The public comment period closed on September 15, 2014, and seven comments were received.

FMCSA has evaluated the eligibility of the 56 applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

III. Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that ''A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control'' (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The

September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These 56 applicants have had ITDM over a range of 1 to 48 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the August 14, 2014, **Federal Register** notice and they will not be repeated in this notice.

IV. Discussion of Comments

FMCSA received seven comments in this proceeding. The comments are discussed below.

E. Fajardo, Eman Saaidi, and three anonymous commenters are in favor of granting all drivers included in this notice an exemption from the diabetes standard.

Rayman Al-Omeri is in favor of granting Ahmed Ali an exemption from the diabetes standard.

Richard Woodall is in favor of granting Raymond Lucero an exemption from the diabetes standard.

V. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes requirement in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

VI. Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) that each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VII. Conclusion

Based upon its evaluation of the 56 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above 949 CFR 391.64(b)):

Michael N. Bohn (MN)
Jonathan Bona (NJ)
Vincent M. Branch (VA)
Perry C. Bullis (PA)
Christopher J. Burkhart (MO)
James E. Cantrell, Jr. (AL)
Kristy S. R. Clark (VA)
Royce N. Cordova (WA)
Robert Curry (NY)
Bradley C. Dunlap (IL)
John C. Fisher III (PA)
Kenneth W. Foster (IN)
Andrew C. Frykholm (MA)
Lyle O. Gahler (MN)
John A. Gillingham (PA)
Ronald L. Glade (IL)
Brent C. Godshalk (IN)
Robert L. Gordon (IL)
Jeffrey R. Harnack (MN)
Daniel E. Harris (IL)
Elefterios Hatzigeorgalis (MD)
Drew J. Holtan (MN)
Randy S. Holz (IA)
Joseph C. House (AL)
Kenneth B. Huff (PA)
Henderson R. Hughes (NY)
Levi N. Hutchinson (PA)
Joseph T. Ingiosi (MI)
Michael J. Javenkoski (MN)
Katlin W. Johnson (LA)
Don L. Jorgensen (WY)
Steven T. Juhl (MN)
Christopher D. Lacasse, Sr. (MA)
Raymond S. Lucero (NM)
Richard M. Mackey (TX)
Kevin J. McGrath (MA)
Jerry W. Murphy (MS)
Christopher D. Murray (CA)
Robert D. Noe (IL)
Kyle W. Parker (CA)
Eric D. Roberts (MI)
Gary L. Roberts (CT)
Tommy A. Rollins (GA)
Janice M. Rowles (PA)
William B. Rupert, Jr. (PA)
Ahmed A. Saleh (MI)
Robert M. Schmitz (IA)
David C. Schultze (MN)
Brian R. Schwint (IA)
Dicky W. Shuttlesworth (TX)
Bryce J. Smith (UT)
David R. Sprenkel (PA)
Jeffrey R. Stevens (PA)
David W. Taggart (PA)
Artilla M. Thomas (IL)
William C. Tomlinson (GA)

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption is valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: October 10, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–25134 Filed 10–21–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0297]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions, request for comments.

SUMMARY: FMCSA announces receipt of applications from 12 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

DATES: Comments must be received on or before November 21, 2014. All comments will be investigated by FMCSA. The exemptions will be issued the day after the comment period closes.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2014–0297 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, R.N., Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' FMCSA can renew exemptions at the end of each 2-year period. The 12 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

Rickie L. Brown

Mr. Brown, 51, has a scar in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/125. Following an examination in 2014, his optometrist stated, ''I certify that, in my medical opinion, this patient has sufficient vision to operate a commercial motor vehicle . . . No correction needed present CDL has restrictions 3 and F [*sic*] . . . Patient should continue w/present restrictions.'' Mr. Brown reported that he has driven tractor-trailer combinations for 27 years, accumulating 4.05 million miles. He holds a Class A CDL from Mississippi. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Brian M. Goehring

Mr. Goehring, 46, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, ''It is my opinion that Mr. Goehring has sufficient vision to perform the daily tasks required to operate a commercial vehicle.''

Mr. Goehring reported that he has driven straight trucks for 2 years, accumulating 100,000 miles, and buses for 21 years, accumulating 1.68 million miles. He holds a Class B CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Dewey P. Huffman

Mr. Huffman, 61, has complete loss of vision in his right eye due to a traumatic incident in 1971. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2014, his ophthalmologist stated,

''Mr. Huffman has excellent ocular health of his only seeing eye. He has sufficient vision in that eye to operate a commercial vehicle.'' Mr. Huffman reported that he has driven straight trucks for 18 years, accumulating 189,000 miles. He holds an operator's license from Oregon. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Purvis W. Kills Enemy At Night

Mr. Kills Enemy At Night, 48, has complete loss of vision in his left eye due to a traumatic incident in 1994. The visual acuity in his right eye is 20/25, and in his left eye, no light perception. Following an examination in 2014, his ophthalmologist stated, ''I do think he has sufficient vision to safely perform driving his bus.''

Mr. Kills Enemy At Night reported that he has driven buses for 4 years, accumulating 115,200 miles. He holds a Class B CDL from South Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Daniel M. King

Mr. King, 39, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2014, his optometrist stated, ''Based

on my examination of Mr. King's eyes, I hereby certify in my medical opinion, Daniel King has appropriate vision to perform the driving tasks to operate a commercial vehicle.'' Mr. King reported that he has driven straight trucks for 24 years, accumulating 12,000 miles. He holds an operator's license from Oklahoma. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Robby K. Leith II

Mr. Leith, 26, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/100. Following an examination in 2014, his optometrist stated, ''And in my opinion he has sufficient vision to perform the driving tasks to operate a commercial vehicle.'' Mr. Leith reported that he has driven straight trucks for 4 years, accumulating 72,000 miles. He holds an operator's license from California. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Roger F. Love

Mr. Love, 73, has complete loss of vision in his right eye due to a traumatic incident during childhood. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2014, his ophthalmologist stated, ''I certify in my medical opinion that Roger Love does have sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Love reported that he has driven straight trucks for 10 years, accumulating 100,000 miles, and tractor-trailer combinations for 50 years, accumulating 1 million miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and 1 conviction for a moving violation in a CMV; he exceeded the speed limit by 5 mph.

Gary G. Medeiros II

Mr. Medeiros, 48, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/80, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, ''Mr. Medeiros' vision is stable. He has more than adequate vision to operate a commercial vehicle.'' Mr. Medeiros reported that he has driven straight trucks for 30 years, accumulating 4.2 million miles and tractor-trailer combinations for 30 years, accumulating 3.72 million miles. He holds a Class A CDL from Idaho. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Michael J. Monroe

Mr. Monroe, 67, has a prosthetic left eye due to a traumatic incident in 1969. The visual acuity in his right eye is 20/15, and in his left eye, no light perception. Following an examination in 2014, his ophthalmologist stated, ''Patient's vision is stable in his only eye, the right eye, at better than 20/20. Recommend driving privileges for commercial driving [*sic*] license.'' Mr. Monroe reported that he has driven straight trucks for 32 years, accumulating 16,000 miles and buses for 1 month, accumulating 4,320 miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Eugene F. Napieralski

Mr. Napieralski, 50, has a corneal scar in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2014, his optometrist stated, ''It is my opinion that he has proven over the past twenty years of accident free [*sic*] driving that he has sufficient vision to operate a commercial vehicle.'' Mr. Napieralski reported that he has driven straight trucks for 29 years, accumulating 522,000 miles. He holds a Class B CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Benjamin Riegelman

Mr. Riegelman, 52, has had refractive amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2014, his optometrist stated, ''Vision is sufficient to perform driving tasks required to operate a commercial vehicle.'' Mr. Riegelman reported that he has driven straight trucks for 27 years, accumulating 270,000 miles. He holds a Class B CDL from New Jersey. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Stephen Susino

Mr. Susino, 57, has had a corneal transplant in his right eye since 1991. The visual acuity in his right eye is hand motion, and in his left eye, 20/20. Following an examination in 2014, his ophthalmologist stated, ''It is my medical opinion that his vision is sufficient to perform the required driving tasks to operate a commercial vehicle.''

Mr. Susino reported that he has driven straight trucks for 22 years, accumulating 374,000 miles. He holds an operator's license from New Jersey. His driving record for the last 3 years shows 1 crash, for which he was not cited and to which he did not contribute, and no convictions for moving violations in a CMV.

III. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and put the docket number FMCSA–2014–0297 in the ''Keyword'' box, and click ''Search. When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period and may change this notice based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* and insert the docket number FMCSA–2014–0297 in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button and choose the document listed to review. If you do not have access to the Internet, you may

view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: October 10, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–25126 Filed 10–21–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0307]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA).

ACTION: Notice of applications for exemptions request for comments.

SUMMARY: FMCSA announces receipt of applications from 32 individuals for exemption from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before November 21, 2014.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2014–0307 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, R.N., Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 32 individuals listed in this notice have recently requested such an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

Jeffrey S. Argabright

Mr. Argabright, 44, has had ITDM since 1999. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Argabright understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Argabright meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Ohio.

Darrell G. Brave

Mr. Brave, 63, has had ITDM since 2005. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Brave understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Brave meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Domingo Cantu

Mr. Cantu, 64, has had ITDM since 2009. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Cantu understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cantu meets the requirements of the vision standard at

49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he has stable proliferative diabetic retinopathy. He holds a Class A CDL from Washington.

Nicholas M. Cooper

Mr. Cooper, 21, has had ITDM since 2012. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Cooper understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cooper meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Florida.

James L. Crane

Mr. Crane, 66, has had ITDM since 2012. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Crane understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Crane meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Mississippi.

Bobby O. Devaney

Mr. Devaney, 59, has had ITDM since 2014. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Devaney understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Devaney meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Alabama.

Donald L. Feltman

Mr. Feltman, 69, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Feltman understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Feltman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Benjamin T. Filip

Mr. Filip, 61, has had ITDM since 2010. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Filip understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Filip meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Dakota.

Harold L. Gomez

Mr. Gomez, 61, has had ITDM since 2009. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Gomez understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gomez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Louisiana.

Arthur Gonzalez

Mr. Gonzalez, 54, has had ITDM since 2006. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Gonzalez understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gonzalez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Texas.

Charles W. Guillory

Mr. Guillory, 63, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Guillory understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Guillory meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Louisiana.

Bernard Heffern

Mr. Heffern, 57, has had ITDM since 2009. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or

more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Heffern understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Heffern meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Jersey.

John W. Hurlbert

Mr. Hurlbert, 55, has had ITDM since 1980. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hurlbert understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hurlbert meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from New Jersey.

Roosevelt Isaiah

Mr. Isaiah, 69, has had ITDM since 2008. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Isaiah understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Isaiah meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Carolina.

William T. Jensen

Mr. Jensen, 28, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Jensen understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jensen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Jersey.

Robert W. Johnson, Sr.

Mr. Johnson, 74, has had ITDM since 2011. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Johnson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Johnson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New York.

Joseph H. Karas

Mr. Karas, 32, has had ITDM since 1987. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Karas understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Karas meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from New Jersey.

Randy C. Lee

Mr. Lee, 50, has had ITDM since 2014. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Lee understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lee meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from New York.

Gerald R. Lewis

Mr. Lewis, 54, has had ITDM since 2008. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Lewis understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lewis meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Tennessee.

John R. Miller, II

Mr. Miller, 46, has had ITDM since 1988. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Miller understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Miller meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Oregon.

Robert A. Nicolai

Mr. Nicolai, 51, has had ITDM since 2008. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Nicolai understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Nicolai meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Missouri.

William P. Pearson, II

Mr. Pearson, 33, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Pearson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pearson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Wisconsin.

Alan M. Primus

Mr. Primus, 63, has had ITDM since 2010. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Primus understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Primus meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Otto E. Reimer

Mr. Reimer, 66, has had ITDM since 1995. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Reimer understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Reimer meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from Montana.

Danny L. Reimers

Mr. Reimers, 61, has had ITDM since 2001. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Reimers understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Reimers meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from New Mexico.

Michael L. Reynolds

Mr. Reynolds, 47, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Reynolds understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Reynolds meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from North Carolina.

Samuel H. Schmidt

Mr. Schmidt, 21, has had ITDM since 1997. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Schmidt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schmidt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Minnesota.

Timothy W. Selk

Mr. Selk, 56, has had ITDM since 2009. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Selk understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Selk meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Alaska.

Dennis J. Stanley

Mr. Stanley, 60, has had ITDM since 2014. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Stanley understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV

safely. Mr. Stanley meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Illinois.

Howard J. Steinberg

Mr. Steinberg, 65, has had ITDM since 2000. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Steinberg understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Steinberg meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Massachusetts.

Steven M. Weimer

Mr. Weimer, 53, has had ITDM since 2001. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Weimer understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Weimer meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Michael L. Westbury

Mr. Westbury, 50, has had ITDM since 2006. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Westbury understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Westbury meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from South Carolina.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441) [1]. The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136(e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

[1] Section 4129(a) refers to the 2003 notice as a ''final rule.'' However, the 2003 notice did not issue a ''final rule'' but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2014–0307 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2014–0307 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Issued on: October 10, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–25129 Filed 10–21–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2014–0020]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA confirms its decision to exempt 46 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions were effective on August 14, 2014. The exemptions expire on September 15, 2016.

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, R.N., Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Room W64–224, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone may search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, or other entity). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

II. Background

On August 14, 2014, FMCSA published a notice of receipt of Federal diabetes exemption applications from 46 individuals and requested comments from the public (79 FR 47711). The public comment period closed on September 15, 2014, and no comments were received.

FMCSA has evaluated the eligibility of the 46 applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

III. Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that ''A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control'' (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These 46 applicants have had ITDM over a range of 1 to 43 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the August 14, 2014, **Federal Register** notice and they will not be repeated in this notice.

IV. Discussion of Comments

FMCSA received no comments in this proceeding.

V. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes requirement in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

VI. Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VII. Conclusion

Based upon its evaluation of the 46 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above 949 CFR 391.64(b)):

James M. Brooks (VA)
Gary L. Brown (PA)
Richard E. Campney (IA)
Steven J. Causie (MI)
Wesley A. Chain (TX)
Richard M. Cohen (NJ)
Alex A. Comella (NJ)
Jeffrey R. Courtright (CO)
Dwayne P. Daniels (PA)
James T. Dodge (CO)
Richard D. Domingo (NV)
John J. Dominguez (TX)
Mark S. Duda (PA)
Vernon L. Fulton, Jr. (OR)
Gary W. Giles (TX)
Benny B. Gonzales (TX)
Jerry W. Gott (IA)
James L. Hummel (WA)
Matthew J. Jensen (MN)
Joseph A. Kipus (OH)
Kevin L. Kreakie (OH)
Gerald D. Layton (TX)
Steve F. Levicoff (PA)
Kevin C. Lewis (LA)
Timothy M. Malo (ME)
Paul J. Marshall (UT)
David L. Mc Donald (IL)
Thomas K. Miszler (PA)
Rusty A. Neal (IL)
Jacob B. Newman (GA)
Duke R. Pendergraft (TX)
Timothy K. Price (WV)
Michael C. Prue (ME)
Juan C. Rodriguez-Martinez (CA)
Bradlee R. Saxby (IL)
Barry L. Schwab (MI)
Geoffrey E. Showaker (PA)
Nicholas J. Shultz (IN)
Kevin J. Sparks (ME)
George E. Thompson (NJ)
Dale W. Tucker (VA)
William C. Vickery (NY)
Cheryl L. Weber Gambill (IL)
Robert A. Whitcomb (MA)
Rodney L. Wichman (IL)
Richard D. Wiegartz (IL)

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption is valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: October 10, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–25128 Filed 10–21–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35861]

California High Speed Rail Authority—Petition for Declaratory Order

On October 9, 2014, the California High-Speed Rail Authority (Authority) filed a petition requesting that the Board issue a declaratory order regarding the availability of injunctive remedies under the California Environmental Quality Act (CEQA) to prevent or delay construction of an approximately 114-mile high-speed passenger rail line between Fresno and Bakersfield, Cal. (the Line). The Board authorized construction of the Line, subject to certain conditions, in *California High-Speed Rail Authority—Construction Exemption—in Fresno, Kings, Tulare, & Kern Counties, California,* FD 35724 (Sub-No. 1) (STB served August 12, 2014) (Vice Chairman Miller concurring and Commissioner Begeman dissenting). The Authority states that seven lawsuits have been filed against the Authority challenging its compliance with CEQA with respect to the Line and that the lawsuits seek injunctive remedies under CEQA that would prevent or delay construction of the Line. The Authority argues that 49 U.S.C. 10501(b) would preempt such CEQA remedies because injunctive relief would enjoin construction of a Board-authorized project.

The Authority has requested that the Board issue an expedited declaratory order by November 20, 2014. The first case management conference for the lawsuits is scheduled for November 21, 2014, and the Authority claims that a declaratory order issued before that conference would remove uncertainty regarding the CEQA injunctive remedies available to the litigants. The Authority states that it served a copy of its petition on all counsel of record in the lawsuits.

The Board has discretionary authority under 5 U.S.C. 554(e) and 49 U.S.C. 721 to issue a declaratory order to eliminate a controversy or remove uncertainty. Here, it is appropriate to institute a declaratory order proceeding so that the Board can consider the issues raised in the Authority's petition regarding whether 10501(b) would preempt CEQA injunctive remedies regarding the Line. The Board will therefore institute a proceeding to consider the matter. Interested persons may file substantive replies to the Authority's petition by November 6, 2014.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. A declaratory order proceeding is instituted.
2. Interested persons may file substantive replies to the Authority's petition by November 6, 2014.
3. This decision is effective on its service date.

By the Board.

Rachel D. Campbell,

Director, Office of Proceedings.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2014–25130 Filed 10–21–14; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

October 17, 2014.

The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before November 21, 2014 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimates, or any other aspect of the information collections, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8141, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained by emailing *PRA@treasury.gov,* calling (202) 622–1295, or viewing the entire information collection request at *www.reginfo.gov.*

Internal Revenue Service (IRS)

OMB Number: 1545–0988.

Type of Review: Extension without change of a currently approved collection.

Title: Form 8609, Low-Income Housing Credit Allocation Certification; Form 8609–A, Annual Statement for Low-Income Housing Credit.

Form: 8609, 8609–A.

Abstract: Owners of residential low-income rental buildings may claim a low-income housing credit for each qualified building over a 10-year credit period. Form 8609 can be used to obtain a housing credit allocation from the housing credit agency. Form 8609, along with Form 8609–A, is used by the owner to certify necessary information required by the law.

Affected Public: Businesses or other for-profits; State, local, or tribal governments.

Estimated Annual Burden Hours: 4,090,332.

OMB Number: 1545–1485.

Type of Review: Extension without change of a currently approved collection.

Title: T.D. 8743, Sale of Residence From Qualified Personal Residence Trust.

Abstract: TD 8743 contains final regulations permitting the reformation of a personal residence trust or a qualified personal residence trust in order to comply with the applicable requirements for such trusts. The final regulations also provide that the governing instruments of such trusts must prohibit the sale of a residence held in the trust to the grantor of the trust, the grantor's spouse, or an entity controlled by the grantor or the grantor's spouse. 26 CFR 25.2702–5(a)(2)

Affected Public: Individuals or households.

Estimated Annual Burden Hours: 625.

OMB Number: 1545–1914.

Type of Review: Revision of a currently approved collection.

Title: Low Sulfur Diesel Fuel Production Credit.

Form: 8896.

Abstract: Qualified small business refiners use Form 8896 to claim the low sulfur diesel fuel production credit. The credit generally is 5 cents for every gallon of low sulfur diesel fuel produced.

Affected Public: Businesses or other for-profits.

Estimated Annual Burden Hours: 260.

Brenda Simms,

Treasury PRA Clearance Officer.

[FR Doc. 2014–25109 Filed 10–21–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Funding Availability Under Supportive Services for Veteran Families Program

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice; correction.

SUMMARY: The Department of Veterans Affairs (VA) published a Notice of Funding Availability in the **Federal Register** on October 10, 2014, that contained an error. Specifically, it incorrectly stated the phone number for the VA point of contact, John Kuhn. The correct phone number is (877) 737–0111.

Dated: October 17, 2014.

William F. Russo,

Acting Director, Office of Regulation Policy & Management, Office of the General Counsel, Department of Veterans Affairs.

[FR Doc. 2014–25096 Filed 10–21–14; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 79 Wednesday,

No. 204 October 22, 2014

Part II

Department of Agriculture

Food and Nutrition Service

7 CFR Parts 250 and 251

Requirements for the Distribution and Control of Donated Foods; Proposed Rule

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 250 and 251

RIN 0584–AE29

Requirements for the Distribution and Control of Donated Foods

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule proposes to revise and clarify requirements to ensure that USDA donated foods are distributed, stored, and managed in the safest, most efficient, and cost-effective manner, at State and recipient agency levels. The rule would also reduce administrative and reporting requirements for State distributing agencies, revise or clarify regulatory provisions relating to accountability for donated foods, and rewrite much of the regulations in a more user-friendly, ''plain language,'' format. Lastly, the rule proposes to revise and clarify specific requirements to conform more closely to related requirements elsewhere in the Code of Federal Regulations. In formulating the proposals, the Food and Nutrition Service (FNS) has utilized input received from program administrators, industry representatives, and other organizations at national conferences and other meetings, and through email or other routine communications with such parties.

DATES: To be assured of consideration, comments must be received on or before January 20, 2015.

ADDRESSES: The Food and Nutrition Service invites interested persons to submit comments on this proposed rule. You may submit comments, identified by RIN number 0584–AE29, by any of the following methods:

Email: Send written comments to *Dana.Rasmussen@fns.usda.gov.* Include RIN number 0584–AE29 in the subject line of the message.

Mail: Send written comments to Dana Rasmussen, Branch Chief, Policy Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, Room 500, 3101 Park Center Drive, Alexandria, Virginia 22302–1594.

Hand Delivery or Courier: Deliver written comments to the above address.

Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Further information on the submission of comments or the review of comments submitted may be found under Part III, Procedural Matters, under **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Dana Rasmussen at the above address or telephone (703) 305–2662, or by email at *Dana.Rasmussen@fns.usda.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Agriculture's (the Department or USDA) Food and Nutrition Service (FNS) provides food to State distributing agencies for use in food assistance programs as authorized in the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501, et seq.), the Food and Nutrition Act of 2008 (7 U.S.C. 2011, et seq.), the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note), the Older Americans Act of 1965 (42 U.S.C. 3001, et seq.), and the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121, et seq.). State distributing agencies, in turn, distribute the donated foods (which are also referred to as USDA Foods) to recipient agencies (such as school food authorities, food banks, and food pantries) which provide assistance to eligible persons or households in specific food assistance programs, to needy persons served by charitable institutions, or to persons victimized by a disaster or situation of distress. The general regulations for the storage, distribution, and control of donated foods by State distributing agencies and recipient agencies are included in 7 CFR part 250. Other Federal regulations include requirements specific to particular food assistance programs that receive donated foods—e.g., 7 CFR part 251 for The Emergency Food Assistance Program (TEFAP) and 7 CFR part 210 for the National School Lunch Program (NSLP).

Following the enactment of the Commodity Distribution Reform Act and WIC Amendments of 1987, (7 U.S.C. 612c note), hereinafter referred to as the Commodity Distribution Reform Act, a final rule was issued in October 1989 amending 7 CFR part 250 to require State distributing agencies to evaluate the efficiency and cost-effectiveness of their method of distribution of donated foods to recipient agencies (54 FR 42476). The amended regulations required distributing agencies to utilize a commercial storage and distribution system, if such system was determined to be more cost-effective. As a result, most State distributing agencies currently procure the services of commercial storage facilities to store donated foods and distribute them to recipient agencies, or permit direct shipments from vendors of donated foods to recipient agencies, the contracted commercial storage facilities of such agencies, or to processors for processing of donated foods into end products. However, for donated foods distributed in NSLP, most school food authorities must pay a charge to help meet storage and distribution costs for donated foods. The charge imposed on school food authorities varies widely from State to State. This rule proposes to revise current requirements in 7 CFR part 250 to ensure that State distribution systems provide the most efficient and cost-effective service for school food authorities in provision of donated foods, while reducing the administrative burden on distributing agencies in providing such service.

In 2002, the Department, in collaboration with State agencies and school food authorities, developed procedures and instructions for responding to donated foods subject to a food recall. Such procedures and instructions ensure that donated foods subject to a food recall are isolated, inspected, and recovered in an expeditious manner. This rule proposes to include a section on donated food safety and disposition, and to require that State distributing agency agreements and contracts include provisions to ensure compliance with all applicable Federal, State or local requirements relating to food safety and food recalls.

In October 2002, 7 CFR part 250 was amended to permit school food authorities in NSLP, as well as other recipient agencies that use donated foods, to provide meals to recipients, store donated foods together with commercially purchased foods, and maintain a single inventory record of the donated and purchased foods (67 FR 65015). The single inventory management option reduced the workload for school food authorities in control and monitoring of their food inventories. In August 2008, 7 CFR part 250 was amended to further clarify the single inventory management option for school food authorities, and to revise other requirements to ensure that such entities receive the full benefit of the donated foods provided in NSLP (73 FR 46189). However, some confusion still exists regarding the application of the single inventory management option. This rule proposes to further clarify storage and inventory management requirements at the distributing and recipient agency levels.

In order to ensure compliance with requirements for the processing of donated foods, the State distributing agency must currently conduct an on-site review of in-State processors at least once every two years. This rule proposes to remove this requirement, which is burdensome and costly for distributing agencies, and to require instead that in-State processors obtain independent Certified Public Accountant (CPA) audits, as currently required of multi-State processors. The rule would also remove requirements for the distributing agency in verification of sales of processed end products, and in reporting acceptability of donated foods to FNS.

The Department has developed instructions and guidance in areas of donated food distribution related to food recalls, the use of donated foods in disaster situations, ensuring that restitution is made for donated food losses, shipment and receipt of donated foods, and options in the processing of donated foods. This rule proposes to include references to these materials to help the reader better understand standards and procedures relating to specific aspects of the distribution and control of donated foods. This rule also proposes to provide references to other applicable Federal regulations to help the reader identify Federal requirements affecting the distribution and control of donated foods that are beyond the scope of this proposed rule. Lastly, the rule proposes to rewrite and restructure much of 7 CFR part 250 in a more user-friendly, ''plain language,'' format. Specific proposals for change or clarification are discussed more fully in the next section of the preamble.

II. Discussion of the Rule's Provisions

7 CFR Part 250

A. Subpart A—General Purpose and Administration

We propose to completely revise current Subpart A of 7 CFR part 250 to more clearly present the general purpose and use of donated foods, the definitions applicable to 7 CFR part 250, the responsible administrative agencies in the distribution and control of donated foods at Federal and State levels, and civil rights requirements. Some of these requirements are located in current Subpart B. Accordingly, we propose to change the heading of Subpart A to *General Purpose and Administration, with new sections as described in the following paragraphs.*

1. Purpose and Use of Donated Foods, § 250.1

In § 250.1, we propose to describe the purpose of donated foods, the general requirements for their use, and the legislative sanctions that apply in the event that they are used improperly. In § 250.1(a), we indicate that the Department purchases foods for donation in specific food assistance programs or to provide assistance to needy persons, in accordance with legislation authorizing such assistance in specific programs or providing for removal of market surpluses and support of food prices.

In § 250.1(b), we propose to include the stipulation, in current § 250.13(a)(1), that donated foods must be distributed and used in accordance with the requirements of 7 CFR part 250. We propose to indicate that other Federal regulations also apply to specific programs (e.g., 7 CFR part 251 includes requirements for donated foods provided in TEFAP). We propose to include the provision, in current § 250.13(a)(7), that permits donated foods to be used in activities designed to test their effective use in specific programs (e.g., in nutrition classes or cooking demonstrations). However, we propose to remove the need for prior approval to permit such use.

In accordance with current § 250.13(a)(1)(ii), donated foods may not be sold, exchanged, or otherwise disposed of without prior approval of the Department. And, in accordance with current § 250.15(a)(3), recipients may not be required to make any payments, or perform any services, in connection with the receipt of donated foods. We propose to include these requirements in § 250.1(b) of this proposed rule, with some clarification. We propose to prohibit the sale, exchange, or other disposition of donated foods, or their use to require recipients to make any payments, or perform any services, except as specifically permitted in 7 CFR part 250, or in other Federal regulations. We also propose to include the requirement, in current § 250.15(a)(3), that donated foods may not be used to solicit voluntary contributions, except for donated foods provided in the Nutrition Services Incentive Program (NSIP), which was formerly called the Nutrition Program for the Elderly.

In § 250.1(c), we propose to include, in streamlined form, the sanctions established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) and the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) for persons who embezzle, willfully misapply, steal, or obtain by fraud, donated foods, or funds deriving from donated foods. These sanctions are included in current § 250.13(i).

2. Definitions, § 250.2

In § 250.2, we propose to include the definitions applicable to 7 CFR part 250, which are included in current § 250.3. Although most of the definitions are included without change, we have chosen to set out all definitions in this rule, in the interest of clarity. However, this preamble addresses only those current definitions that we are proposing to remove or revise and the definitions that we are proposing to add.

We propose to remove the definitions of ''Commodities'', ''Disaster victims'', ''Discount system'', ''FNSRO'', ''Nonprofit school food service account'', ''Refund application'', ''Refund system'', ''School'', ''Secretary'', ''State and United States'', ''Substituted food'', and ''Welfare agency''. The term ''commodities'' is no longer commonly used, as it has been replaced by ''donated foods'' or ''USDA Foods,'' both of which are included in § 250.2 of this proposed rule. The Federal Emergency Management Agency (FEMA) now commonly refers to survivors of a disaster or emergency, rather than to disaster victims, and we propose to use the same reference in 7 CFR part 250. In this proposed rule, we refer simply to FNS actions or requirements, without specifying FNSRO (i.e., FNS Regional Offices) or FNS Headquarters. FNS guidance indicates which FNS office is responsible for specific procedures. The definitions of ''Discount system'', ''Refund'', ''Refund application'', ''Refund system'', and ''Substituted food'', are unnecessary, as their meaning is clear in current Subpart C of 7 CFR part 250, which includes requirements in the processing of donated foods. The definition of ''Nonprofit school food service account'' is included in 7 CFR part 210, and we propose to include references to that part, as appropriate, rather than repeat the definition in 7 CFR part 250. Similarly, the definition of ''School'' is included in § 210.2, and we refer invariably to the school food authority, rather than to individual schools, in 7 CFR part 250. In this proposed rule, we refer to the Department or USDA, rather than to the Secretary. The term ''Welfare agency'' is no longer in use, and such agencies would fall under the term ''Recipient agencies'' in this proposed rule. The current definition of ''State and United States'' would be replaced by a new definition of ''State''.

We propose to revise current definitions of ''Adult care institution'', ''CACFP'', ''Charitable institutions'', ''Department'', ''Disaster'', ''Disaster organizations'', ''Distributing agency'', ''Donated foods'', ''Elderly nutrition project'', ''Household'', ''In-kind replacement'', ''Multi-State processor'', ''National per-meal value'', ''Needy persons'', ''NSIP'', ''NSLP'', ''Recipient agencies'', ''SBP'', ''Section 4(a)'', ''Section 6'', ''Section 14'', ''Section 32'', ''Section 311'', ''Section 416'', ''Section 709'', ''SFSP'', ''Similar replacement'', ''Situation of distress'', ''Storage facility'', ''State Agency on Aging'', and ''Subdistributing agency''.

The proposed revisions of ''Adult care institution'', ''CACFP'', ''Charitable institutions'', ''Department'', ''Donated foods'', ''Elderly nutrition project'', ''Multi-State processor'', ''National per-meal value'', ''Needy persons'', ''NSIP'', ''NSLP'', ''SBP'', ''Section 4(a)'', ''Section 6'', ''Section 14'', ''Section 32'', ''Section 311'', ''Section 416'', ''Section 709'', ''SFSP'', ''State Agency on Aging'', and ''Storage facility'' would simply streamline the current definitions.

The proposed revision of ''Disaster'' would also streamline the current definition, and would include the Presidential declaration of a disaster or emergency (e.g., a pandemic), as either event would trigger the provision of donated foods, in accordance with section 413 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5180). The proposed revision of ''Situation of distress'' would simply indicate that it is a natural catastrophe or other event that does not meet the definition of disaster, but that, in the determination of the distributing agency or FNS, warrants the use of donated foods to assist persons in need of food assistance as a result of such catastrophe or event. Further explanation relating to contingencies for the provision of donated food assistance in such an event is included in § 250.70 of this proposed rule. The proposed revision of ''Disaster organizations'' would include reference to such organizations authorized to provide assistance to survivors of a disaster or a situation of distress, rather than to disaster victims.

The proposed revision of ''Distributing agency'' would clarify the current definition by indicating that it is a State agency selected by the appropriate authorities in the State to distribute donated foods in the State, in accordance with 7 CFR part 250 and other Federal regulations, as applicable. We also propose to clarify that Indian Tribal Organizations may act as distributing agencies in the administration of the Food Distribution Program on Indian Reservations (FDPIR) or other programs on, or near, Indian reservations, as currently provided for in Federal regulations. We propose to remove the inclusion of a Federal agency or private agency under the definition. A Federal agency may distribute donated foods in a State, but would not do so as a distributing agency subject to the requirements in this part. A private nonprofit agency may distribute donated foods in the State, but only as a subdistributing agency, under an agreement with the distributing agency. A private for-profit entity (i.e., commercial enterprise) may also distribute donated foods in the State, but only under contract with the distributing agency (or subdistributing agency), and subject to Federal procurement requirements. The proposed revision of ''Recipient agencies'' would clarify their function in providing assistance directly to needy persons. It would also clarify that local agencies in the Commodity Supplemental Food Program (CSFP), and Indian Tribal Organizations distributing donated foods to needy persons through FDPIR in a State in which the State government administers FDPIR, are considered recipient agencies in 7 CFR part 250.

The proposed revision of ''Subdistributing agency'' would clarify that it is a State agency, public agency, or a nonprofit organization selected by the distributing agency to perform one or more donated food activities required of the distributing agency. It would remove the current designation of State agencies, local agencies, and Indian Tribal Organizations that administer TEFAP, FDPIR, or CSFP as subdistributing agencies. State agencies and Indian Tribal Organizations administering such programs meet the definition of distributing agency. Local agencies in CSFP may function as subdistributing agencies if they receive donated foods for further distribution to other recipient agencies. However, in most cases, they function only as recipient agencies in that they provide assistance directly to needy persons.

The proposed revisions of ''In-kind replacement'' and ''Similar replacement'' would clarify that such replacement must be with the same (i.e., in-kind) or similar foods of a quality and value at least equal to the lost donated foods. The proposed revision of ''Similar replacement'' also clarifies that the replacement food must be from the same food category (e.g., meat, vegetable, grains) as the lost donated food. The proposed revision of ''Household'' clarifies the individuals or the groups of individuals which may be considered a household in this part.

We propose to add definitions of ''7 CFR Part 3052'', ''Administering agency'', ''Carrier'', ''Consignee'', ''CSFP'', ''Distribution charge'', ''FDPIR'', ''Food recall'', ''Household programs'', ''In-State processor'', ''Multi-food shipment'', ''Out-of-condition donated foods'', ''SAE funds'', ''Section 27'', ''SNAP'', ''Split shipment'', ''State'', ''TEFAP'', ''USDA foods'', and ''Vendor''.

The addition of ''Administering agency'' would clarify its function in the overall administration of a food assistance program in the State, rather than just the distribution of donated foods, which is the function of the distributing agency. While the administering agency may also be the distributing agency in a State, that is not always the case. The addition of ''CSFP'', ''FDPIR'', ''Household programs'', ''SNAP'', and ''TEFAP'' would help the reader identify food assistance programs referred to in 7 CFR part 250. The addition of ''7 CFR Part 3052'' would alert the reader to the Departmental regulations relating to audits of public and nonprofit agencies receiving Federal grants. The additions of ''Carrier'' and ''Consignee'' would identify entities that transport donated foods from one location to another, and that receive shipments of donated foods, respectively. The addition of ''Distribution charge'' would identify the total charge or fee that the distributing agency may impose on recipient agencies in child nutrition programs to help defray costs of storing and distributing donated foods, and associated administrative costs. The addition of ''Multi-food shipment'' would identify shipments of donated foods from a Federal storage facility, rather than directly from a vendor.

The addition of ''Food recall'' would identify an action necessary to protect public health, which is further addressed in § 250.15(c) of this proposed rule. The addition of ''In-State processor'' would help the reader distinguish such an entity from a multi-State processor. The addition of ''Out-of-condition donated foods'' would identify those donated foods that are no longer fit for human consumption. The addition of ''SAE funds'' would identify the Federal funds provided to State agencies to pay for administrative expenses in NSLP and other child nutrition programs, in accordance with 7 CFR part 235. The addition of ''Section 27'' would identify the section of the Food and Nutrition Act of 2008 that authorizes funds for food purchases

in TEFAP. The addition of ''Split shipment'' would identify a shipment of donated food that is divided among two or more distributing or recipient agencies. The addition of ''State'' would streamline the current definition of ''State and United States'', which we are proposing to remove. It would also exclude the Trust Territory of the Pacific Islands, which is no longer a recipient of donated foods. The addition of ''USDA Foods'' would alert the reader to another commonly-used term for donated foods. The addition of ''Vendor'' would identify a commercial enterprise from which the Department purchases food for donation.

3. Administration at the Federal Level, § 250.3

In § 250.3, we propose to include the actions that may be undertaken by FNS, as the Federal administering agency for USDA food assistance programs, in ensuring the effective distribution and control of donated foods. In § 250.3(a), we propose to describe the role of FNS in administering USDA food assistance programs at the Federal level, including the distribution of donated foods to State distributing agencies for further distribution and use, in accordance with the requirements in this part.

In § 250.3(b), we propose to include the authority, in current § 250.18(a), for the Department, Comptroller General, or any of their authorized representatives, to conduct audits or inspections of any agency, or contracted commercial entity, in order to determine compliance with the requirements of this part, or with other applicable Federal regulations.

In § 250.3(c), we propose to include FNS's authority, in current § 250.20, to terminate the distribution of donated foods, or the provision of administrative funds, to a distributing agency for its failure to comply with the requirements of 7 CFR part 250, or with other applicable Federal regulations. However, we propose to clarify that FNS may also choose to suspend such activities, rather than terminate them, as provided for in 7 CFR 3016.43. We also propose to clarify that FNS must provide written notification to the distributing agency of such termination or suspension of assistance, and that such action is subject to an appeal if recourse to an appeal is provided for in Federal regulations applicable to specific programs (e.g., as provided for in FDPIR, in accordance with 7 CFR part 253) . Lastly, we include the stipulation that FNS may also take other actions, as appropriate, including prosecution under applicable Federal statutes.

4. Administration at the State Level, § 250.4

In § 250.4, we propose to include the responsibility of the distributing agency in administering the distribution of donated foods at the State level. In § 250.4(a), we propose to require the distributing agency to ensure compliance with requirements in 7 CFR part 250, and in other Federal regulations referenced in this part. We propose to include the requirement, in current § 250.12(a), that the distributing agency enter into a written agreement with FNS (i.e., the Federal-State agreement) to receive, store, and distribute donated foods in the State. We propose to retain the current provision that makes the agreement permanent, but to permit it to be amended or terminated with the concurrence of both parties. We also indicate that FNS may terminate the Federal-State agreement for the distributing agency's failure to ensure compliance with requirements. Lastly, we propose to retain the provision, in current § 250.2(b), that the distributing agency may impose additional requirements relating to the distribution and control of donated foods in the State, as long as such requirements are not inconsistent with the requirements of 7 CFR part 250 or other Federal regulations referenced in this part. We propose to remove the provision, in current § 250.2(c), that the distributing agency must provide adequate personnel to administer the program, as the need to comply with requirements for effective administration would necessitate the employment of adequate personnel to do so.

In § 250.4(b), we propose to include the option, in current §§ 250.3 and 250.12(b), for the distributing agency to select a subdistributing agency (as defined in this proposed rule) to perform specific activities relating to donated foods for which the distributing agency is responsible, in accordance with a written agreement between the parties. We propose to retain the provision, in current § 250.10(c), that prohibits the distributing agency from delegating its overall responsibility to ensure compliance with requirements in 7 CFR part 250 to a subdistributing agency or to any other organization. We also propose to prohibit the distributing agency from delegating its responsibility to ensure compliance with the performance standards included in § 250.22 of this proposed rule.

In § 250.4(c), we propose to include the requirement, in current §§ 250.11(b) and 250.13(d)(1), that the distributing agency select recipient agencies to receive donated foods for distribution to needy persons, or for inclusion in meals provided to needy persons. We propose to clarify that such selection must be in accordance with eligibility criteria applicable to specific programs or outlets. We also propose to retain the requirement, in current § 250.12(b), that the distributing agency enter into a written agreement with a recipient agency prior to distribution of donated foods to it. We propose to clarify that, for child nutrition programs, the distributing agency must enter into agreements with recipient agencies selected by the State administering agency (which may be different from the distributing agency) for participation in such programs, before distribution of donated foods to such recipient agencies. The distributing agency must verify such recipient agencies' participation in child nutrition programs with the State administering agency. We propose to include the requirement in current § 250.11(b) that the distributing agency consider past performance in selecting recipient agencies to receive donated foods, but specify that this requirement only applies to household programs. We propose to remove the current provision that the distributing agency ensure that welfare agencies determine the eligibility of program participants. Requirements relating to the determination by recipient agencies of participant eligibility are included in regulations appropriate to specific programs or outlets.

We also propose to include the required provisions of agreements with recipient agencies and subdistributing agencies in § 250.4(c) of this proposed rule. We propose to retain the provision, in current § 250.12(b)(1), that ensures compliance with the requirements of 7 CFR part 250, and propose to also include assurance of compliance with other Federal regulations, as referenced in 7 CFR part 250 and with the distributing agency's written agreement with FNS. We propose to include a provision for compliance with all Federal, State or local requirements relating to food safety and food recalls. In § 250.15(c) of this proposed rule, we are proposing to require distributing and recipient agencies to follow all applicable Federal, State or local requirements for donated foods subject to a food recall. As discussed in Section I of this proposed rule, in 2002, the Department, in collaboration with State agencies and school food authorities, developed procedures and instructions for responding to donated foods subject to a food recall. These procedures and

instructions are provided to assist distributing and recipient agencies in ensuring that donated foods subject to a food recall are isolated, inspected, and recovered in an expeditious manner.

In accordance with current § 250.12(c), distributing agency agreements with recipient agencies are permanent, with amendments to be made as necessary. However, the distributing agency's agreement with a subdistributing agency is limited to one year, and may be extended for two additional one-year periods. We propose to require that the duration of agreements with recipient agencies and subdistributing agencies be included in provisions of such agreements, but propose to remove the current durational requirements in order to allow distributing agencies to determine the duration that will best meet the needs of the program. The distributing agency may choose to enter into permanent agreements with recipient agencies or subdistributing agencies, unless other regulations applicable to specific programs limit such duration. In accordance with current § 250.12(c)(3), agreements may be terminated for cause by either party upon 30 days notice. We propose to revise this provision to permit termination of the agreement by the distributing agency for noncompliance with its provisions or with other applicable requirements, upon written notification to the applicable party, but without specifying a notification period. This will permit the distributing agency to take immediate action in the event that noncompliance on the part of a recipient agency or subdistributing agency would result in interruption of services to program participants or other serious program disruptions. We also propose to include a provision that permits termination of the agreement by either party, upon written notification to the other party at least 60 days prior to the effective date of termination. This change will allow distributing agencies the time needed to secure new contracts, alter distribution schedules, and move existing inventories, as necessary, without negatively impacting program operations.

We propose to remove agreement provisions in current § 250.12(b) that specifically address the responsibility for donated food losses and claims against other parties. Responsibility of each party in such instance is provided for in 7 CFR part 250 and FNS instructions and guidance, and the agreement must provide for adherence to all such requirements. Lastly, we propose to remove the requirement, in current § 250.11(a), that the distributing agency verify registration of recipient agencies to participate in the National Commodity Processing Program, as this program is no longer active.

Recipients of Federal grants must ensure compliance with Departmental procurement requirements in 7 CFR parts 3016 or 3019, as applicable, in obtaining the services of a commercial enterprise to conduct activities under the grant. In § 250.4(d), we propose to clarify that such procurement requirements are applicable to distributing and recipient agencies in obtaining such services. We also propose to indicate that such procurement must also ensure compliance with other applicable Departmental requirements—e.g., a school food authority must ensure compliance with requirements in 7 CFR part 210, and in Subpart D of 7 CFR part 250, in obtaining the services of a food service management company to manage the school food service.

5. Civil Rights, § 250.5

In § 250.5, we propose to include civil rights requirements. In accordance with current § 250.21, distributing, subdistributing, and recipient agencies must comply with the Department's regulations pertaining to nondiscrimination, as well as with FNS civil rights instructions. Such regulations and instructions ensure that no person is discriminated against in the receipt or distribution of donated foods. We propose to include such requirements in § 250.5.

B. Subpart B—Delivery, Distribution, and Control of Donated Foods

We propose to completely revise current Subpart B of 7 CFR part 250 to more clearly present the specific requirements in the ordering and delivery of donated foods, the distribution of donated foods to recipient agencies, and the control of donated foods at the distributing and recipient agency levels. To this end, we propose to restructure this subpart into 13 new sections, and to change the heading to *Delivery, Distribution, and Control of Donated Foods, with new sections as described in the following paragraphs.*

1. Availability and Ordering of Donated Foods, § 250.10

In § 250.10, we propose to include requirements to ensure that recipient agencies may order donated foods that are most useful to them, and that may be utilized efficiently and without waste. We also propose to assure that recipient agencies have the information necessary to order and utilize such foods effectively. FNS offers a wide variety of donated foods and continually updates the foods offered to ensure that distributing and recipient agencies are able to order the products which will best meet the needs of their programs. As new foods become available, and as needs of an individual program or recipient agency change, it is important that distributing agencies facilitate ordering and use of the foods which will be most advantageous to recipient agencies. In § 250.10(a), we propose to require the distributing agency to utilize a request-driven ordering system in submitting orders for donated foods to FNS, which must provide recipient agencies the opportunity to provide input at least annually in determining the donated foods from the full list that are made available to them for ordering. We propose to require that the distributing agency use the input provided to ensure that the types and forms of donated foods that recipient agencies may best utilize are made available to them for ordering. FNS has developed guidance to assist distributing agencies in implementing a request-driven ordering system that meets the requirements of this section. Lastly, we propose to include the requirement, in current § 250.13(a), that the distributing agency ensure donated foods are ordered and distributed in quantities that may be utilized efficiently and without waste. However, we propose to remove the specific stipulation, in current § 250.13(d)(2), that Section 416 bonus foods may not be distributed to recipient agencies if normal food expenditures would be reduced. The provision of donated foods is meant, in part, to assist recipient agencies in meeting their food assistance needs in a cost-effective manner.

In § 250.10(b), we propose to require the distributing agency to ensure that recipient agencies have information on the types and quantities of donated foods that may be ordered, donated food specifications and nutritional value, and procedures for the disposition of donated foods that are out-of-condition or that are subject to a food recall.

2. Delivery and Receipt of Donated Food Shipments, § 250.11

In § 250.11, we propose to include requirements for the receipt of donated food shipments from USDA vendors or from a Federal storage facility, and the conditions for the replacement of donated foods that have been delivered unsafe or out-of-condition by such entities. In § 250.11(a), we propose to indicate that the Department arranges for the delivery of donated foods from

vendors or Federal storage facilities to distributing or recipient agencies or other entities designated by such agencies (i.e., the consignee). However, we propose to remove the provision, in current § 250.13(a), that refers to the Department's responsibility to conform to scheduled delivery periods. While the Department strives to ensure timely deliveries to distributing and recipient agencies, such deliveries are subject to vendor and storage facility contracts and performance.

In § 250.11(b), we propose to require that the distributing or recipient agency, or other consignee, comply with all applicable Federal requirements in the receipt of donated food shipments. Procedures are contained in FNS Instruction 709–5, *Shipment and Receipt of Donated Foods,* which include those for donated foods that have been delivered out-of-condition. We also propose to require that the distributing or recipient agency, or other consignee, provide notification of receipt of donated food shipments to FNS through electronic means, and retain an electronic record of receipt of all donated food shipments. Implementation of an electronic donated foods ordering system has allowed distributing or recipient agencies to notify FNS of receipt of donated foods more efficiently than through previous ordering systems, resulting in faster payment for vendors, and more efficient tracking of donated foods, which is important in the event of food recalls or product complaint investigations.

In § 250.11(c), we propose to include requirements for the replacement of donated foods that are delivered out-of-condition by the vendor. In accordance with current § 250.13(g), the Department arranges for vendor replacement of donated foods that are delivered out-of-condition. Vendor responsibility for replacement of such foods may extend up to six months after their delivery, if there is documentation indicating that the foods were out-of-condition at the time of delivery. We propose to retain the current requirement for vendor replacement of donated foods that are delivered out-of-condition. However, we propose to require that vendor responsibility for such replacement extend up until the time of expiration of the product use-by or best-if-used-by date or, if no such date is included on the product label, until expiration of the vendor warranty period. The warranty period is the minimum acceptable shelf life established in the USDA contract with the vendor. In all cases, responsibility for such replacement is contingent on determination that the foods were out-of-condition at the time of delivery. The proposed time periods would be more practical than the current ones, as they bear a closer relationship to the actual shelf life of the foods.

In accordance with current § 250.13(g)(3), the vendor must provide for in-kind replacement of donated foods, unless FNS approves replacement with another type of food in the same food category (i.e., similar replacement). We propose to retain this requirement, and to indicate that the terms in-kind and similar replacement are defined in § 250.2 of this proposed rule. In accordance with current § 250.13(g), if physical replacement of donated foods would not be cost-effective or efficient, FNS may approve payment by the vendor to the distributing or recipient agency, or may credit the distributing agency's entitlement or assistance level. We propose to retain these options in § 250.11(c).

In § 250.11(d), we propose to include the information, in current § 250.13(b), that the Department is responsible for payment of the cost of delivering donated foods from vendors or Federal storage facilities to consignees, as well as any processing or handling costs incurred up to the time of delivery, as is deemed in the best interest of the Department. In accordance with current § 250.15(d), the distributing agency is responsible for payment of any charges accruing as a result of a delay in unloading a donated food shipment after arrival at the designated location, unless the Department is responsible for such delay. We propose to retain such obligation, but to clarify that the distributing agency, recipient agency, or other consignee, as appropriate, is responsible for the payment of any delivery charges that accrue as a result of such consignee's failure to comply with procedures in FNS instructions. We propose to include the failure to provide for the unloading of a shipment of donated foods within a designated time period as an example of such noncompliance.

In § 250.11(e), we propose to include the provisions, in current § 250.13(c), relating to transfer of title to donated foods. However, we propose to clarify that title transfers to the distributing or recipient agency, as appropriate (i.e., whichever agency receives the donated food shipment). We also propose to clarify that, notwithstanding transfer of title, distributing and recipient agencies must ensure compliance with the requirements of 7 CFR part 250 in the control and use of donated foods.

3. Storage and Inventory Management at the Distributing Agency Level, § 250.12

In § 250.12, we propose to describe the requirements for the storage and management of donated food inventories at storage facilities used by the distributing agency or subdistributing agency, which may include commercial storage facilities under contract with either the distributing or the subdistributing agency. In § 250.12(a), we propose to essentially retain the requirements in current § 250.14(b), which require that distributing agency facilities for the storage and control of donated foods protect against theft, spoilage, damage, or other loss, and obtain the required Federal, State, or local health inspections. However, we propose to revise this latter provision to require that the distributing agency ensure that storage facilities comply with all Federal, State, or local requirements relating to food safety and health, as applicable, and obtain all required health inspections.

In § 250.12(b), we propose to include the requirement, in current § 250.14(b), that the distributing agency ensure that donated foods at any storage facility used by the distributing or subdistributing agency are stored in a manner that permits them to be distinguished from other foods, and must ensure that a separate inventory record of such donated foods is maintained. Such requirements ensure distribution of donated foods to the appropriate recipient agencies. We also propose to require that the distributing agency's system of inventory management ensure that donated foods are distributed in a timely manner and in optimal condition. FNS offers guidance that includes further direction on effective inventory management practices and the need to consider product dates in distribution of donated foods. We propose to retain the requirement, in current § 250.14(e), that the distributing agency conduct a physical review of such donated food inventories, and reconcile physical and book inventories, on an annual basis. We propose to include the requirement in current § 250.15(c) that the distributing agency report donated food losses to FNS, and ensure restitution for such losses. FNS provides guidance for complying with these requirements in FNS Instruction 410–1, *Claims for Losses of Donated Foods and Related Administrative Losses—Procedures for the State Distributing Agency,* and in FNS Instruction 420–1, *Managing Agency Debts.*

In § 250.12(c), we propose to include the limitations on the amount of donated food inventories on-hand. In accordance with current § 250.14(f)(2), donated food inventories at the distributing agency level may not exceed a six-month supply, unless justification is submitted, and FNS approval obtained, to maintain larger inventories. The inventory amount must be based on the amount of food that the distributing agency can reasonably utilize for the six-month period. We propose to retain the current inventory limitation for donated foods received in NSLP or other child nutrition programs, and in TEFAP. However, for donated foods received in CSFP or FDPIR, which offer defined food packages, we propose to limit inventory on-hand for each food category to an amount needed for a three-month period. The more restrictive inventory amounts would allow for more efficient use of limited program resources, and permit FNS to provide, to the greatest extent practical within available resources, a full variety of foods needed to meet monthly food package benefit levels in CSFP and FDPIR. In addition, implementation of more frequent deliveries in recent years has allowed distributing agencies in CSFP and FDPIR to more effectively manage donated food inventories. We propose to retain the option for the distributing agency to request FNS approval to maintain donated food inventories in excess of the established limits.

In § 250.12(d), we propose to require that the distributing agency obtain insurance to protect the value of donated food inventories at its storage facilities. Many distributing agencies currently have such protection, which better ensures that restitution can be made for donated food losses, in the event of a disaster or management error, and that recipients continue to receive program benefits. We also propose to require the distributing agency to ensure that subdistributing agencies, and recipient agencies in household programs that have agreements with the distributing agency or subdistributing agency, obtain such insurance for donated foods at their storage facilities. Lastly, we propose to require the distributing agency to ensure that commercial storage facilities under contract with the distributing agency, the subdistributing agency, or with the recipient agencies cited above, obtain insurance to protect the value of donated food inventories. We propose to require that, in all cases, the amount of the required insurance be at least equal to the average monthly value of donated food inventories at such facilities in the previous fiscal year. These minimum insurance requirements will help ensure that distributing agencies and recipient agencies receive the full benefit of the donated foods entitled to them in the event that donated foods are lost or damaged. The above entities are those that are most likely to have large inventories of donated foods, as well as the means to obtain protection for such foods. Smaller recipient agencies that do not have direct agreements with a distributing or subdistributing agency, but provide food packages directly to recipients, such as food pantries or community action agencies, would not be required to obtain insurance.

In § 250.12(e), we propose to include requirements for the transfer of donated foods from the distributing agency to another distributing agency or to another program. In accordance with current § 250.13(h), the distributing agency must request FNS approval to ''redonate'' donated foods that it cannot efficiently utilize. Additionally, current § 250.13(a)(1) includes requirements for the ''transfer'' of donated foods from one recipient agency to another. In practice, the terms ''redonation'' and ''transfer'' are often used interchangeably. To clarify, we propose to use the term ''transfer'' to refer to any redistribution of donated foods from one agency to another, or from one program to another, at the distributing or recipient agency level, and to cease using the term ''redonation''. We propose to clarify that the distributing agency may transfer donated foods from its inventories to another distributing agency or to another program, in order to ensure that such foods may be utilized in a timely manner and while in optimal condition. We propose to permit the distributing agency to transfer donated foods to another agency within the same program without FNS approval. However, we propose to require that the distributing agency request FNS approval to transfer donated foods from one program to another—e.g., from NSLP to TEFAP—whether the transfer is in the same or a different State, as these foods would be used in a program other than the program for which they were originally intended. We propose to stipulate that FNS may also require a distributing agency to transfer donated foods at the distributing agency's storage facilities or at a processor's facility, if inventories of donated foods are excessive or may not be efficiently utilized, so that such foods may be used to the benefit of recipients receiving donated foods through another agency or program.

We propose to require the distributing agency to obtain an inspection of donated foods by State or local health officials before transferring them, if there is a question of food safety, or at the direction of FNS, to ensure that only foods that are still safe and not out-of-condition are transferred. We also propose to retain the requirement in current § 250.15(e) that the distributing agency is responsible for meeting any transportation or inspection costs in transferring donated foods, unless the transfer is clearly not the result of negligence or improper action of the distributing agency. Lastly, we propose to require that the distributing agency maintain a record of all transfers and inspections of donated foods from its inventories. Transfer of donated foods at the recipient agency level is discussed in section II.B.5, *Storage and Inventory Management at the Recipient Agency Level, § 250.14,* of this preamble.

In § 250.12(f), we propose to indicate that the distributing agency may obtain the services of a commercial storage facility to store and distribute donated foods, or a carrier to transport such foods, but must ensure compliance with Departmental procurement requirements in 7 CFR part 3016. We propose to retain the requirement, in current § 250.14(d), that the distributing agency also enter into a written contract with such commercial storage facility, and that such contract not exceed five years in duration, including option years for extension or renewal. Because carriers assume similar responsibility for donated foods under their control, we propose to include the same requirements in contracting with a carrier. We also propose to retain the required contract provisions in current § 250.14(d) relating to safe and secure storage conditions, inventory management, insurance, reviews, contract duration and extension, and termination for noncompliance. We propose to add provisions to assure compliance with Federal, State or local requirements relative to food safety and health. We also propose to add a provision to assure that donated foods will be distributed to eligible recipient agencies in a timely manner and in optimal condition, and in amounts for which such recipient agencies are eligible. Lastly, we propose to revise the current provision providing for termination of the contract by either party (except as a result of noncompliance with regulatory provisions) by requiring notification of such termination at least 60 days in advance, rather than the current 30 days. This change will allow

distributing agencies the time needed to secure new contracts, alter distribution schedules, and move existing inventories, as necessary, without negatively impacting program operations. We propose to require the same provisions in a contract with a carrier, as such provisions are necessary to ensure the safe and effective transport of foods from one location to another.

4. Efficient and Cost-Effective Distribution of Donated Foods, § 250.13

In § 250.13, we propose to include requirements to ensure the distribution of donated foods to recipient agencies in the most efficient and cost-effective manner. In § 250.13(a), we propose to retain the requirements, in current §§ 250.14(a) and 250.24(e), that the distributing agency distribute donated foods to recipient agencies in the most efficient and cost-effective manner, and that such distribution is responsive to the needs of recipient agencies, as feasible. In meeting this requirement, we propose to require the distributing agency, to the extent practical, to provide for shipment of donated foods directly from the USDA vendor to the recipient agency, or (at the recipient agency's request) directly to a processor for processing into end products. We also propose to require that the distributing agency provide for split shipments between two or more recipient agencies, if such agencies are unable to accept a full truckload. Split shipments allow recipient agencies, particularly small recipient agencies, to receive donated foods in the forms and quantities that are most useful to them and on a schedule that will permit them to store and distribute the foods in the most efficient and cost-effective manner possible.

In § 250.13(b), we propose to require that, if the distributing agency determines that direct shipments are impractical (even after taking into account split shipments), it must provide for storage of donated foods at the distributing agency level, and subsequent distribution to recipient agencies. Such storage and distribution must be provided in the most efficient and cost-effective manner possible in order to minimize the cost to the recipient agency of receiving donated foods. We propose to clarify that the distributing agency must use State Administrative Expense (SAE) funds, as available, to meet costs of storing and distributing donated foods, or related administrative costs, for school food authorities or other recipient agencies in child nutrition programs, or must use other Federal or State administrative funds received for such purpose. SAE funds are provided to State agencies administering NSLP or other child nutrition programs, in accordance with 7 CFR part 235, and distributing agencies receive SAE funds specifically to cover the costs of storing and distributing donated foods and related administrative costs for such programs. However, as SAE funds, or State funds, are limited, distributing agencies may also assess fees on school food authorities to help defray such costs. Under 7 CFR part 250, such fees are included under the term ''Distribution charge''.

We propose to retain the provision, in current § 250.15(a)(1), that permits the distributing agency to impose a distribution charge on school food authorities, but with the clarification that such charge may be imposed only if SAE funds, or other funds available from State or local sources, are insufficient to fully meet the costs of storing donated foods and distributing them to such agencies, and of administrative costs relating to such activities. We also propose to clarify that the distribution charge may cover only allowable costs, in accordance with 7 CFR part 3016 and with OMB guidance. The Departmental and OMB guidance provide for allowable costs for Federal grant expenditures. Lastly, we propose to require that the distributing agency maintain a record of costs incurred in storing and distributing donated foods and related administrative costs, and the source of funds used to pay such costs.

We propose to retain the requirement in current § 250.14 that the distributing agency use a commercial storage facility to store and distribute donated foods, in accordance with requirements in § 250.12(f) of this proposed rule, if a commercial system is determined to be the most efficient and cost-effective. However, we propose to remove the requirement, in current § 250.14(a)(2), that a distributing agency utilizing a noncommercial system of storage and distribution evaluate such system by comparing its costs with the cost of obtaining a commercial system, at 3-year intervals, and submit such cost evaluation to FNS. State distributing agencies performed such an evaluation and cost comparison, as directed in the Commodity Distribution Reform Act and, as a result, either changed to a commercially contracted distribution system, or determined that other storage and distribution options were more cost-effective. Subsequent periodic evaluations have been required, however, only through the regulations. We have determined that the use of such evaluations is no longer necessary for Program integrity. Consequently, we also propose to remove the requirement, in current § 250.14(a)(5), that the distributing agency request a waiver to continue using a noncommercial system.

In § 250.13(c), we propose to retain the requirement, in current § 250.14(a)(7), that the distributing agency obtain FNS approval to increase the distribution charge beyond normal inflationary adjustments or to change the level of service provided under a distribution charge. We also propose to require FNS approval of the amount of a newly established distribution charge (some States do not currently impose a distribution charge on school food authorities). We propose to clarify that such requirement also applies to any charge imposed on school food authorities by a distributing agency's commercially contracted storage facility. We propose to retain the current requirement that such request be submitted for approval at least 90 days in advance of its projected implementation. We also propose to retain the requirement, in current § 250.15(a)(1), that the request include justification for the new or increased amount, and the specific costs to be covered by the distribution charge. However, we propose to add a requirement that the request include justification for any change in the level of service provided under an existing distribution charge. Distributing agencies may use SAE funds to meet the costs of storing and distributing donated foods, and other Federal or State funds may also be available for this purpose. The use of such funds should allow distributing agencies to provide for storage and distribution costs of donated foods with minimal, if any, charge to recipient agencies. Therefore, any new or increased charge, or change in the level of services associated with a charge, must be necessary to provide recipient agencies with donated foods in the most efficient and cost-effective manner possible, as determined by FNS.

In § 250.13(d), we propose to indicate that FNS may disapprove the distributing agency's proposed new distribution charge or changes to an existing distribution charge, if FNS determines that such amount would not provide for the most cost-effective distribution of donated foods, or would otherwise impact recipient agencies negatively. We propose to clarify that, in such case, the distributing agency would be required to adjust the distribution charge or the level of service provided under the distribution charge, or to consider other storage and distribution options. We also propose to

retain the provision, in current § 250.14(a)(6)(ii), that FNS may, at any time, require the distributing agency to submit documentation to justify the cost-effectiveness of its distribution system, and to re-evaluate such system, if it is determined to be out of compliance with the requirements in this section, as proposed. We propose to remove the requirement, in current § 250.15(a), that the distributing agency submit to FNS a description of its system for assessing its distribution charge every three years. However, FNS may require the distributing agency to submit information relating to its assessment of the distribution charge, or to any other aspect of its distribution system, in accordance with § 250.18(d) of this proposed rule.

5. Storage and Inventory Management at the Recipient Agency Level, § 250.14

In § 250.14, we propose to include requirements for the storage and management of donated foods at the recipient agency level, including commercial storage facilities or other entities under contract with the recipient agency. In § 250.14(a), we propose to require recipient agencies to meet the same requirements for food safety and health at their storage facilities as those proposed for the distributing agency in § 250.12(a) of this rule.

In § 250.14(b), we propose to require that recipient agencies in household programs store donated foods in a manner that permits them to be distinguished from other foods at their storage facilities, and to maintain a separate inventory record of donated foods. Recipient agencies in household programs are currently subject to the requirement to maintain storage and inventories of donated foods separately from other foods in accordance with their designation as ''subdistributing agencies'', in current § 250.3. However, as described in section II.A.2 of the preamble, we are proposing to remove the current designation of such recipient agencies as subdistributing agencies. We also propose to require that such recipient agencies' system of inventory management ensure that donated foods are distributed to recipients in a timely manner that permits use of such foods while still in optimal condition. Lastly, we propose to clarify that recipient agencies in household programs must notify the distributing agency of any donated food losses, and take further actions with respect to such donated foods, as directed by the distributing agency.

In § 250.14(c), we propose to clarify the requirement in current § 250.59(c) that recipient agencies in child nutrition programs, and those receiving donated foods as charitable institutions (in accordance with current § 250.67), are not required to store donated foods in a manner that distinguishes them from purchased foods or other foods, or to maintain a separate inventory record of donated foods. Such recipient agencies may utilize single inventory management, in which donated foods are commingled with purchased foods or other foods in storage, and a single inventory record is maintained. Under single inventory management, all foods are subject to the same safeguards regarding food safety and health. As a result, we propose to clarify that all recipient agencies in child nutrition programs, and those receiving donated foods as charitable institutions, are not required to separately monitor and report donated food use, distribution, or loss to the distributing agency, unless there is evidence indicating that donated food loss has occurred as a result of theft or fraud. This is true regardless of the inventory management system actually utilized by such recipient agencies.

In § 250.14(d), we propose to include requirements in current § 250.13(a)(1)(iii) for the transfer of donated foods from one recipient agency to another recipient agency and to clarify the types of transfers to which these requirements apply. We propose to clarify that a recipient agency operating a household program request approval from the distributing agency to transfer donated foods to another recipient agency in the same program. We propose to clarify that transfer of donated foods from such recipient agency to a recipient agency in another program receive FNS approval (i.e., through the distributing agency). We propose to indicate that a recipient agency operating a child nutrition program, or one receiving donated foods as a charitable institution (in accordance with current § 250.67), may transfer donated foods to another recipient agency or charitable organization without prior approval from the distributing agency or FNS. This is in accordance with single inventory management, in which donated foods are commingled with other foods, and often may not be distinguished from them.

In § 250.14(e), we propose to indicate that recipient agencies may obtain the services of a commercial storage facility to store and distribute donated foods, but must ensure compliance with Departmental procurement requirements in 7 CFR parts 3016 or 3019, as applicable. We also propose to clarify that recipient agencies must ensure that such commercial storage facilities comply with the applicable requirements in 7 CFR part 250 for the storage and inventory management of donated foods.

6. Out-of-Condition Donated Foods, Food Recalls, and Complaints, § 250.15

In § 250.15, we propose to include requirements for the disposition of donated foods that are out-of-condition, or that are subject to a food recall, and requirements for the resolution of recipient complaints relating to donated foods. In § 250.15(a), we propose to require the distributing agency to ensure that out-of-condition donated foods at its storage facilities are destroyed, or otherwise disposed of, in accordance with State or local requirements pertaining to food safety and health. We propose to retain the contingency for sale of out-of-condition donated foods (e.g., to a salvage company) in accordance with current § 250.13(f), if such sale is permitted by State laws or regulations, rather than contingent on FNS approval. We also propose to require the distributing agency to obtain an inspection of donated foods by State or local health authorities to determine their safety and condition, as necessary, or as directed by FNS.

In § 250.15(b), we propose to require that recipient agencies in household programs report out-of-condition donated foods at their storage facilities to the distributing agency, and ensure that such donated foods are destroyed, or otherwise disposed of, in accordance with State or local requirements pertaining to food safety and health. We propose to require the distributing agency to ensure that such recipient agencies obtain an inspection of donated foods by State or local health authorities to determine their safety and condition, as necessary, or as directed by FNS. We propose to indicate that, for recipient agencies in child nutrition programs, and those receiving donated foods as charitable institutions (in accordance with § 250.67), donated foods must be treated as other foods when safety is in question. Consequently, such recipient agencies must comply with State or local requirements in determining the safety of donated foods and other foods, and in their destruction or other disposition, but are not required to report such actions to the distributing agency.

In § 250.15(c), we propose to require that the distributing agency or recipient agency, as appropriate, follow all applicable Federal, State or local requirements for donated foods subject to a food recall. Departmental guidance

is also provided to assist distributing and recipient agencies in ensuring that donated foods subject to a food recall are isolated, inspected, and recovered in an expeditious manner, and that the appropriate parties are reimbursed for costs associated with such actions.

In § 250.15(d), we propose to indicate that the distributing agency must inform recipient agencies of the preferred method for receiving donated food complaints and resolve complaints received from recipients, recipient agencies, or other entities relating to donated foods in an expeditious manner, and in accordance with applicable requirements in 7 CFR part 250. We propose to require the distributing agency to submit any complaints regarding product quality or specifications, or suggested products improvements, to FNS through the established FNS donated foods complaint system for tracking and evaluation purposes. If resolution of the complaint at the State level is not feasible, we propose to indicate that the distributing agency must provide information regarding the complaint to FNS for resolution. Guidance on meeting these requirements is included on the FNS Web site. We also propose to prohibit the distributing agency from disposing of any donated food that is the subject of a complaint prior to guidance and authorization from FNS. Lastly, we propose to include the requirement, in current § 250.22, that the distributing agency maintain a record of its investigations and other actions with respect to any complaints relating to donated foods. Resolving and tracking product complaints, either at the Federal or State level, is critical to ensuring that recipient agencies are receiving replacement products, as appropriate, and that donated foods meet the standards established by the Department.

7. Claims and Restitution for Donated Food Losses, § 250.16

In § 250.16, we propose to include requirements to ensure that restitution is made for donated food losses, including claims against parties responsible for such losses. In § 250.16(a), we propose to require that the distributing agency ensure that restitution is made for donated food losses, and for the loss or improper use of funds provided for, or obtained incidental to donated food distribution (e.g., in salvage of donated foods or sale of pallets). We propose to clarify that, in making restitution for losses, the distributing agency must identify, and seek restitution from, parties responsible for the loss, and implement corrective actions to prevent future losses. Guidance for distributing agencies is included in FNS Instruction 410–1, *Claims for Losses of Donated Foods and Related Administrative Losses—Procedures for the State Distributing Agency.*

We propose to remove the actions required of the distributing agency in making restitution for donated food losses in current § 250.15(c). We also propose to remove the provision, in current § 250.15(c)(2), that inventory loss of a donated food that does not exceed one percent of the total inventory of that food may, under certain conditions, be exempt from recovery through claims. Although some losses that meet such conditions may be exempted with FNS approval, as indicated above, a blanket exemption for inventory loss does not encourage efficient inventory management. Current provisions in § 250.15(c)(2) also exempt losses in amounts that do not exceed thresholds established in State laws or regulations. We propose to remove this exemption as well, as all distributing agencies should be held to the same standards with respect to accountability for Federal resources provided.

In § 250.16(b), we propose to clarify that FNS may initiate and pursue a claim against the distributing agency or other entities for the loss of donated foods, and for the loss or improper use of funds provided, or obtained incidental to donated food distribution. We also propose to clarify that FNS may initiate and pursue a claim if the distributing agency fails to take required claim actions against other parties. These requirements incorporate requirements in current § 250.15(c). FNS guidance on taking action on a claim is included in FNS Instruction 420–1, *Managing Agency Debts.* Lastly, we propose to clarify that FNS may, on behalf of the Department, compromise, forgive, suspend, or waive a claim. Such actions would also be taken in accordance with FNS Instruction 420–1.

8. Use of Funds Obtained Incidental to Donated Food Distribution, § 250.17

In § 250.17, we propose to include requirements for the use of funds obtained incidental to donated food distribution—e.g., through the distribution charge, the salvage of out-of-condition donated foods, the sale of pallets used for donated foods, or rebates from processors for the value of donated foods processed into end products. In § 250.17(a), we propose to clarify requirements in current § 250.15(f)(2) relating to the use of funds obtained from the distribution charge imposed on recipient agencies in child nutrition programs, in accordance with § 250.13(b) of this proposed rule. We propose to require that such funds be used to meet costs of storing and distributing donated foods or related administrative costs, consistent with limitations on the use of Federal grant funds in 7 CFR part 3016, and with OMB guidance. We also propose to specifically prohibit the use of such funds to purchase foods to replace donated food losses or to pay claims resulting from donated food losses.

We also propose to include in § 250.17(a) the requirement, in current § 250.15(f)(3), that the distributing agency maintain funds obtained from the distribution charge in an operating account, separate from other funds, as well as the current limitation on the amount of funds that may be maintained in such account. We also propose to retain the current requirement that, unless FNS approval is requested and granted, funds in excess of this amount must be used to reduce the distribution charge imposed on recipient agencies, or to provide appropriate reimbursement to such agencies. However, we propose to remove the contingency in current § 250.15(f)(2) that such funds be returned to the Department.

In § 250.17(b), we propose to require that school food authorities use funds obtained from processors in the processing of donated foods into end products (e.g., through rebates for the value of such processed donated foods, in accordance with Subpart C of 7 CFR part 250), or from food service management companies in crediting for the value of donated foods (in accordance with Subpart D of 7 CFR part 250), in support of the nonprofit school food service. This aligns 7 CFR part 250 with § 210.14 which provides that school food authorities must use revenues received in the operation of the nonprofit school food service, as defined in § 210.2 and in § 250.2 of this proposed rule, only for that food service. We propose to require that other recipient agencies use such funds to meet the costs of storing and distributing donated foods or related administrative costs, as proposed in § 250.17(c) of this rule.

In § 250.17(c), we propose to clarify requirements in current §§ 250.15(f)(1) and (f)(2) relating to funds collected in claims for donated food losses, and funds obtained from other sources incidental to donated food distribution. Donated foods are made available to distributing agencies to support the participants of each respective program. Any loss of donated foods means fewer foods will be available through the

affected program unless replacement foods are purchased. Therefore, we propose to require that funds collected in payment of claims for donated food losses be used to purchase replacement foods for use in the program in which the losses occurred unless the distributing agencies receives FNS approval to use the funds for other program purposes. Guidance for use of funds collected in payment of a claim are included in FNS Instruction 410–1, *Claims for Losses of Donated Foods and Related Administrative Losses—Procedures for the State Distributing Agency,* and in FNS Instruction 420–1, *Managing Agency Debts.* We propose to require that funds obtained from other sources, except as otherwise indicated in this section, be used to pay administrative costs of storing and distributing donated foods, consistent with the limitations on the use of funds provided under a Federal grant in 7 CFR parts 3016 or 3019, as applicable, and OMB guidance, as applicable. Using such funds in this manner will permit distributing agencies to reduce or eliminate the charges imposed on recipient agencies for storage, distribution and administration related to donated foods. Sources of such funds may include, for example, the sale of donated food containers or pallets, the salvage of out-of-condition donated foods, or payments by processors for failure to meet processing yields. The Departmental and OMB regulations provide guidance for allowable costs in Federal grant expenditures for State and local government entities, and for private nonprofit organizations. We propose to remove the contingency, in current § 250.15(f)(2), that such funds be returned to the Department.

We propose to retain the requirement, in current § 250.15(f)(3), that the distributing agency maintain funds obtained from claims or other sources indicated in this section in a separate salvage account. However, we propose to rename this account the ''donated food account.'' We also propose to revise upward the threshold for which deposits into, and expenditures from, such account must receive FNS approval. We propose to require that the distributing agency receive FNS approval for a deposit into, or expenditure from, the donated food account in excess of $25,000, instead of the $2,500 threshold in current § 250.15(f)(4). Regardless, such funds must be used in accordance with the requirements in proposed 250.17(c). Lastly, we propose to require that the distributing or recipient agency maintain a record of all funds obtained and expended in accordance with this proposed § 250.17(c).

In § 250.17(d), we propose to clarify that the distributing agency is prohibited from using funds obtained incidental to donated food distribution to meet State matching requirements for other Federal grants received—e.g., for FDPIR or TEFAP. We also propose to clarify that such funds may not be used in place of State Administrative Expense (SAE) funds available to meet costs relating to storage and distribution of donated foods.

In § 250.17(e), we propose to clarify the ''Buy American'' requirement, in current § 250.23, for the purchase of foods with funds obtained incidental to donated food distribution. In accordance with the current requirement, recipient agencies must use Federal funds to purchase only foods that are produced, or processed, in the United States, with certain exceptions. We propose to clarify that, when funds obtained in accordance with this section, as proposed, are used to purchase foods in the commercial market, a distributing or recipient agency in the continental United States, and in Hawaii, must, to the maximum extent practical, purchase only domestic foods or food products. This clarification of the ''Buy American'' requirement is consistent with the requirement for school food authority purchases in § 210.21(d), and in Section 12(n) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760). We also propose to include the definition of domestic foods or food products used in § 210.21(d). Lastly, we propose to clarify that the ''Buy American'' requirement is also applicable to the cash-in-lieu-of-donated foods provided to school food authorities in NSLP and to child and adult care institutions in CACFP, in accordance with §§ 250.56(e) and 250.61(c), respectively.

9. Reporting Requirements, § 250.18

In § 250.18, we propose to include requirements for submission of reports relating to the distribution and control of donated foods. In § 250.18(a), we propose to retain the requirement, in current § 250.17(a), that the distributing agency submit form FNS–152, *Monthly Distribution of Donated Foods to Family Units,* to report donated food inventories and distribution in FDPIR. However, we propose to remove reference to form FNS–153, *Monthly Report of the Commodity Supplemental Food Program and Quarterly Administrative Financial Status Report,* as the requirement for submission of this report is included in 7 CFR part 247. We propose instead to indicate that the distributing agency must submit reports included in regulations for specific food assistance programs. We also propose to indicate that such reports must be submitted in accordance with the timeframes established for each respective report, rather than include specific timeframes for submission in 7 CFR part 250.

We propose to retain the requirement, in current § 250.17(a), that the distributing agency report excessive donated food inventories in TEFAP, NSLP, and other child nutrition programs to FNS, on a semiannual basis, utilizing form FNS–155, the *Inventory Management Register.* We propose to remove the requirement, in current §§ 250.13(k) and 250.17(d), that the distributing agency report commodity acceptability information to FNS, utilizing information collected from recipient agencies in NSLP, CACFP, NSIP, CSFP, and FDPIR, and submitted on form FNS–663, the *Commodity Acceptability Report.* Technological advances, including the evolution of request-driven ordering systems, over the last several years have made the collection and reporting of such information by the distributing agency unnecessary. FNS now receives information on donated food acceptability from diverse parties on a routine basis, through electronic communication, national conferences and other meetings with program operators, as well as through periodic reviews of its donated food offerings.

In § 250.18(b), we propose to include the requirement, in current § 250.30(m), that processors submit monthly performance reports to the distributing agency to report donated food inventories, processing of donated foods, and sale and delivery of end products. However, we propose to remove the requirement that the distributing agency submit a report of processors' inventories to the FNS Regional Office, in current § 250.17(b). Processors are required to submit monthly performance reports to FNS, eliminating the need for distributing agencies to submit such information to FNS.

In § 250.18(c), we propose to include the requirement, in §§ 250.69(f) and 250.70(f) of this proposed rule, that the distributing agency submit to FNS a report of the amounts of donated foods used in disasters and situations of distress, utilizing electronic form FNS–292A, *Report of Commodity Distribution for Disaster Relief.* This form is also used to request replacement of donated foods used in disasters and situations of distress.

In § 250.18(d), we propose to retain the requirement, in current § 250.17(e), that the distributing agency submit other information relating to the distribution of donated foods that may be requested by FNS on a periodic basis. For example, FNS may require that the distributing agency provide information relating to the distribution charge, or to support the efficiency and cost-effectiveness of its storage and distribution system, in accordance with § 250.13 of this proposed rule.

10. Recordkeeping Requirements, § 250.19

In § 250.19, we propose to include recordkeeping requirements relating to the distribution and control of donated foods. In § 250.19(a), we propose to require that distributing and recipient agencies, and other entities, maintain records of agreements and contracts, reports, audits, and claim actions, funds obtained incidental to donated food distribution, and other records required in this part or in other Departmental regulations, as applicable. In addition to these requirements, we propose to require distributing agencies to keep a record of the value of donated foods received by each of its school food authorities in order to assist in monitoring distributing agency compliance with the requirement that school food authorities in NSLP are offered, at a minimum, the commodity offer value of donated foods, in accordance with § 250.58; and records to demonstrate compliance with the professional standards for State directors of distributing agencies in § 235.11(g) of the proposed rule Professional Standards for State and Local School Nutrition Programs Personnel as Required by the Healthy, Hunger-Free Kids Act of 2010 (79 FR 6503 (Feb. 4, 2014)). We also propose to require that processors maintain records documenting the sale of end products to recipient agencies, including the sale of such end products by distributors. Specific recordkeeping requirements relating to the use of donated foods in contracts with food service management companies are included in § 250.54. Lastly, we propose to include the provision, in current § 250.16(a)(6), that failure to maintain required records must be considered prima facie evidence of improper distribution or loss of donated foods and may result in a claim against the responsible party for the loss of donated foods, or may result in other sanctions or corrective actions.

We propose to remove the requirement, in current § 250.16(a)(3), that the distributing agency maintain records of refusal of donated foods by school food authorities. In accordance with a final rule published in the **Federal Register** on August 8, 2008 at 73 FR 46169, the ''offer and refusal'' system of ordering donated foods was removed. We also propose to remove the requirement, in current § 250.16(a)(5), that recipient agencies maintain records of the data and method used to determine the number of eligible persons served. Recordkeeping requirements relating to the determination of eligibility, or the number of eligible persons served, are included in regulations applicable to specific programs (e.g., 7 CFR part 247 for CSFP).

In § 250.19(b), we propose to retain, without change, requirements in current § 250.16(b) relating to the length of time that records must be retained.

11. Audit Requirements, § 250.20

In § 250.20, we propose to include reference to Federal audit requirements for distributing and recipient agencies, and audit requirements for processors. In § 250.20(a), we propose to reference audit requirements in 7 CFR part 3052 for State or local government agencies and nonprofit organizations that receive Federal grants, as such requirements apply to distributing and recipient agencies. In accordance with such requirements, the value of Federal grants or awards expended in a fiscal year determine if the distributing or recipient agency must obtain an audit in that year. We propose to clarify that the value of donated foods must be considered as part of the total value of the Federal grant, and to reference FNS guidance in valuing donated foods for audit purposes, and in determining if an audit is required.

In § 250.20(b), we propose to include requirements for processors to obtain an independent CPA audit to determine compliance with processing requirements for donated foods. In accordance with current § 250.18(b), multi-State processors must obtain an independent CPA audit at a frequency determined by the value of the donated foods they receive for processing in a year. Currently, a multi-State processor must obtain an independent CPA audit for any year in which it receives more than $250,000 in donated foods; every two years, if it receives $75,000 to $250,000 in donated foods each year; and every three years, if it receives less than $75,000 in donated foods each year. Such audits must be paid for by the processor.

We propose to amend the current audit requirement for multi-State processors by requiring that a multi-State processor obtain an independent CPA audit in each of the first two years that it receives donated foods for processing, regardless of the value of donated foods received, to ensure that new processors receive appropriate oversight as they establish their processing programs. After the first two years, we propose to require a multi-State processor to obtain such an audit at a frequency determined by the average value of donated foods received for processing per year, as currently required. However, we propose to revise upward the current thresholds for determining the required frequency of such audits to reflect the much larger volume of donated foods provided to such processors for processing over the last several years. Hence, we propose to require a multi-State processor to obtain an independent CPA audit:

(1) Annually, if it receives, on average, more than $5,000,000 in donated foods for processing per year;

(2) Every two years, if it receives, on average, between $1,000,000 and $5,000,000 in donated foods for processing per year; and

(3) Every three years, if it receives, on average, less than $1,000,000 in donated foods for processing per year.

In-State processors are not currently required to obtain an independent CPA audit. In order to ensure compliance with program requirements, the distributing agency must conduct an on-site review of in-State processors at least once every two years, in accordance with current § 250.19(b)(1)(iii). However, the performance of on-site reviews is a costly and time-consuming exercise for distributing agencies, and we are proposing to remove this requirement, as discussed in section II.B.13 of the preamble. We propose, instead, to require that an in-State processor obtain an independent CPA audit to determine compliance with processing requirements for donated foods in the first year that it receives donated foods for processing. After the first year, we propose to require an in-State processor to obtain such an audit at a frequency determined by the average value of donated foods received for processing per year, using the same thresholds for determining such frequency as we are proposing for multi-State processors. Due to the lower volume of donated foods received by in-State processors, we expect that, after the first year, in-State processors would be subject to the audit requirement every three years. As currently required for multi-State processors, we propose to require that in-State processors pay the cost of the audit.

We propose to require that the donated food value utilized must be the contract value of the donated foods, as

defined in § 250.2 of this proposed rule. We also propose to clarify that audits must determine processor compliance with the requirements in this part, and must be conducted in accordance with the FNS Audit Guide for Processors. However, we propose to remove the current stipulation that FNS may require auditors to attend training sessions conducted by the Department. Although training may still be provided, FNS provides written guidance and technical assistance for auditors on an ongoing basis.

In § 250.20(c), we propose to include the actions required of processors resulting from the audits. We propose to require that in-State processors submit a copy of the audit to the distributing agency for review by December 31 of each year in which an audit is required. We propose to require the distributing agency to ensure that in-State processors provide a corrective action plan with timelines for correcting deficiencies identified in the audit, and that such deficiencies are corrected. We propose to include the requirement in current § 250.18(b) that multi-State processors submit a copy of the audit, and a corrective action plan with timelines to correct deficiencies identified in the audit, as appropriate, to FNS for review by December 31 of each year in which an audit is required. This will permit FNS and distributing agencies to review audit findings, follow up on required corrective actions, and monitor noncompliance issues for the purpose of identifying trends and implementing program improvements.

In § 250.20(d), we propose to indicate that a distributing or recipient agency is subject to sanctions for failure to obtain the required audit, or for failure to correct deficiencies identified in audits. Such sanctions may include the withholding, suspension, or termination of a Federal award. We propose to indicate that, if a processor fails to obtain the required audit, or to correct deficiencies identified in audits, a distributing or recipient agency may terminate the processing contract or agreement, and may not extend or renew such a contract or agreement. We also propose to include the stipulation, in current § 250.18(b)(5), that FNS may prohibit the further distribution of donated foods to a processor for its failure to comply with audit requirements.

12. Distributing Agency Reviews, § 250.21

In § 250.21, we propose to include the requirements for the distributing agency to review subdistributing agencies, recipient agencies, and other entities to ensure compliance with requirements relating to the distribution and control of donated foods. In § 250.21(a), we propose to clarify and streamline review requirements in current § 250.19. We propose to require that the distributing agency ensure compliance with requirements in 7 CFR part 250, and in other Federal regulations as applicable, through its review of required reports, and through on-site reviews of the recipient agencies and other entities indicated in § 250.21(b) of this proposed rule. The required reports for review may include audit reports, processors' monthly performance reports, and inventory reports submitted in CSFP and FDPIR. We also propose to clarify that the distributing agency is not required to review school food authorities and other recipient agencies in child nutrition programs. The State administering agency (which may be different from the distributing agency) is responsible for the review of such recipient agencies in accordance with review requirements of Part 210. Lastly, we propose to remove specific review procedures included in current § 250.19(b)(1), such as the review of recipient agency eligibility and civil rights requirements, as they do not apply to all programs, and are included in Federal regulations for specific programs in which they do apply.

We propose to include current on-site review requirements of charitable institutions, and of storage facilities at the distributing agency level, in § 250.21(b), and to add a reference to the distributing agency's requirement to perform on-site reviews of subdistributing and recipient agencies in CSFP, TEFAP, and FDPIR, in accordance with 7 CFR parts 247, 251, and 253, respectively. However, we propose to remove the requirement, in current § 250.19(b)(1)(iii), that the distributing agency perform on-site reviews of in-State processors. The on-site review would be replaced by review of the audits required of such processors, in accordance with § 250.20 of this proposed rule.

We propose to remove the requirement in current § 250.19(b)(2), that the distributing agency develop a system to verify sales of end products when a processor delivers end products to a distributor for sale to recipient agencies under a discount method of sales. Processors receive notification of such end product sales from the distributor, usually by electronic means, and the processor must maintain records of such sales, in accordance with current § 250.30(k)(2), and with § 250.19(a) of this proposed rule. Such records would be reviewed by auditors, in conducting the audits required in accordance with § 250.20(b) of this proposed rule. Consequently, all end product sales may be verified through the review of audit reports, as well as through the distributing agency's review of the processor's monthly performance reports. The distributing agency may also require, at its option, that the processor submit documentation to support information included in the processor's performance report, including sales of end products to recipient agencies. The State administering agency may also review school food authorities' records, in order to ensure receipt of the requisite quantity of end products, in accordance with the administrative review required in 7 CFR part 210.

In § 250.21(c), we propose to include the requirement, in current § 250.19(b)(3) and (b)(4), that the distributing agency report deficiencies identified in its review to recipient agencies or other entities, recommend corrective actions, and ensure that such actions are completed. We propose to remove the requirement in current § 250.19(b)(6) that the distributing agency require that subdistributing agencies monitor and review their own operations. Such responsibility must reside with the distributing agency, in accordance with § 250.4(a) of this proposed rule.

13. Distributing Agency Performance Standards, § 250.22

In § 250.22, we propose to include the performance standards that the distributing agency must meet, most of which are included in current § 250.24. Performance standards are meant to highlight the most important areas of oversight for distributing agencies relating to donated foods; however, the current standards cover a wide area. In § 250.22(a), we propose to revise the performance standards to include only those relating to oversight of requirements in the ordering, distribution, processing, and control of donated foods, as such requirements are proposed in this rule. We propose to revise the performance standard relating to the provision for processing of donated foods to clarify that the distributing agency must provide for such processing, at the request of school food authorities, in accordance with the processing requirements in Subpart C of 7 CFR part 250. Most distributing agencies already provide for processing of donated foods into end products, which permit school food authorities to more easily prepare and serve meals in NSLP. We propose to include clarification that some performance

standards are applicable only to distributing agencies that distribute donated foods in NSLP or other child nutrition programs. We propose an additional performance standard, ensuring distributing agencies provide recipient agencies information regarding the preferred method for the submission of donated food complaints to the distributing agency and that distributing agencies act expeditiously to resolve submitted complaints. Lastly, we propose to clarify that the identification of specific performance standards does not relieve the distributing agency of the responsibility to meet other requirements in 7 CFR part 250.

In § 250.22(b), we propose to include the requirement, in current § 250.19(c), that the distributing agency submit a corrective action plan to FNS if it is found to be substantially out of compliance with the performance standards. We propose to retain the current requirements that the plan identify the corrective actions to be taken, the timeframe for completion of such actions, and that the distributing agency must submit the plan to FNS within 60 days after receiving notification of a deficiency. Failure of a distributing agency to submit a timely corrective action plan to FNS may be considered a violation of this part, and therefore subject to suspension or termination under § 250.3(c).

In § 250.22(c), we propose to include the provision, in current § 250.20, that FNS may terminate the distributing agency's participation in the distribution of donated foods, or in a food distribution program, for failure to comply with requirements in 7 CFR part 250, with other applicable Federal regulations, or with its written agreement with FNS. We propose to indicate that FNS may also choose to suspend, rather than terminate, such participation, or may terminate or suspend some, but not all, activities. In certain situations, suspending all or part of a program rather than terminating the program in its entirety will allow FNS to continue serving program participants while pursuing corrective actions. Lastly, we propose to include the stipulation, in current § 250.20, that FNS may also take other actions, as appropriate, including prosecution under applicable Federal statutes.

C. Subpart C—Processing and Labeling of Donated Foods

We propose to amend current Subpart C of 7 CFR part 250 to reduce reporting requirements relating to the processing of donated foods, and to remove the requirement that the processor make a payment to the distributing agency for the value of excessive donated food inventories at the annual reconciliation. We also propose to update regulatory references to conform to other changes proposed in this rule, and to replace reference to ''FNSRO'' with ''FNS Regional Office'' given that the rule proposes to remove the definition of ''FNSRO'' from the definitions section of the rule, in proposed § 250.2.

We propose to remove the requirement, in current § 250.30(k)(3), that the processor submit copies of requests for refunds and refund payments to the distributing agency. We also propose to remove the requirements, in current § 250.30(n)(4) and § 250.30(o), that the distributing agency submit monthly performance reports, or information from such reports, to FNS on a periodic basis.

In accordance with the proposal to remove the requirement that the distributing agency develop a sales verification system for end product sales, as described in section II.B.12 of the preamble, we propose to remove the requirement, in current § 250.30(m)(1)(viii), that the processor report sales verification findings to the distributing agency. We also propose to remove current § 250.30(m)(1)(vii), which is reserved. Accordingly, we propose to redesignate § 250.30(m)(1)(ix) as § 250.30(m)(1)(vii).

In accordance with current § 250.30(n)(3), as part of the annual reconciliation, a processor that has contracted with the distributing agency for the following year must first reduce any excessive donated food inventories by paying the distributing agency for the value of such donated foods. While such cash-out of donated food inventories may be the best option in certain instances, in other cases a transfer of such inventories to another distributing agency or processor may be the better option. Therefore, we propose to revise current § 250.30(n)(3) to instead require such processor to reduce excessive donated food inventories. Policy Memorandum FD–064, *Management of Donated Food Inventories at Processors,* which was implemented in revised form on March 20, 2012, provides several options for reduction of excessive donated food inventories at processors.

We propose to remove requirements in current § 250.30(q) that the FNS Regional Office review processing contracts and inventory reports, and in current § 250.30(r), which indicates that FNS will provide copies of contracts upon request. Such contracts and inventory reports are currently reviewed by FNS Headquarters staff. In accordance with the removal of paragraphs (o), (q), and (r) of this section, paragraphs (p), (s), and (t) would be redesignated as paragraphs (o), (p), and (q) of this section, respectively.

D. Subpart D—Donated Foods in Contracts With Food Service Management Companies

We propose to amend current Subpart D of 7 CFR part 250 to clarify requirements in the storage, control, and use of donated foods in contracts with food service management companies. In current § 250.50(a), we propose to clarify that the food service management company must use all donated foods received in the recipient agency's food service, or must use commercial substitutes in place of such donated foods only as permitted in § 250.51(d). We propose to revise current § 250.52(a) to clarify that the food service management company must meet the requirements in § 250.14(a) of this proposed rule for the safe storage and control of donated foods.

E. Subpart E—National School Lunch Program (NSLP) and Other Child Nutrition Programs

We propose to amend current Subpart E of 7 CFR part 250 to ensure that school food authorities are able to order and receive the donated foods that they may best utilize in the school food service, and to clarify requirements for school food authorities in the storage, inventory management, and use of donated foods. In order to accomplish this, we propose to revise current paragraphs § 250.58(a) and (e), and to consolidate current §§ 250.59 and 250.60 into a revised § 250.59. Current §§ 250.61 and 250.62 would be redesignated as §§ 250.60 and 250.61, respectively.

In § 250.58(a), we propose to remove reference to the Electronic Commodity Ordering System (ECOS), as donated food orders are now placed through a new FNS electronic donated foods ordering system, currently named Web Based Supply Chain Management (WBSCM). Although all distributing agencies currently submit orders and other information to FNS through the FNS electronic donated foods ordering system, not all States have rolled down such system to their school food authorities. Nevertheless, we propose to require that the distributing agency ensure that all school food authorities are able to submit orders for donated foods through the FNS electronic donated foods ordering system, or through a comparable electronic ordering system. Direct submission of orders by school food authorities better ensures that they receive the preferred

types and forms of donated foods, and at a time when they may best utilize such foods in the school food service. We propose to require that the distributing agency ensure that all school food authorities have the opportunity to provide input on at least an annual basis in determining which donated foods, from the full list of donated foods, will be made available to them for ordering electronically through the FNS electronic donated foods ordering system or another system. Providing school food authorities with the opportunity to order the types and forms of foods that they have expressed a preference for will help them to maximize their use of donated foods to meet the nutrition standards in the National School Lunch Program and to prevent waste. Lastly, we propose to require that the distributing agency ensure distribution to school food authorities of all such ordered donated foods that may be distributed to them in a cost-effective manner (including the use of split shipments, as necessary), and that they may efficiently utilize so as to minimize the cost to school food authorities of receiving donated foods.

In § 250.58(e), we propose to require that the distributing agency use either the donated food cost-per-pound prices posted annually by USDA or the most recently published cost-per-pound in the USDA donated foods catalog in offering the school food authority the commodity offer value of donated foods, as required in § 250.58(b). In crediting the school food authority's donated food assistance level, currently the distributing agency may choose among three options in valuing donated foods, including the commodity file cost as of a specified date and the estimated cost-per-pound data included in commodity survey memoranda. Instead, we propose that the distributing agency use the USDA purchase price (cost-per-pound) in crediting the school food authority's donated food assistance level, and that the distributing agency update this price at least semi-annually to reflect the most recent purchase price. This will better reflect the actual benefit received by the school food authority.

In § 250.59(a), we propose to reference the storage and inventory requirements in Subpart B of 7 CFR part 250 applicable to distributing agencies to ensure the safe and effective storage and control of donated foods. We propose to indicate that the school food authority must ensure the safe and sanitary storage, inventory management, and use of donated foods and purchased foods, in accordance with requirements in current § 210.13. In accordance with § 250.14(c) of this proposed rule, the school food authority may commingle donated foods and purchased foods in a single inventory management system. We propose to remove the current provision that permits the distributing agency to determine if the school food authority may exercise the single inventory option, or must continue to maintain and track donated food inventories separately from its purchased foods. Separate inventory tracking of donated foods would be an unnecessary burden for school food authorities, and it is important that single inventory management be implemented consistently in all States.

In § 250.59(b), we propose to include the requirements in current § 250.60(a) for the use of donated foods in the nonprofit school food service, with only minor clarifications. In § 250.59(c), we propose to include contingencies and requirements in current § 250.60(b) for the use of donated foods outside of the nonprofit school food service, again with only minor clarifications. In § 250.59(d), we propose to include requirements in current § 250.60(c) for donated foods in contracts with food service management companies in a more streamlined form, but without substantive changes.

In § 250.59(e), we propose to clarify requirements for two or more school food authorities acting as a collective unit in conducting activities relating to donated foods. School food authorities often perform activities in a collaborative manner through school co-ops or consortia, in order to minimize costs and improve efficiency of operations. We propose to clarify that the school collective unit is subject to the same requirements pertaining to such donated food activities as a single school food authority. For example, the school collective unit may commingle donated foods and purchased foods in a single inventory management system.

F. Subpart F—Household Programs

We propose to revise current Subpart F to streamline and clarify current descriptions of, and requirements for, the distribution of donated foods in CSFP and FDPIR, and to include such information for TEFAP. We propose to remove reference to the Food Distribution Program in the Trust Territory of the Pacific Islands, as all distribution of donated foods in this program has been cashed out. We also propose to remove reference to the Special Supplemental Nutrition Program for Women, Infants, and Children (i.e., the WIC Program), as donated food distribution in that program was discontinued several years ago. Accordingly, we propose to include the following new sections in the revised Subpart F.

1. Commodity Supplemental Food Program (CSFP), § 250.63

In § 250.63(a), we propose to clarify that the Department distributes donated foods in CSFP to the distributing agency for further distribution in the State, in accordance with 7 CFR part 247. We also propose to clarify that State and recipient agencies must comply with the requirements of 7 CFR part 250 in the distribution, control, and use of donated foods in CSFP, to the extent that such requirements are not inconsistent with the requirements in 7 CFR part 247. In § 250.63(b), we propose to clarify the types of donated foods distributed in CSFP, in accordance with the legislation authorizing the purchase of such foods.

2. The Emergency Food Assistance Program (TEFAP), § 250.64

In § 250.64, we propose to include a description of the distribution of donated foods in TEFAP. In § 250.64(a), we propose to clarify that the Department distributes donated foods in TEFAP to the distributing agency for further distribution in the State, in accordance with 7 CFR part 251. We also propose to clarify that State and recipient agencies must comply with the requirements of 7 CFR part 250 in the distribution, control, and use of donated foods in TEFAP, to the extent that such requirements are not inconsistent with the requirements in 7 CFR part 251. In § 250.64(b), we propose to clarify the types of donated foods distributed in TEFAP, in accordance with the legislation authorizing the purchase of such foods.

3. Food Distribution Program on Indian Reservations (FDPIR), § 250.65

In § 250.65(a), we propose to clarify that the Department distributes donated foods in FDPIR to the distributing agency for further distribution, in accordance with 7 CFR parts 253 and 254. We also propose to clarify that the distributing agency may be a State agency or Indian Tribal Organization, and must comply with the requirements of 7 CFR part 250 in the distribution, control, and use of donated foods in FDPIR, to the extent that such requirements are not inconsistent with the requirements in 7 CFR parts 253 and 254. In § 250.65(b), we propose to clarify the types of donated foods distributed in FDPIR, in accordance with the legislation authorizing the purchase of such foods.

G. Subpart G—Additional Provisions

We propose to amend current Subpart G of 7 CFR part 250 by revising the Subpart heading to read *Additional Provisions,* by clarifying requirements for the distribution of donated foods in disasters and situations of distress, and by adding a provision which identifies the OMB assigned information collection and recordkeeping control numbers. In order to accomplish this, we propose to revise the heading of Subpart G, as well as current §§ 250.69 and 250.70, and we propose to add § 250.71.

1. Disasters, § 250.69

We propose to revise current § 250.69 to clarify requirements for the distribution and use of donated foods in a disaster, contingencies for replacement of such foods, and reporting requirements. In accordance with § 250.2 of this proposed rule, the term ''disaster'' includes a Presidentially declared disaster or emergency (e.g., a pandemic); therefore, we refer simply to a disaster in this section. In § 250.69(a), we propose to retain the current provision that the distributing agency may provide donated foods from current inventories, at the distributing or recipient agency level, to approved disaster organizations for use in providing congregate meal assistance to persons in need of food assistance as a result of a disaster. We propose to retain the current authority for the distributing agency to provide such assistance without FNS approval. However, we propose to clarify that the distributing agency must notify FNS that donated foods will be provided, and the period of time that they are expected to be needed. If such period of time is extended, the distributing agency must notify FNS of the extension.

In § 250.69(b), we propose to retain the current provision that the distributing agency may provide donated foods to disaster organizations for distribution to households in need of food assistance once FNS approval has been obtained for such distribution. We propose to clarify that such assistance may continue for the period of time that FNS determines necessary to meet the needs of such households. We propose to retain the prohibition for households to simultaneously receive disaster Supplemental Nutrition Assistance Program (D–SNAP) benefits (formerly disaster food stamps) and donated food assistance.

In § 250.69(c), we propose to retain the current requirement that the distributing agency review and approve a disaster organization's application to provide donated food disaster assistance, before distributing donated foods to such organization. We also propose to retain the current requirement that, for distribution of donated foods to households, the application must also be forwarded to FNS for approval. We propose to retain the current required elements of such applications, including those additional elements required for distribution of donated foods to households.

In § 250.69(d), we propose to include the current requirement that disaster organizations collect information from households receiving donated foods, if issuance of D–SNAP benefits has also been approved, in order to ensure that households receiving D–SNAP benefits do not also receive donated foods. We propose to retain the current information that must be collected from such households. We also propose to include the current requirements that such household information be reported to the distributing agency, and that the distributing agency maintain a record of such information.

In § 250.69(e), we propose to include the provision, in current § 250.13(d)(1), that permits disaster relief workers to receive meals containing donated foods as an incident of their service to eligible recipients. However, we propose to clarify that any emergency relief workers at the congregate feeding site who are directly engaged in providing relief assistance may be served congregate meals containing donated foods.

In § 250.69(f), we propose to include the current requirement that the distributing agency report to FNS the number and location of sites where donated foods are used in congregate meals or household distribution, as these sites are established. We also propose to retain the requirement that the distributing agency provide a report of the types and amounts of donated foods used in disaster assistance. However, we propose to require this information to be reported electronically, utilizing form FNS–292A, *Report of Commodity Distribution for Disaster Relief.*

In § 250.69(g), we propose to include the current provision for FNS replacement of donated foods used in disasters, as requested by the distributing agency. However, we propose to require that such information must be reported within 45 days of termination of disaster assistance, rather than the current 30 day period. Also, we propose to require that such replacement be requested electronically, utilizing form FNS–292A, *Report of Commodity Distribution for Disaster Relief,* along with the report of the donated foods used in the disaster. Lastly, we propose to clarify that, for food diverted from inventories of recipient agencies in child nutrition programs, FNS will replace such food if the recipient agency received the same types of donated food during the year preceding the onset of the disaster assistance. Such recipient agencies may commingle donated foods and commercially purchased foods in a single inventory management system, which makes it difficult to ascertain which foods are actually used. We propose to clarify that such replacement will be in the amount of food used, but not to exceed the amount of like donated food received during the preceding year.

In § 250.69(h), we propose to indicate that FNS will, upon receiving a distributing agency request via public voucher, reimburse the distributing agency for any costs incurred in transporting donated foods within the State, or from one State to another, for use in disasters.

2. Situations of Distress, § 250.70

We propose to revise current § 250.70 to clarify requirements for the distribution and use of donated foods in a situation of distress (as defined in § 250.2 of this proposed rule), contingencies for replacement of such foods, and reporting requirements. As in a disaster, donated foods may be used to provide assistance in a situation of distress, but requirements for the use of such foods, and conditions for their replacement, are somewhat different. In § 250.70(a), we propose to retain the current conditions for the distributing agency to provide donated foods to approved disaster organizations for use in providing congregate meals to persons in need of food assistance as a result of a situation of distress. In accordance with current requirements, FNS approval is not required for such use if the situation of distress is the result of a natural event—e.g., a hurricane, flood, or snowstorm—and if its duration will not exceed 30 days. However, we propose to clarify that the distributing agency must notify FNS that donated food assistance is to be provided. FNS approval is required to permit such donated food assistance for a period exceeding 30 days. We propose to clarify that FNS approval is required to permit donated food assistance in providing congregate meals in a situation of distress that is not the result of a natural event (e.g., an explosion), for any period of time. As with disasters, the distributing agency may

use donated foods from current inventories at the distributing or recipient agency level.

In § 250.70(b), we propose to retain the current requirement that the distributing agency obtain FNS approval to provide donated foods to approved disaster organizations for distribution to households in a situation of distress. We propose to clarify that such assistance may continue for the period of time that FNS determines necessary to meet the needs of such households. In accordance with current restrictions, households receiving D–SNAP benefits are not eligible to also receive donated foods.

In § 250.70(c), we propose to retain the current requirement that the disaster organization submit an application to the distributing agency, for its review and approval, to receive donated foods to provide assistance in a situation of distress. For distribution of donated foods in a situation of distress that is not the result of a natural event, or for any distribution of donated foods to households, we propose to clarify that, once the distributing agency approves the application, it must submit the application to FNS for approval. We propose to require the same elements for all such applications as we propose to be included for applications in a disaster, in accordance with § 250.69(c) of this proposed rule.

In § 250.70(d), we propose to retain the current requirement that disaster organizations collect specific information from households receiving donated foods in a situation of distress, if issuance of D–SNAP benefits has also been approved. We propose to include the same information that is required to be collected from households in a disaster, to require that such information be reported to the distributing agency, and that the distributing agency maintain a record of such information. In § 250.70(e), we propose to clarify that emergency relief workers may receive meals containing donated foods at a congregate feeding site in a situation of distress in accordance with the same conditions that apply in a disaster in § 250.69(e) of this proposed rule.

In § 250.70(f), we propose to include the current requirement that the distributing agency report to FNS the number and location of sites where donated foods are used in congregate meals or household distribution, as these sites are established. We also propose to require the distributing agency to report the types and amounts of donated foods used in the situation of distress electronically, utilizing form FNS–292A, *Report of Commodity Distribution for Disaster Relief,* within the same 45-day time period as required for disasters.

In § 250.70(g), we propose to include the current contingencies for the replacement of donated foods used in situations of distress. FNS will replace such foods to the extent that funds are available to purchase replacement foods, and if the distributing agency requests such replacement within 45 days following the termination of such assistance. This is longer than the 30 days that distributing agencies currently have to request replacement of these foods. However, we propose to require that such replacement be requested electronically, utilizing form FNS–292A, *Report of Commodity Distribution for Disaster Relief,* along with the report of the donated foods used in the situation of distress. We also propose to clarify that, subject to the above conditions, FNS will replace foods diverted from inventories of recipient agencies in child nutrition programs if the recipient agency received the same types of donated food during the year preceding the onset of the assistance. Such replacement will be in the amount of food used, but not to exceed the amount of like donated food received during the preceding year.

In § 250.70(h), we propose to indicate that FNS will, upon receiving a distributing agency request via public voucher, reimburse the distributing agency, to the extent that funds are available, for any costs incurred in transporting donated foods within the State, or from one State to another, for use in a situation of distress.

In § 250.71 we propose to add a provision providing the current OMB assigned control numbers for the information collection and recordkeeping provisions in 7 CFR part 250.

7 CFR Part 251

We propose to amend 7 CFR part 251 to conform certain requirements for distribution of donated foods in TEFAP to requirements for such distribution in other programs, or with changes to 7 CFR part 250 proposed in this rule. We propose to remove current § 251.4(f)(4), which requires that the external shipping containers and product labels of processed end products distributed in TEFAP identify them as USDA donated food products. The removal of this requirement would conform to requirements for unprocessed donated foods distributed in TEFAP, as well as other programs, which do not require such identification. In accordance with this proposal, we propose to redesignate current § 251.4(f)(5) as § 251.4(f)(4).

We propose to revise current § 251.4(g) to require TEFAP donated foods to be distributed and used in accordance with the requirements in 7 CFR part 251, and with the requirements in 7 CFR part 250, to the extent that such requirements are not inconsistent with the requirements in 7 CFR part 251. We propose to align requirements in the transfer of TEFAP foods, and in ensuring restitution for losses of TEFAP foods, with such requirements for other donated foods, as proposed in this rule.

We propose to require that transfers of TEFAP donated foods comply with requirements in §§ 250.12(d) and 250.14(d) of this proposed rule, as applicable. We propose to clarify that the State agency must ensure that restitution is made for the loss of TEFAP donated foods, or for the loss or improper use of funds provided for, or obtained as an incident of, the distribution of such foods, in accordance with § 250.16 of this proposed rule. Lastly, we propose to indicate that the State agency is subject to claims for such losses for which it is responsible, as well as for its failure to initiate or pursue claims against other parties responsible for such losses. We propose to remove current § 251.4(l), as the requirements for ensuring restitution for losses of donated foods are included in proposed § 250.16.

III. Procedural Matters

A. Public Comment Procedures

Your written comments on this proposed rule should be specific, confined to issues pertinent to the proposed rule, and should explain your reasons for any change recommended. Where possible, you should reference the specific section or paragraph of the proposal you are addressing. Comments received after the close of the comment period (see **DATES**) will not be considered or included in the Administrative Record for the final rule.

The comments, including names, street addresses, and other contact information of commenters, will be available for public review at FNS, Room 500, 3101 Park Center Drive, Alexandria, Virginia, during regular business hours (8:30 a.m. to 5 p.m.), Mondays through Fridays, except Federal holidays.

Executive Order 12866 requires each agency to write regulations that are simple and easy to understand. We invite your comments on how to make these regulations easier to understand, including answers to questions such as the following:

(1) Are the requirements in the rule clearly stated?

(2) Does the rule contain technical language or jargon that interferes with its clarity?

(3) Does the format of the rule (grouping and order of sections, use of headings, paragraphs, etc.) make it more or less clear?

(4) Would the rule be easier to understand if it were divided into more (but shorter) sections?

(5) Is the description of the rule in the preamble section entitled ''Background and Discussion of the Proposed Rule'' helpful in understanding the rule? How could this description be more helpful?

B. Executive Order 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This proposed rule has been determined to be not significant and was not reviewed by the Office of Management and Budget (OMB) under Executive Order 12866.

C. Regulatory Flexibility Act

This proposed rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). Pursuant to that review, it has been certified that this action will not have a significant impact on a substantial number of small entities. Although the rule would require specific procedures for distributing and recipient agencies to follow in the distribution and control of donated foods, USDA does not expect them to have a significant impact on such entities.

D. Public Law 104–4, Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments and the private sector. Under section 202 of the UMRA, FNS generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, or Tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires FNS to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, and Tribal governments or the private sector of $100 million or more in any one year. This rule is, therefore, not subject to the requirements of sections 202 and 205 of the UMRA.

E. Executive Order 12372

The donation of foods in USDA food distribution and child nutrition programs is included in the Catalog of Federal Domestic Assistance under 10.555, 10.558, 10.559, 10.565, 10.567, and 10.569. For the reasons set forth in the final rule in 7 CFR part 3015, Subpart V and related Notice (48 FR 29115, June 24, 1983), the donation of foods in such programs is included in the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

F. Executive Order 13132

Executive Order 13132 requires Federal agencies to consider the impact of their regulatory actions on State and local governments. Where such actions have federalism implications, agencies are directed to provide a statement for inclusion in the preamble to the regulations describing the agency's considerations in terms of the three categories called for under section (6)(b)(2)(B) of Executive Order 13132. FNS has considered the impact of this rule on State and local governments and has determined that this rule does have Federalism implications.

1. Prior Consultation With State Officials

The programs affected by the regulatory proposals in this rule are all State-administered, Federally-funded programs. Hence, our national headquarters office has formal and informal discussions with State and local officials, as well as commercial contractors, on an ongoing basis regarding issues relating to the distribution and control of donated foods. FNS attends annual conferences of the American Commodity Distribution Association, a national group with State, local, and industry representation, and the School Nutrition Association, as well as other conferences.

2. Nature of Concerns and the Need to Issue This Rule

The rule addresses the concerns of program operators that distribute and use donated foods in food distribution and child nutrition programs. The rule would reduce the reporting and administrative workload for distributing and recipient agencies involved in the distribution and control of donated foods.

3. Extent to Which We Meet Those Concerns

FNS has considered the impact of the proposed rule on State and local agencies. The overall effect of this rule is to ensure that such agencies are able to utilize and distribute donated foods safely and efficiently, with a minimal reporting and recordkeeping burden. FNS is not aware of any case in which the provisions of the rule would preempt State law.

G. Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed rule, when finalized, would have preemptive effect with respect to any State or local laws, regulations, or policies which conflict with its provisions or which would otherwise impede its full implementation. This proposed rule would not have retroactive effect. Prior to any judicial challenge to the provisions of this rule or the application of its provisions, all applicable administrative procedures must be exhausted.

H. Civil Rights Impact Analysis

FNS has reviewed this rule in accordance with the Department Regulation 4300–4, ''Civil Rights Impact Analysis'', to identify and address any major civil rights impacts the rule might have on minorities, women, and persons with disabilities. After a careful review of the rule's intent and provisions, FNS has determined that this rule will not in any way limit or reduce the ability of participants to receive the benefits of donated foods in food distribution or child nutrition programs on the basis of an individual's or group's race, color, national origin, sex, age, or disability. FNS found no factors that would negatively and disproportionately affect any group of individuals.

I. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, this notice

invites the general public and other public agencies to comment on this proposed information collection. This collection is a revision of a currently approved collection, OMB#0584–0293.

Written comments must be received on or before January 20, 2015. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Dana Rasmussen, at the address listed in the **ADDRESSES** section of this preamble. Comments may also be submitted via email to *Dana.Rasmussen@fns.usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically. Commenters are asked to separate their comments on the information collection requirements from their comments on the remainder of the proposed rule.

Title: Food Distribution Forms.

OMB Number: 0584–0293.

Expiration Date: 09/30/2016.

Type of Request: Revision of a currently approved collection.

Abstract: This is a revision of an existing information collection based on a proposed rule titled *Proposed Changes to the Requirements for the Distribution and Control of Donated Foods,* which substantially re-writes 7 CFR part 250. The rule proposes to revise and clarify requirements in 7 CFR part 250 to ensure that USDA donated foods are distributed, stored, and managed in the safest, most efficient, and cost-effective manner, at State and recipient agency levels. The rule would also reduce administrative and reporting requirements for State distributing agencies, revise or clarify regulatory provisions relating to accountability for donated foods, and rewrite much of 7 CFR part 250 in a more user-friendly, ''plain language,'' format. Lastly, the rule proposes to revise and clarify specific requirements in 7 CFR part 251 to conform more closely to related requirements in 7 CFR part 250. This revision also includes provisions inadvertently omitted in the currently approved information collection, substantially revises other provisions which were inaccurate, and updates all relevant aspects of information collection requirements in the package.

Affected Public: Respondent groups include: (1) Individuals and households; (2) businesses or other for-profit agencies; (3) not for profit organizations; and (4) State, local, and Tribal governments.

Estimated Number of Respondents: The total estimated number of respondents is 636,478. This includes 611,200 individuals and households, 2,812 businesses and other for-profit companies, 1,600 private not-for-profit organizations, and 20,866 State, Local, and Tribal governments.

Estimated Number of Responses per Respondent: The total estimated average number of responses is 6.10 per respondent.

Estimated Total Annual Responses: 3,879,952.

Estimated Time per Response: The average response time is 0.30 hours per response.

Estimated Total Annual Burden on Respondents: See the table below for estimated total annual burden for each type of respondent.

Affected public	Estimated number of respondents	Number of responses per respondent	Total annual responses	Estimated total hours per response	Estimated total burden
Reporting					
State, Local, and Tribal Governments	20,866	11.16	232,774.24	0.26	59,589.50
Private for Profit	2,812	305.10	857,949.00	0.03	24,566.72
Private Not for Profit	1,600	2.03	3,240.00	0.19	614.50
Individual	611,200.00	1.96	1,199,200.00	0.25	304,400.00
Total Estimated Reporting Burden	636,478.00	3.60	2,293,163.24	0.17	389,170.72
Recordkeeping					
State, Local, and Tribal Governments	20,866.00	24.22	505,305.46	0.07	37,129.57
Private for Profit	2,812	367.99	1,034,786.00	0.06	62,790.72
Private Not for Profit	1,600	29.19	46,697.00	14.44	674,358.04
Individual	0	0.00	0.00	0.00	0.00
Total Estimated Recordkeeping Burden	25,278.00	62.77	1,586,788.46	0.49	774,278.33
Total of Reporting and Recordkeeping					
Reporting	636,478.00	3.60	2,293,163.24	0.17	389,170.72
Recordkeeping	25,278.00	62.77	1,586,788.46	0.49	774,278.33
Total	636,478.00	6.10	3,879,951.70	0.30	1,163,449.05

Note: A detailed table is included in the supplemental documents to this rule.

J. Regulatory Impact Analysis

This rule has been designated as Not Significant by the Office of Management and Budget, therefore, no Regulatory Impact Analysis is required.

K. Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and

other policy statements or actions that have substantial direct effects 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. On February 13, 2013, as part of its regular quarterly Tribal consultation schedule, USDA engaged in a consultative session to obtain input by Tribal officials, or their designees, and Tribal members concerning the effect of this and other rules on the Tribes or Indian Tribal governments. In regard to the provisions of this rule, at the consultative session a Tribal member requested, and FNS provided, clarification regarding the purpose of this rule. No concerns regarding the provisions of the rule were expressed.

We are unaware of any current Tribal laws that could be in conflict with the proposed rule.

L. E-Government Act Compliance

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

List of Subjects

7 CFR Part 250

Disaster assistance, Food assistance programs, Grant programs-social programs, Reporting and recordkeeping requirements.

7 CFR Part 251

Food assistance programs, Grant programs-social programs, Reporting and recordkeeping requirements, Surplus agricultural commodities.

Accordingly, 7 CFR parts 250 and 251 are proposed to be amended as follows:

PART 250—DONATION OF FOODS FOR USE IN THE UNITED STATES, ITS TERRITIORIES AND POSSESSIONS AND AREAS UNDER ITS JURISDICTION

■ 1. The authority citation for part 250 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 612c, 612c note, 1431, 1431b, 1431e, 1431 note, 1446a–1, 1859, 2014, 2025; 15 U.S.C. 713c; 22 U.S.C. 1922; 42 U.S.C. 1751, 1755, 1758, 1760, 1761, 1762a, 1766, 3030a, 5179, 5180.

■ 2. Revise Subpart A to read as follows:

Subpart A—General Purpose and Administration

Sec.
250.1 Purpose and use of donated foods.
250.2 Definitions.
250.3 Administration at the Federal level.
250.4 Administration at the State level.
250.5 Civil rights.

§ 250.1 Purpose and use of donated foods.

(a) *Purpose.* The Department purchases foods and donates them to State distributing agencies for further distribution and use in food assistance programs, or to provide assistance to needy persons, in accordance with legislation:

(1) Authorizing donated food assistance in specific programs (e.g., the Richard B. Russell National School Lunch Act for the National School Lunch Program (NSLP)); or

(2) Authorizing the removal of surplus foods from the market or the support of food prices (i.e., in accordance with Section 32, Section 416, and Section 709, as defined in § 250.2).

(b) *Use of donated foods.* Donated foods must be used in accordance with the requirements of this part and with other Federal regulations applicable to specific food assistance programs (e.g., 7 CFR part 251 includes requirements for the use of donated foods in The Emergency Food Assistance Program (TEFAP)). Such use may include activities designed to demonstrate or test the effective use of donated foods (e.g., in nutrition classes or cooking demonstrations) in any programs. However, donated foods may not be:

(1) Sold or exchanged, or otherwise disposed of, unless approved by FNS, or specifically permitted elsewhere in this part or in other Federal regulations (e.g., donated foods may be used in meals sold in NSLP);

(2) Used to require recipients to make any payments or perform any services in exchange for their receipt, unless approved by FNS, or specifically permitted elsewhere in this part or in other Federal regulations; or

(3) Used to solicit voluntary contributions in connection with their receipt, except for donated foods provided in the Nutrition Services Incentive Program (NSIP).

(c) *Legislative sanctions.* In accordance with the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) and the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note), any person who embezzles, willfully misapplies, steals, or obtains by fraud any donated foods (or funds, assets, or property deriving from such donated foods) will be subject to Federal criminal prosecution and other penalties. Any person who receives, conceals, or retains such donated foods or funds, assets, or property deriving from such foods, with the knowledge that they were embezzled, willfully misapplied, stolen, or obtained by fraud, will also be subject to Federal criminal prosecution and other penalties. The distributing agency, or other parties, as applicable, must immediately notify FNS of any such violations.

§ 250.2 Definitions.

7 CFR Part 3016 means the Department's regulations establishing uniform administrative requirements for Federal grants and cooperative agreements and subawards to State, local, and Indian Tribal governments.

7 CFR Part 3019 means the Department's regulations establishing uniform administrative requirements for Federal grants and cooperative agreements awarded to institutions of higher education, hospitals, and other nonprofit organizations.

7 CFR Part 3052 means the Department's regulations establishing audit requirements for State and local governments and nonprofit organizations that receive Federal grants.

Administering agency means a State agency that has been approved by the Department to administer a food assistance program. If such agency is also responsible for the distribution of donated foods, it is referred to as the distributing agency in this part.

Adult care institution means a nonresidential adult day care center that participates independently in CACFP, or that participates as a sponsoring organization, and that may receive donated foods or cash-in-lieu of donated foods, in accordance with an agreement with the distributing agency.

AoA means the Administration on Aging, which is the DHHS agency that administers NSIP.

Bonus foods means Section 32, Section 416, and Section 709 donated foods, as defined in this section, which are purchased under surplus removal or price support authority, and provided to distributing agencies in addition to legislatively authorized levels of assistance.

CACFP means the Child and Adult Care Food Program.

Carrier means a commercial enterprise that transports donated foods from one location to another, but does not store such foods.

Charitable institutions means public institutions or private nonprofit organizations that provide a meal

service on a regular basis to predominantly needy persons in the same place without marked changes. Some types of charitable institutions are included in § 250.67.

Child care institution means a nonresidential child care center that participates independently in CACFP, or that participates as a sponsoring organization, in accordance with an agreement with the distributing agency.

Child nutrition program means NSLP, CACFP, SFSP, or SBP.

Commodity offer value means the minimum value of donated foods that the distributing agency must offer to a school food authority participating in NSLP each school year. The commodity offer value is equal to the national per-meal value of donated food assistance multiplied by the number of reimbursable lunches served by the school food authority in the previous school year.

Commodity school means a school that operates a nonprofit food service, in accordance with 7 CFR part 210, but that receives additional donated food assistance rather than the cash assistance available to it under Section 4 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1753).

Consignee means an entity (e.g., the distributing or recipient agency, a commercial storage facility, or a processor) that receives a shipment of donated foods from a vendor or Federal storage facility.

Contract value of the donated foods means the price assigned by the Department to a donated food which shall reflect the Department's current acquisition price, transportation and, if applicable, processing costs related to the food.

Contracting agency means the distributing agency, subdistributing agency, or recipient agency which enters into a processing contract.

CSFP means the Commodity Supplemental Food Program.

Department means the United States Department of Agriculture (USDA).

DHHS means the United States Department of Health and Human Services.

Disaster means a Presidentially declared disaster or emergency, in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act, in which Federal assistance, including donated food assistance, may be provided to persons in need of such assistance as a result of the disaster or emergency.

Disaster organization means an organization authorized by FNS or a distributing agency, when appropriate, to provide assistance to survivors of a disaster or a situation of distress.

Distributing agency means a State agency selected by the Governor of the State or the State legislature to distribute donated foods in the State, in accordance with an agreement with FNS, and with the requirements in this part and other Federal regulations, as applicable (e.g., a State agency distributing donated foods in CSFP must comply with requirements in 7 CFR part 247). Indian Tribal Organizations may act as a distributing agency in the distribution of donated foods on, or near, Indian reservations, as provided for in applicable Federal regulations (e.g., 7 CFR parts 253 or 254 for FDPIR).

Distribution charge means the cumulative charge imposed by distributing agencies on school food authorities to help meet the costs of storing and distributing donated foods, and administrative costs related to such activities.

Distributor means a commercial food purveyor or handler who is independent of a processor and both sells and bills for the end products delivered to recipient agencies.

Donated foods means foods purchased by USDA for donation in food assistance programs, or for donation to entities assisting needy persons, in accordance with legislation authorizing such purchase and donation. Donated foods are also referred to as USDA Foods.

Elderly nutrition project means a recipient agency selected by the State or Area Agency on Aging to receive assistance in NSIP, which may include donated food assistance.

End product means a food product that contains processed donated foods.

Entitlement means the value of donated foods a distributing agency is authorized to receive in a specific program, in accordance with program legislation.

Entitlement foods means donated foods that USDA purchases and provides in accordance with levels of assistance mandated by program legislation.

FDPIR means the Food Distribution Program on Indian Reservations and the Food Distribution Program for Indian Households in Oklahoma.

Federal acceptance service means the acceptance service provided by:

(1) The applicable grading branches of the Department's Agricultural Marketing Service (AMS);

(2) The Department's Federal Grain Inspection Service; and

(3) The National Marine Fisheries Service of the U.S. Department of Commerce.

Fee-for-service means the price by pound or case representing a processor's cost of ingredients (other than donated foods), labor, packaging, overhead, and other costs incurred in the conversion of the donated food into the specified end product.

Fiscal year means the period of 12 months beginning October 1 of any calendar year and ending September 30 of the following calendar year.

FNS means the Food and Nutrition Service of the Department of Agriculture.

Food recall means an action to remove food products from commerce when there is reason to believe the products may be unsafe, adulterated, or mislabeled. The action is taken to protect the public from products that may cause health problems or possible death.

Food service management company means a commercial enterprise, nonprofit organization, or public institution that is, or may be, contracted with by a recipient agency to manage any aspect of a recipient agency's food service, in accordance with 7 CFR parts 210, 225, or 226, or, with respect to charitable institutions, in accordance with this part. To the extent that such management includes the use of donated foods, the food service management company is subject to the applicable requirements in this part. However, a school food authority participating in NSLP that performs such functions is not considered a food service management company. Also, a commercial enterprise that uses donated foods to prepare meals at a commercial facility, or to perform other activities that meet the definition of processing in this section, is considered a processor in this part, and is subject to the requirements in subpart C, and not subpart D, of this part.

Household means any of the following individuals or groups of individuals, exclusive of boarders or residents of an institution:

(1) An individual living alone;

(2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from the others;

(3) A group of individuals living together who customarily purchase and prepare meals in common for home consumption; and

(4) Other individuals or groups of individuals, as provided in FNS regulations specific to particular food assistance programs.

Household programs means CSFP, FDPIR, and TEFAP.

In-kind replacement means the replacement of a loss of donated food with the same type of food of U.S. origin, of equal or better quality as the donated food, and at least equal in value to the lost donated food.

In-State processor means a processor that has entered into agreements with distributing or recipient agencies that are located only in the State in which all of the processor's processing facilities are located.

Multi-food shipment means a shipment from a Federal storage facility that usually includes more than one type of donated food.

Multi-State processor means a processor that has entered into agreements with distributing or recipient agencies in more than one State, or that has entered into one or more agreements with distributing or recipient agencies that are located in a State other than the State in which the processor's processing facilities or business office is located.

National per-meal value means the value of donated foods provided for each reimbursable lunch served in NSLP in the previous school year, and for each reimbursable lunch and supper served in CACFP in the previous school year, as established in section 6(c) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(c)).

Needy persons means persons in need of food assistance as a result of their:

(1) Economic status;

(2) Eligibility for a specific food assistance program; or

(3) Eligibility as survivors of a disaster or a situation of distress.

Nonprofit organization means a private organization with tax-exempt status under the Internal Revenue Code. Nonprofit organizations operated exclusively for religious purposes are automatically tax-exempt under the Internal Revenue Code.

Nonprofit school food service means all food service operations conducted by the school food authority principally for the benefit of schoolchildren, all of the revenue from which is used solely for the operation or improvement of such food services.

NSIP means the Nutrition Services Incentive Program.

NSLP means the National School Lunch Program.

Out-of-condition donated foods means donated foods that are no longer fit for human consumption as a result of spoilage, contamination, infestation, adulteration, or damage.

Performance supply and surety bond means a written instrument issued by a surety company which guarantees performance and supply of end products by a processor under the terms of a processing contract.

Processing means a commercial enterprise's use of a commercial facility to:

(1) Convert donated foods into an end product;

(2) Repackage donated foods; or

(3) Use donated foods in the preparation of meals.

Processor means a commercial enterprise that processes donated foods at a commercial facility.

Recipient agencies means agencies or organizations that receive donated foods for distribution to needy persons or for use in meals provided to needy persons, in accordance with agreements with a distributing or subdistributing agency, or with another recipient agency. Local agencies in CSFP, and Indian Tribal Organizations distributing donated foods to needy persons through FDPIR in a State in which the State government administers FDPIR, are considered recipient agencies in this part.

Recipients means persons receiving donated foods, or a meal containing donated foods, provided by recipient agencies.

Reimbursable meals means meals that meet the nutritional standards established in Federal regulations pertaining to NSLP, SFSP, or CACFP, and that are served to eligible recipients.

SAE funds means Federal funds provided to State agencies for State administrative expenses, in accordance with 7 CFR part 235.

SBP means the School Breakfast Program.

School food authority means the governing body responsible for the administration of one or more schools, and that has the legal authority to operate NSLP or be otherwise approved by FNS to operate NSLP.

School year means the period of 12 months beginning July 1 of any calendar year and ending June 30 of the following calendar year.

Section 4(a) means section 4(a) of the Agriculture and Consumer Protection Act of 1973, as amended (7 U.S.C. 612c note), which authorizes the Department to purchase donated foods to maintain the traditional level of assistance for food assistance programs authorized by law, including, but not limited to, CSFP, FDPIR, and disaster assistance.

Section 6 means section 6 of the Richard B. Russell National School Lunch Act, as amended (42 U.S.C. 1755), which authorizes the Department to provide a specified value of donated food assistance in NSLP.

Section 14 means section 14 of the Richard B. Russell National School Lunch Act, as amended (42 U.S.C. 1762a), which authorizes the Department to use Section 32 or Section 416 funds to maintain the annually programmed levels of donated food assistance in child nutrition programs.

Section 27 means section 27 of the Food and Nutrition Act of 2008, as amended (7 U.S.C. 2036), which authorizes the purchase of donated foods for distribution in TEFAP.

Section 32 means section 32 of Public Law 74–320, as amended (7 U.S.C. 612c), which authorizes the Department to purchase primarily perishable foods to remove market surpluses, and to donate them for use in domestic food assistance programs or by charitable institutions.

Section 311 means section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), which permits State Agencies on Aging to receive all or part of their NSIP grant as USDA donated foods.

Section 416 means section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431), which authorizes the Department to purchase nonperishable foods to support market prices, and to donate them for use in domestic food assistance programs or by charitable institutions.

Section 709 means section 709 of the Food and Agricultural Act of 1965, as amended (7 U.S.C. 1446a-1), which authorizes the Department to purchase dairy products to meet authorized levels of assistance in domestic food assistance programs when such assistance cannot be met by Section 416 food purchases.

Service institution means recipient agencies that participate in SFSP.

SFSP means the Summer Food Service Program.

Similar replacement means the replacement of a loss of donated food with another type of food from the same food category (i.e., dairy, grain, meat/meat alternate, vegetable, fruit, etc.) that is of U.S. origin, of equal or better quality than that type of donated food, and at least equal in value to the lost donated food.

Single inventory management means the commingling in storage of donated foods and foods from other sources, and the maintenance of a single inventory record of such commingled foods.

Situation of distress means a natural catastrophe or other event that does not meet the definition of disaster in this section, but that, in the determination of the distributing agency, or of FNS, as applicable, warrants the use of donated foods to assist survivors of such catastrophe or other event. A situation

of distress may include, for example, a hurricane, flood, snowstorm, or explosion.

SNAP means the Supplemental Nutrition Assistance Program.

Split shipment means a shipment of donated foods from a vendor that is split between two or more distributing or recipient agencies, and that usually includes more than one stop-off or delivery location.

State means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa.

State Agency on Aging means:

(1) The State agency that has been approved by DHHS to administer NSIP; or

(2) The Indian Tribal Organization that has been approved by DHHS to administer NSIP.

Storage facility means a publicly-owned or nonprofit facility or a commercial enterprise that stores donated foods or end products, and that may also transport such foods to another location.

Subdistributing agency means a State agency, a public agency, or a nonprofit organization selected by the distributing agency to perform one or more activities required of the distributing agency in this part, in accordance with a written agreement between the parties. A subdistributing agency may also be a recipient agency.

Substitution means:

(1) The replacement of donated foods with like quantities of domestically produced commercial foods of the same generic identity and of equal or better quality (i.e., cheddar cheese for cheddar cheese, nonfat dry milk for nonfat dry milk, etc.).

(2) In the case of donated nonfat dry milk, substitution as defined under paragraph (1) of this definition or replacement with an equivalent amount, based on milk solids content, of domestically produced concentrated skim milk.

(3) A processor can substitute commercial product for donated commodity, as described in paragraph (1) of this definition, without restrictions under full substitution. The processor must return to the contracting agency, in finished end products, the same number of pounds of commodity that the processor originally received for processing under full substitution. This is the 100-percent yield requirement.

(4) A processor can substitute commercial product for donated commodity product, as described in paragraph (1) of this definition, with some restrictions under limited substitution. Restrictions include, but are not limited to, the prohibition against substituting for backhauled poultry commodity product. FNS may also prohibit substitution of certain types of the same generic commodity. (For example, FNS may decide to permit substitution for bulk chicken but not for canned chicken.)

Summer camp means a nonprofit or public camp for children aged 18 and under.

TEFAP means The Emergency Food Assistance Program.

USDA Foods means donated foods.

Vendor means a commercial food company from which the Department purchases foods for donation.

§ 250.3 Administration at the Federal level.

(a) *Food and Nutrition Service.* Within the Department, the Food and Nutrition Service (FNS) shall act on behalf of the Department to administer the distribution of donated foods to distributing agencies for further distribution and use at the State level, in accordance with the requirements of this part.

(b) *Audits or inspections.* The Department, the Comptroller General of the United States, or any of their authorized representatives, may conduct audits or inspections of distributing, subdistributing, or recipient agencies, or the commercial enterprises with which they have contracts or agreements, in order to determine compliance with the requirements of this part, or with other applicable Federal regulations.

(c) *Suspension or termination.* Whenever it is determined that a distributing agency has materially failed to comply with the provisions of this part, or with other applicable Federal regulations, FNS may suspend or terminate the distribution of donated foods, or the provision of administrative funds, to the distributing agency. FNS must provide written notification of such suspension or termination of assistance, including the reasons for the action and the effective date. The distributing agency may appeal a suspension or termination of assistance if such appeal is provided for in Federal regulations applicable to a specific food assistance program (e.g., as provided for in § 253.5(l) for FDPIR). FNS may also take other actions, as appropriate, including prosecution under applicable Federal statutes.

§ 250.4 Administration at the State level.

(a) *Distributing agency.* The distributing agency, as defined in § 250.2, is responsible for ensuring compliance with the requirements in this part, and in other Federal regulations referenced in this part, in the distribution and control of donated foods. In order to receive, store, and distribute donated foods, the distributing agency shall enter into a written agreement with FNS (the Federal-State Agreement, form FNS–74) for the distribution of donated foods in accordance with the provisions of this part and other applicable Federal regulations. The Federal-State agreement is permanent, but may be amended with the concurrence of both parties. FNS may terminate the Federal-State agreement if the distributing agency fails to meet its obligations, in accordance with § 250.3(c). The distributing agency may impose additional requirements relating to the distribution and control of donated foods in the State, as long as such requirements are not inconsistent with the requirements in this part or other Federal regulations referenced in this part.

(b) *Subdistributing agency.* The distributing agency may enter into a written agreement with a subdistributing agency, as defined in § 250.2, to perform specific activities required of the distributing agency in this part. However, the distributing agency may not assign its overall responsibility for donated food distribution and control to a subdistributing agency or to any other organization, and may not delegate its responsibility to ensure compliance with the performance standards in § 250.22. The agreement entered into with the subdistributing agency must include the provisions in paragraph (c) of this section, and must indicate the specific activities for which the subdistributing agency is responsible.

(c) *Recipient agencies.* The distributing agency must select recipient agencies, as defined in § 250.2, to receive donated foods for distribution to needy persons, or for use in meals provided to needy persons, in accordance with eligibility criteria for specific programs or outlets, and must enter into a written agreement with a recipient agency prior to distribution of donated foods to it. However, for child nutrition programs, the distributing agency must enter into agreements with those recipient agencies selected by the State administering agency to participate in such programs, prior to distribution of donated foods to such recipient agencies. The distributing agency must confirm such recipient agencies' approval for participation in the appropriate child nutrition program with the State administering agency. For household programs, distributing agencies must consider the past performance of recipient agencies when

approving applications for participation. Agreements with recipient agencies must include the provisions in this paragraph (c), as well as provisions required in Federal regulations applicable to specific programs (e.g., agreements with local agencies in CSFP must include the provisions in § 247.4(b)). The agreements with recipient agencies and subdistributing agencies must:

(1) Ensure compliance with the applicable requirements in this part, with other Federal regulations referenced in this part, and with the distributing agency's written agreement with FNS;

(2) Ensure compliance with all requirements relating to food safety and food recalls;

(3) Establish the duration of the agreement;

(4) Permit termination of the agreement by the distributing agency for failure of the recipient agency (or subdistributing agency, as applicable) to comply with its provisions or applicable requirements, upon written notification to the applicable party; and

(5) Permit termination of the agreement by either party, upon written notification to the other party, at least 60 days prior to the effective date of termination.

(d) *Procurement of services of commercial enterprises.* The distributing agency, or a recipient agency, must ensure compliance with Departmental procurement requirements in 7 CFR part 3016 or 3019, as applicable, to obtain the services of a commercial enterprise to conduct activities relating to donated foods. The distributing agency, or a recipient agency, must also ensure compliance with other applicable Departmental regulations in such procurements—for example, a school food authority must ensure compliance with requirements in §§ 210.16 and 210.21, and in subpart D of this part, in procuring the services of a food service management company.

§ 250.5 Civil rights.

Distributing agencies, subdistributing agencies and recipient agencies shall comply with the Department's nondiscrimination regulations (7 CFR parts 15, 15a, and 15b) and the FNS civil rights instructions to ensure that in the operation of the program no person is discriminated against on a protected bases as it applies to each program.

■ 3. Revise Subpart B to read as follows:

Subpart B—Delivery, Distribution, and Control of Donated Foods

Sec.
250.10 Availability and ordering of donated foods.
250.11 Delivery and receipt of donated food shipments.
250.12 Storage and inventory management at the distributing agency level.
250.13 Efficient and cost-effective distribution of donated foods.
250.14 Storage and inventory management at the recipient agency level.
250.15 Out-of-condition donated foods, food recalls, and complaints.
250.16 Claims and restitution for donated food losses.
250.17 Use of funds obtained incidental to donated food distribution.
250.18 Reporting requirements.
250.19 Recordkeeping requirements.
250.20 Audit requirements.
250.21 Distributing agency reviews.
250.22 Distributing agency performance standards.

§ 250.10 Availability and ordering of donated foods.

(a) *Ordering donated foods.* The distributing agency must utilize a request-driven ordering system in submitting orders for donated foods to FNS. As part of such system, the distributing agency must provide recipient agencies with the opportunity to submit input, on at least an annual basis, in determining the donated foods from the full list that are made available to them for ordering. Based on the input received, the distributing agency must ensure that the types and forms of donated foods that recipient agencies may best utilize are made available to them for ordering. The distributing agency must also ensure that donated foods are ordered and distributed only in amounts that may be utilized efficiently and without waste.

(b) *Provision of information on donated foods.* The distributing agency must provide recipient agencies, at their request, information that will assist them in ordering or utilization of donated foods, including:

(1) The types and quantities of donated foods that they may order;

(2) Donated food specifications and nutritional value; and

(3) Procedures for the disposition of donated foods that are out-of-condition or that are subject to a food recall.

§ 250.11 Delivery and receipt of donated food shipments.

(a) *Delivery.* The Department arranges for delivery of donated foods from the vendor or Federal storage facility to the distributing agency's storage facility, or to a processor with which the distributing agency has entered into a contract or agreement. The Department may also deliver donated foods directly to a recipient agency, or to a storage facility or processor with which the recipient agency has entered into a contract or agreement, with the approval of the distributing agency. In accordance with § 250.2, an entity that receives a shipment of donated foods directly from a USDA vendor or a Federal storage facility is referred to as the consignee. Consignees must provide a delivery address, and other information as required by FNS, as well as update this information as necessary, to ensure foods are delivered to the correct location.

(b) *Receipt of shipments.* The distributing or recipient agency, or other consignee, must comply with all applicable Federal requirements in receiving shipments of donated foods, including procedures for the disposition of any donated foods in a shipment that are out-of-condition (as this term is defined in § 250.2), or are not in accordance with ordered amounts. The distributing or recipient agency, or other consignee, must provide notification of the receipt of donated food shipments to FNS, through electronic means, and must maintain an electronic record of receipt of all donated food shipments.

(c) *Replacement of donated foods.* The vendor is responsible for the replacement of donated foods that are delivered out-of-condition. Such responsibility extends until expiration of the use-by or best-if-used-by date on the food label, or, if no such date is included on the food label, until expiration of the vendor warranty period included in the vendor contract with USDA. In all cases, responsibility for replacement is contingent on the determination that the foods were out-of-condition at the time of delivery. Replacement must be in-kind, unless FNS approves similar replacement (the terms in-kind and similar replacement are defined in § 250.2). If FNS determines that physical replacement of donated foods is not cost-effective or efficient, FNS may:

(1) Approve payment by the vendor to the distributing or recipient agency, as appropriate, for the value of the donated foods at time of delivery (or at another value determined by FNS); or

(2) Credit the distributing agency's entitlement, as feasible.

(d) *Payment of costs relating to shipments.* The Department is responsible for payment of processing, transportation, handling, or other costs incurred up to the time of delivery of donated foods to a distributing or recipient agency, or other consignee, as the Department deems in its best interest. However, the distributing or

recipient agency, or other consignee, is responsible for payment of any delivery charges that accrue as a result of such consignee's failure to comply with procedures in FNS instructions—e.g., failure to provide for the unloading of a shipment of donated foods within a designated time period.

(e) *Transfer of title.* Title to donated foods transfers to the distributing or recipient agency, as appropriate, upon acceptance of the donated foods at the time and place of delivery. Notwithstanding transfer of title, distributing and recipient agencies must ensure compliance with the requirements of this part in the distribution, control, and use of donated foods.

§ 250.12 Storage and inventory management at the distributing agency level.

(a) *Safe storage and control.* The distributing agency (or subdistributing agency, as applicable) must provide facilities for the storage and control of donated foods that protect against theft, spoilage, damage, or other loss. Accordingly, such storage facilities must maintain donated foods in sanitary conditions, at the proper temperature and humidity, and with adequate air circulation. The distributing agency must ensure that storage facilities comply with all Federal, State, or local requirements relative to food safety and health, as applicable, and obtain all required health inspections.

(b) *Inventory management.* The distributing agency must ensure that donated foods at all storage facilities used by the distributing agency (or by a subdistributing agency) are stored in a manner that permits them to be distinguished from other foods, and must ensure that a separate inventory record of donated foods is maintained. The distributing agency's system of inventory management must ensure that donated foods are distributed in a timely manner and in optimal condition. On an annual basis, the distributing agency must conduct a physical review of donated food inventories at all storage facilities used by the distributing agency (or by a subdistributing agency), and must reconcile physical and book inventories of donated foods. The distributing agency must report donated food losses to FNS, and ensure that restitution is made for such losses.

(c) *Inventory limitations.* The distributing agency is subject to the following limitations in the amount of donated food inventories on-hand, unless FNS approval is obtained to maintain larger inventories:

(1) For TEFAP, NSLP and other child nutrition programs, inventories may not exceed an amount needed for a six-month period, based on an average amount of donated foods utilized in that period; and

(2) For CSFP and FDPIR, inventories of each category of donated food in the food package may not exceed an amount needed for a three-month period, based on an average amount of donated food that the distributing agency can reasonably utilize in that period to meet CSFP caseload or FDPIR average participation.

(d) *Inventory protection.* The distributing agency must obtain insurance to protect the value of donated foods at its storage facilities. The amount of such insurance must be at least equal to the average monthly value of donated food inventories at such facilities in the previous fiscal year. The distributing agency must also ensure that the following entities obtain insurance to protect the value of their donated food inventories, in the same amount required of the distributing agency in this paragraph (d):

(1) Subdistributing agencies;

(2) Recipient agencies in household programs that have an agreement with the distributing agency or subdistributing agency to store and distribute foods; and

(3) Commercial storage facilities under contract with the distributing agency or with an agency identified in paragraph (d)(1) or (2) of this section.

(e) *Transfer of donated foods.* The distributing agency may transfer donated foods from its inventories to another distributing agency, or to another program, in order to ensure that such foods may be utilized in a timely manner and in optimal condition, in accordance with this part. However, the distributing agency must request FNS approval to transfer donated foods from one program to another (e.g., from NSLP to TEFAP). FNS may also require a distributing agency to transfer donated foods at the distributing agency's storage facilities or at a processor's facility, if inventories of donated foods are excessive or may not be efficiently utilized. If there is a question of food safety, or if directed by FNS, the distributing agency must obtain an inspection of donated foods by State or local health authorities to ensure that the donated foods are still safe and not out-of-condition before transferring them. The distributing agency is responsible for meeting any transportation or inspection costs incurred, unless it is determined by FNS that the transfer is not the result of negligence or improper action on the part of the distributing agency. The distributing agency must maintain a record of all transfers from its inventories, and of any inspections related to such transfers.

(f) *Commercial storage facilities or carriers.* The distributing agency may obtain the services of a commercial storage facility to store and distribute donated foods, or a carrier to transport donated foods, but must ensure compliance with Departmental procurement requirements in 7 CFR part 3016. The distributing agency must enter into a written contract with a commercial storage facility or carrier, which may not exceed five years in duration, including any extensions or renewals. The contract must include applicable provisions required by Federal statutes and executive orders listed in 7 CFR 3016.36(i). The contract must also include, as applicable to a storage facility or carrier, provisions that:

(1) Assure storage, management, and transportation of donated foods in a manner that properly safeguards them against theft, spoilage, damage, or other loss, in accordance with the requirements in this part;

(2) Assure compliance with all Federal, State, or local requirements relative to food safety and health, including required health inspections, and procedures for responding to a food recall;

(3) Assure storage of donated foods in a manner that distinguishes them from other foods, and assure separate inventory recordkeeping of donated foods;

(4) Assure distribution of donated foods to eligible recipient agencies in a timely manner, in optimal condition, and in amounts for which such recipient agencies are eligible;

(5) Include the amount of insurance coverage obtained to protect the value of donated foods;

(6) Permit the performance of on-site reviews of the storage facility by the distributing agency, the Comptroller General, the Department of Agriculture, or any of its duly authorized representatives, in order to determine compliance with requirements in this part;

(7) Establish the duration of the contract, and provide for extension or renewal of the contract only upon fulfillment of all contract provisions;

(8) Provide for expeditious termination of the contract for noncompliance with its provisions; and

(9) Provide for termination of the contract by either party for other cause, after written notification of such intent

at least 60 days prior to the effective date of such action.

§ 250.13 Efficient and cost-effective distribution of donated foods.

(a) *Direct shipments.* The distributing agency must ensure that the distribution of donated foods is conducted in the most efficient and cost-effective manner, and, to the extent practical, in accordance with the specific needs and preferences of recipient agencies. In meeting this requirement, the distributing agency must, to the extent practical, provide for:

(1) Shipments of donated foods directly from USDA vendors to recipient agencies, including two or more recipient agencies acting as a collective unit (such as a school co-op), or to the commercial storage facilities of such agencies;

(2) Shipments of donated foods directly from USDA vendors to processors for processing of donated foods and sale of end products to recipient agencies, in accordance with Subpart C of this part; and

(3) The use of split shipments, as defined in § 250.2, in arranging for delivery of donated foods to recipient agencies that cannot accept a full truckload.

(b) *Distributing agency storage and distribution charge.* If a distributing agency determines that direct shipments of donated foods, as described in paragraph (a) of this section, are impractical, it must provide for the storage of donated foods at the distributing agency level, and subsequent distribution to recipient agencies, in the most efficient and cost-effective manner. The distributing agency must use a commercial storage facility, in accordance with § 250.12(f), if such system is determined to be more efficient and cost-effective. The distributing agency must utilize State Administrative Expense (SAE) funds, as available, to meet the costs of storing and distributing donated foods for school food authorities or other recipient agencies in child nutrition programs, and administrative costs related to such activities, in accordance with 7 CFR part 235. If SAE funds, or any other Federal or State funds received for such purpose, are insufficient to fully meet the distributing agency's costs of storing and distributing donated foods, and related administrative costs (e.g., salaries of employees engaged in such activities), the distributing agency may require school food authorities or other recipient agencies in child nutrition programs to pay a distribution charge, as defined in § 250.2, to help meet such costs. The distribution charge may cover only allowable costs, in accordance with 7 CFR part 3016 and with OMB guidance. The distributing agency must maintain a record of costs incurred in storing and distributing donated foods and related administrative costs, and the source of funds used to pay such costs.

(c) *FNS approval of amount of distribution charge.* In determining the amount of a new distribution charge, or in increasing the amount (except for normal inflationary adjustments) or reducing the level of service provided once a distribution charge is established, the distributing agency must request FNS approval prior to implementation. Such requirement also applies to the distribution charge imposed by a commercial storage facility under contract with the distributing agency. The request for approval must be submitted to FNS at least 90 days in advance of its projected implementation, and must include justification of the newly established amount, or any increased charge or reduction in the level of service provided under an established distribution charge, and the specific costs covered under the distribution charge (e.g., storage, delivery, or administrative costs).

(d) *FNS review authority.* FNS may reject the distributing agency's proposed new, or changes to an existing, distribution charge if it determines that the charge would not provide for distribution of donated foods in the most efficient and cost-effective manner, or may otherwise impact recipient agencies negatively. In such case, the distributing agency would be required to adjust the proposed amount or the level of service provided in its distribution charge, or consider other distribution options. FNS may also require the distributing agency to submit documentation to justify the efficiency and cost-effectiveness of its storage and distribution system at other times, and may require the distributing agency to re-evaluate such system in order to ensure compliance with the requirements in this part.

§ 250.14 Storage and inventory management at the recipient agency level.

(a) *Safe storage and control.* Recipient agencies must provide facilities for the storage and control of donated foods that protect against theft, spoilage, damage, or other loss. Accordingly, such storage facilities must maintain donated foods in sanitary conditions, at the proper temperature and humidity, and with adequate air circulation. Recipient agencies must ensure that storage facilities comply with all Federal, State, or local requirements relative to food safety and health, as applicable, and obtain all required health inspections.

(b) *Inventory management—household programs.* Recipient agencies in household programs must store donated foods in a manner that permits them to be distinguished from other foods in storage, and must maintain a separate inventory record of donated foods. Such recipient agencies' system of inventory management must ensure that donated foods are distributed to recipients in a timely manner that permits use of such foods while still in optimal condition. Such recipient agencies must notify the distributing agency of donated food losses and take further actions with respect to such food losses, as directed by the distributing agency.

(c) *Inventory management—child nutrition programs and charitable institutions.* Recipient agencies in child nutrition programs, and those receiving donated foods as charitable institutions, in accordance with § 250.67, are not required to store donated foods in a manner that distinguishes them from purchased foods or other foods, or to maintain a separate inventory record of donated foods—i.e., they may utilize single inventory management, as defined in § 250.2. For such recipient agencies, donated foods are subject to the same safeguards and effective management practices as other foods. Accordingly, recipient agencies in child nutrition programs and those receiving donated foods as charitable institutions (regardless of the inventory management system utilized), are not required to separately monitor and report donated food use, distribution, or loss to the distributing agency, unless there is evidence indicating that donated food loss has occurred as a result of theft or fraud.

(d) *Transfer of donated foods to another recipient agency.* A recipient agency operating a household program must request approval from the distributing agency to transfer donated foods at its storage facilities to another recipient agency. The distributing agency may approve such transfer to another recipient agency in the same household program (e.g., the transfer of TEFAP foods from one food pantry to another) without FNS approval. However, the distributing agency must receive FNS approval to permit a recipient agency in a household program to transfer donated foods to a recipient agency in a different program (e.g., the transfer of TEFAP foods from a food pantry to a CSFP local agency), even if the same recipient agency administers both programs. A recipient

agency operating a child nutrition program, or receiving donated foods as a charitable institution, in accordance with § 250.67, may transfer donated foods to another recipient agency or charitable organization without approval from the distributing agency or FNS.

(e) *Commercial storage facilities.* Recipient agencies may obtain the services of commercial storage facilities to store and distribute donated foods, but must ensure compliance with Departmental procurement requirements in 7 CFR parts 3016 or 3019, as applicable. Recipient agencies must ensure that commercial storage facilities comply with all of the applicable requirements in this section regarding the storage and inventory management of donated foods.

§ 250.15 Out-of-condition donated foods, food recalls, and complaints.

(a) *Out-of-condition donated foods at the distributing agency level.* The distributing agency must ensure that donated foods that are out-of-condition, as defined in § 250.2, at any of its storage facilities are destroyed, or otherwise disposed of, in accordance with State or local requirements pertaining to food safety and health. The distributing agency must obtain an inspection of donated foods by State or local health authorities to determine their safety and condition, as necessary, or as directed by FNS. Out-of-condition donated foods may be sold (e.g., to a salvage company), if permitted by State or local laws or regulations.

(b) *Out-of-condition donated foods at the recipient agency level.* Recipient agencies in household programs must report out-of-condition donated foods at their storage facilities to the distributing agency, in accordance with § 250.14(b), and must ensure that such donated foods are destroyed, or otherwise disposed of, in accordance with State or local requirements pertaining to food safety and health. The distributing agency must ensure that such recipient agencies obtain an inspection of donated foods by State or local health authorities to determine their safety and condition, as necessary, or as directed by FNS. For charitable institutions, in accordance with § 250.67, and recipient agencies in child nutrition programs, donated foods must be treated as other foods when safety is in question. Consequently, such recipient agencies must comply with State or local requirements in determining the safety of foods (including donated foods), and in their destruction or other disposition. However, they are not required to report such actions to the distributing agency.

(c) *Food recalls.* The distributing or recipient agency, as appropriate, must follow all applicable Federal, State or local requirements for donated foods subject to a food recall, as this term is defined in § 250.2. Further, in the event of a recall, Departmental guidance is provided, including procedures or instructions for all parties in responding to a food recall, replacement of recalled donated foods, and reimbursement of specific costs incurred as a result of such actions.

(d) *Complaints relating to donated foods.* The distributing agency must inform recipient agencies of the preferred method of receiving complaints regarding donated foods. Complaints received from recipients, recipient agencies, or other entities relating to donated foods must be resolved in an expeditious manner, and in accordance with applicable requirements in this part. However, the distributing agency may not dispose of any donated food that is the subject of a complaint prior to guidance and authorization from FNS. Any complaints regarding product quality or specifications, or suggested product improvements, must be submitted to FNS through the established FNS donated foods complaint system for tracking purposes. If complaints may not be resolved at the State level, the distributing agency must provide information regarding the complaint to FNS. The distributing agency must maintain a record of its investigations and other actions with respect to complaints relating to donated foods.

§ 250.16 Claims and restitution for donated food losses.

(a) *Distributing agency responsibilities.* The distributing agency must ensure that restitution is made for the loss of donated foods, or for the loss or improper use of funds provided for, or obtained as an incident of, the distribution of donated foods. The distributing agency must identify, and seek restitution from, parties responsible for the loss, and implement corrective actions to prevent future losses.

(b) *FNS claim actions.* FNS may initiate and pursue claims against the distributing agency or other entities for the loss of donated foods, or for the loss or improper use of funds provided for, or obtained as an incident of, the distribution of donated foods. FNS may also initiate and pursue claims against the distributing agency for failure to take required claim actions against other parties. FNS may, on behalf of the Department, compromise, forgive, suspend, or waive a claim. FNS may, at its option, require assignment to it of any claim arising from the distribution of donated foods.

§ 250.17 Use of funds obtained incidental to donated food distribution.

(a) *Distribution charge.* The distributing agency must use funds obtained from the distribution charge imposed on recipient agencies in child nutrition programs, in accordance with § 250.13(b), to meet the costs of storing and distributing donated foods or related administrative costs, consistent with the limitations on the use of funds provided under a Federal grant in 7 CFR part 3016 and OMB guidance. The distributing agency must maintain such funds in an operating account, separate from other funds obtained incidental to donated food distribution. The amount of funds maintained at any time in the operating account may not exceed the distributing agency's highest expenditure from that account over any three-month period in the previous school or fiscal year, unless the distributing agency receives FNS approval to maintain a larger amount of funds in such account. Unless such approval is granted, funds in excess of the established limit must be used to reduce the distribution charge imposed on recipient agencies, or to provide appropriate reimbursement to such agencies. The distributing agency may not use funds obtained from the distribution charge to purchase foods to replace donated food losses or to pay claims to make restitution for donated food losses.

(b) *Processing and food service management company contracts.* School food authorities must use funds obtained from processors in processing of donated foods into end products (e.g., through rebates for the value of such donated foods), or from food service management companies in crediting for the value of donated foods received, in support of the nonprofit school food service, in accordance with 7 CFR 210.14 of this chapter. Other recipient agencies must use such funds in accordance with the requirements in paragraph (c) of this section.

(c) *Claims and other sources.* The distributing agency must ensure that funds collected in payment of claims for donated food losses are used only for the payment of expenses of the food distribution program. The first priority for the use of funds collected in a claim for the loss of donated foods is the purchase of replacement foods for use in the program in which the loss occurred. If the purchase of replacement foods is not feasible, funds collected in a claim for the loss of donated foods must be

used to pay allowable administrative costs incurred in the storage and distribution of donated foods. The distributing agency, or recipient agency, must use funds obtained from sources incidental to donated food distribution (except as otherwise indicated in this section) to pay administrative costs incurred in the storage and distribution of donated foods, consistent with the limitations on the use of funds provided under a Federal grant in 7 CFR parts 3016 or 3019, and OMB guidance, as applicable. The distributing agency must maintain funds obtained from claims and other sources included in this paragraph (c) in a donated food account (separate from the operating account maintained in accordance with paragraph (a) of this section), and must obtain FNS approval for any single deposit into, or expenditure from, such account in excess of $25,000. Distributing and recipient agencies must maintain records of funds obtained and expended in accordance with this paragraph (c). Examples of funds applicable to the provisions in this paragraph (c) include funds accrued from:

(1) The salvage of out-of-condition donated foods.

(2) The sale of donated food containers, pallets, or packing materials.

(3) Payments by processors for failure to meet processing yields or other cause.

(d) *Prohibitions.* The distributing agency may not use funds obtained incidental to donated food distribution to meet State matching requirements for Federal administrative funds provided in household programs, or in place of State Administrative Expense (SAE) funds provided in accordance with 7 CFR part 235.

(e) *Buy American.* When funds obtained in accordance with this section are used to purchase foods in the commercial market, a distributing or recipient agency in the continental United States, and in Hawaii, must, to the maximum extent practical, purchase only domestic foods or food products. Such requirement is also applicable to food purchases made with the cash-in-lieu-of-donated foods provided in NSLP and CACFP, in accordance with §§ 250.56(e) and 250.61(c). For the purposes of this section, domestic foods or food products are:

(1) Agricultural commodities that are produced in the United States; or

(2) Food products that are processed in the United States substantially using agricultural commodities that are produced in the United States.

§ 250.18 Reporting requirements.

(a) *Inventory and distribution of donated foods.* The distributing agency must submit to FNS reports relating to the inventory and distribution of donated foods in this paragraph (a) or in other regulations applicable to specific programs. Such reports must be submitted in accordance with the time frames established for each respective form. For donated foods received in FDPIR, the distributing agency must submit form FNS–152, Monthly Distribution of Donated Foods to Family Units. For donated foods received in TEFAP, NSLP, or other child nutrition programs, the distributing agency must submit form FNS–155, the Inventory Management Register.

(b) *Processor performance reports.* Processors must submit monthly performance reports to the distributing agency, in accordance with § 250.30(m). Such reports must include the information listed in § 250.30(m).

(c) *Disasters and situations of distress.* The distributing agency must submit to FNS a report of the types and amounts of donated foods used from distributing or recipient agency storage facilities in disasters and situations of distress, and a request for replacement of such foods, using electronic form FNS–292A, *Report of Commodity Distribution for Disaster Relief,* in accordance with §§ 250.69 and 250.70. The report must be submitted within 45 days of the termination of such assistance.

(d) *Other information.* The distributing agency must submit other information, as requested by FNS, in order to ensure compliance with requirements in this part. For example, FNS may require the distributing agency to submit information with respect to its assessment of the distribution charge, or to justify the efficiency and cost-effectiveness of its distribution system, in accordance with § 250.13(c) and (d).

§ 250.19 Recordkeeping requirements.

(a) *Required records.* Distributing agencies, recipient agencies, and other entities must maintain records of agreements and contracts, reports, audits, and claim actions, funds obtained as an incident of donated food distribution, and other records specifically required in this part or in other Departmental regulations, as applicable. In addition, distributing agencies must keep a record of the value of donated foods each of its school food authorities receives, and records to demonstrate compliance with the professional standards for distributing agency directors established in 235.11(g). Processors must also maintain records documenting the sale of end products to recipient agencies, including the sale of such end products by distributors. Specific recordkeeping requirements relating to the use of donated foods in contracts with food service management companies are included in § 250.54. Failure of the distributing agency, recipient agency, or other entity to comply with recordkeeping requirements shall be considered prima facie evidence of improper distribution or loss of donated foods and may result in a claim against such party for the loss or misuse of donated foods, in accordance with § 250.16, or in other sanctions or corrective actions.

(b) *Retention of records.* Records relating to requirements for donated foods must be retained for a period of three years from the close of the fiscal or school year to which they pertain. However, records pertaining to claims or audits that remain unresolved in this period of time must be retained until such actions have been resolved.

§ 250.20 Audit requirements.

(a) *Requirements for distributing and recipient agencies.* Audit requirements for State or local government agencies and nonprofit organizations that receive Federal awards or grants (including distributing and recipient agencies under this part) are included in Departmental regulations in 7 CFR part 3052 (which codifies audit requirements in OMB Circular A–133). In accordance with such regulations, the value of Federal grants or awards expended in a fiscal year determine if the distributing or recipient agency is required to obtain an audit in that year. The value of donated foods must be considered as part of the Federal grants or awards in determining if an audit is required. FNS provides guidance for distributing and recipient agencies in valuing donated foods for audit purposes, and in determining whether an audit must be obtained. (For availability of the OMB circular mentioned in this paragraph, please refer to 5 CFR 1310.3).

(b) *Requirements for processors.* In-State processors must obtain an independent certified public accountant (CPA) audit in the first year that they receive donated foods for processing, while multi-State processors must obtain such an audit in each of the first two years that they receive donated foods for processing. After this initial requirement period, in-State and multi-State processors must obtain an independent CPA audit at a frequency determined by the average value of donated foods received for processing per year, as indicated in this paragraph (b). The value of donated foods used in

determining if an audit is required must be the contract value of the donated foods, as defined in § 250.2. The audit must determine that the processor's performance is in compliance with the requirements in this part, and must be conducted in accordance with procedures in the FNS Audit Guide for Processors. All processors must pay for audits required in this paragraph (b). An in-State or multi-State processor must obtain an audit:

(1) Annually, if it receives, on average, more than $5,000,000 in donated foods for processing per year;

(2) Every two years, if it receives, on average, between $1,000,000 and $5,000,000 in donated foods for processing per year; or

(3) Every three years, if it receives, on average, less than $1,000,000 in donated foods for processing per year.

(c) *Post-audit actions required of processors.* In-State processors must submit a copy of the audit to the distributing agency for review by December 31st of each year in which an audit is required. The distributing agency must ensure that in-State processors provide a corrective action plan with timelines for correcting deficiencies identified in the audit, and must ensure that such deficiencies are corrected. Multi-State processors must submit a copy of the audit, and a corrective action plan with timelines for correcting deficiencies identified in the audit, as appropriate, to FNS for review by December 31st of each year in which an audit is required. FNS may conduct an audit or investigation of a processor to ensure correction of deficiencies, in accordance with § 250.3(b).

(d) *Failure to meet audit requirements.* If a distributing agency or recipient agency fails to obtain the required audit, or fails to correct deficiencies identified in the audit, FNS may withhold, suspend, or terminate the Federal award. If a processor fails to obtain the required audit, or fails to correct deficiencies identified in the audit, a distributing or recipient agency may terminate the processing agreement, and may not extend or renew such an agreement. Additionally, FNS may prohibit the further distribution of donated foods to such processor.

§ 250.21 Distributing agency reviews.

(a) *Scope of review requirements.* The distributing agency must ensure that subdistributing agencies, recipient agencies, and other entities comply with applicable requirements in this part, and in other Federal regulations, through the on-site reviews required in paragraph (b) of this section, and the review of required reports or audits. However, the distributing agency is not responsible for the review of school food authorities and other recipient agencies in child nutrition programs. The State administering agency is responsible for the review of such recipient agencies, in accordance with review requirements of part 210.

(b) *On-site reviews.* The distributing agency must conduct an on-site review of:

(1) Charitable institutions, whenever the distributing agency identifies actual or probable deficiencies in the use of donated foods by such institutions, through audits, investigations, complaints, or any other information;

(2) Storage facilities at the distributing agency level (including commercial storage facilities under contract with the distributing or subdistributing agency), on an annual basis; and

(3) Subdistributing and recipient agencies in CSFP, TEFAP, and FDPIR, in accordance with 7 CFR parts 247, 251, and 253, respectively.

(c) *Identification and correction of deficiencies.* The distributing agency must inform each subdistributing agency, recipient agency, or other entity of any deficiencies identified in its reviews, and recommend specific actions to correct such deficiencies. The distributing agency must ensure that such agencies or entities implement corrective actions to correct deficiencies in a timely manner.

§ 250.22 Distributing agency performance standards.

(a) *Performance standards.* The distributing agency must meet the basic performance standards included in this paragraph in the ordering, distribution, processing, if applicable, and control of donated foods. Some of the performance standards apply only to distributing agencies that distribute donated foods in NSLP or other child nutrition programs, as indicated. However, the identification of specific performance standards does not diminish the responsibility of the distributing agency to meet other requirements in this part. In meeting basic performance standards, the distributing agency must:

(1) Provide recipient agencies with information on donated food availability, assistance levels, values, product specifications, and processing options, as requested;

(2) Implement a request-driven ordering system, in accordance with § 250.10(a), and, for child nutrition programs, § 250.58(a);

(3) Offer school food authorities in NSLP, at a minimum, the commodity offer value of donated foods, in accordance with § 250.58;

(4) Provide for the storage, distribution, and control of donated foods in accordance with all Federal, State, or local requirements relating to food safety and health;

(5) Provide for the distribution of donated foods in the most efficient and cost-effective manner, including, to the extent practical, direct shipments from vendors to recipient agencies or processors, and the use of split shipments;

(6) Use SAE funds, or other Federal or State funds, as available, in paying State storage and distribution costs for child nutrition programs, and impose a distribution charge on recipient agencies in child nutrition programs only to extent that such funds are insufficient to meet applicable costs;

(7) Provide for the processing of donated foods, at the request of school food authorities, in accordance with Subpart C of this part, including the testing of end products with school food authorities, and the solicitation of acceptability input, when procuring end products on behalf of school food authorities or otherwise limiting the procurement of end products; and

(8) Provide recipient agencies information regarding the preferred method for submission of donated foods complaints to the distributing agency and act expeditiously to resolve submitted complaints.

(b) *Corrective action plan.* The distributing agency must submit a corrective action plan to FNS whenever it is found to be substantially out of compliance with the performance standards in paragraph (a) of this section, or with other requirements in this part. The plan must identify the corrective actions to be taken, and the timeframe for completion of such actions. The plan must be submitted to FNS within 60 days after the distributing agency receives notification from FNS of a deficiency.

(c) *Termination or suspension.* FNS may terminate or suspend all, or part, of the distributing agency's participation in the distribution of donated foods, or in a food distribution program, for failure to comply with requirements in this part, with other applicable Federal regulations, or with its written agreement with FNS. FNS may also take other actions, as appropriate, including prosecution under applicable Federal statutes.

Subpart C—Processing and Labeling of Donated Foods

■ 4. In Subpart C, § 250.30:

■ a. Revise all references to ''FNSRO'' to read ''FNS Regional Office''.
■ b. Amend paragraph (b)(2) introductory text by removing the reference, ''§ 250.12(b)'', and adding in its place the reference, ''§ 250.4(c)''.
■ c. Amend paragraph (b)(2)(i) by removing the words, ''as defined in § 250.3'', and adding in their place the words, ''in accordance with paragraph (d) of this section''.
■ d. Amend paragraph (c) as follows:
■ i. Redesignate paragraphs (c)(1)(i) through (vi) as paragraphs (c)(1)(i)(A) through (F).
■ ii. Redesignate paragraph (c)(1) introductory text as (c)(1)(i) introductory text.
■ iii. Designate the undesignated paragraph following paragraph (c)(1)(i)(F), beginning with the words ''These criteria will be reviewed'', as paragraph (c)(1)(ii).
■ e. Amend newly designated paragraph (c)(1)(ii) by removing the references, ''Attachment O to OMB Circular A–102'' and ''Attachment O of OMB Circular A–102'', and adding in their place the reference, ''7 CFR parts 3016 or 3019, as applicable''.
■ f. Amend paragraph (c)(4)(iii) by removing the reference, ''§ 250.3'', and adding in its place the reference, ''§ 250.2''.
■ g. Revise paragraphs (c)(4)(viii)(G) and (c)(4)(xi).
■ h. Remove paragraph (c)(4)(xiv), and redesignate paragraphs (c)(4)(xv) through (xviii) as paragraphs (c)(4)(xiv) through (xvii).
■ i. Revise paragraph (d)(1)(i).
■ j. Remove the second and third sentences of paragraph (d)(1)(iii).
■ k. Revise paragraph (e)(1)(i).
■ l. Amend paragraph (f)(1) introductory text by removing the reference, ''§ 250.3'', and adding in its place the reference, ''§ 250.2''.
■ m. Amend paragraph (f)(2) by removing the reference, ''§ 250.16'', and adding in its place the reference, ''§ 250.19''.
■ n. Amend paragraph (f)(3)(vii) by removing the reference, ''§ 250.16(a)(4)'', and adding in its place the reference, ''§ 250.19(a)''.
■ o. Amend paragraph (j)(3) by removing the reference, ''FNS Instruction 410–1, Non-Audit Claims, Food Distribution Program'', and adding in its place the reference, ''§ 250.17(c)''.
■ p. Remove the last sentence of paragraph (k)(3).
■ q. Remove paragraphs (m)(1)(vii) and (viii), and redesignate paragraph (m)(1)(ix) as paragraph (m)(1)(vii).
■ r. Revise the second sentence of paragraph (n)(3).
■ s. Remove paragraph (n)(4), and redesignate paragraph (n)(5) as paragraph (n)(4).
■ t. Remove paragraphs (o), (q), and (r), and redesignate paragraphs (p), (s), and (t) as paragraphs (o), (p), and (q), respectively.

The revisions read as follows:

§ 250.30 State processing of donated foods.

* * * * *

(c) * * *

(4) * * *

(viii) * * *

(G) Meet the requirements of § 250.19 in maintaining records pertaining to the receipt, distribution, and control of donated foods, and the sale of end products;

* * * * *

(xi) Meet the requirements in § 250.20(b) and (c) in obtaining an independent certified public accountant audit, and in performing post-audit actions;

* * * * *

(d) * * *

(1) * * *

(i) A refund system in which the processor provides a payment to the recipient agency in the amount of the contract value of the donated food contained in the end product;

* * * * *

(e) * * *

(1) * * *

(i) A refund system in which the processor provides a payment to the recipient agency in the amount of the contract value of the donated food contained in the end product;

* * * * *

(n) * * *

(3) * * * As a part of the annual reconciliation, the distributing agency must ensure that a processor with excessive inventories of donated foods reduces such inventories. * * *

* * * * *

Subpart D—Donated Foods in Contracts With Food Service Management Companies

■ 5. In § 250.50, revise the second sentence of paragraph (a) to read as follows:

§ 250.50 Contract requirements and procurement.

(a) * * * The contract must ensure that all donated foods received for use by the recipient agency in the school or fiscal year, as applicable, are used in the recipient agency's food service, or that commercially purchased foods are used in place of such donated foods only in accordance with the requirements in § 250.51(d). * * *

* * * * *

■ 6. In § 250.52, revise paragraph (a) to read as follows:

§ 250.52 Storage and inventory management of donated foods.

(a) *General requirements.* The food service management company must meet the requirements for the safe storage and control of donated foods in § 250.14(a).

* * * * *

Subpart E—National School Lunch Program (NSLP) and Other Child Nutrition Programs

■ 7. In § 250.58, revise paragraphs (a) and (e) to read as follows:

§ 250.58 Ordering donated foods and their provision to school food authorities.

(a) *Ordering and distribution of donated foods.* The distributing agency must ensure that school food authorities are able to submit donated food orders through the FNS electronic donated foods ordering system, or through a comparable electronic food ordering system. The distributing agency must ensure that all school food authorities have the opportunity to provide input at least annually in determining the donated foods from the full list that are made available to them for ordering in the FNS electronic donated foods ordering system or other comparable electronic ordering system. The distributing agency must ensure distribution to school food authorities of all such ordered donated foods that may be distributed to them in a cost-effective manner (including the use of split shipments, as necessary), and that they may utilize efficiently and without waste.

* * * * *

(e) *Donated food value in offer and crediting.* In offering the school food authority the commodity offer value of donated foods, the distributing agency must use either the cost-per-pound donated food prices posted annually by USDA or the most recently published cost-per-pound price in the USDA donated foods catalog. The distributing agency must credit the school food authority using the USDA purchase price (cost-per-pound), and update the price at least semi-annually to reflect the most recent USDA purchase price.

■ 8. Revise § 250.59 to read as follows:

§ 250.59 Storage, control, and use of donated foods.

(a) *Storage and inventory management.* The distributing agency must ensure compliance with

requirements in §§ 250.12 and 250.13 in order to ensure the safe and effective storage and inventory management of donated foods, and their efficient and cost-effective distribution to school food authorities. The school food authority must ensure compliance with requirements in § 210.13 to ensure the safe and sanitary storage, inventory management, and use of donated foods and purchased foods. In accordance with § 250.14(c), the school food authority may commingle donated foods and purchased foods in storage and maintain a single inventory record of such commingled foods, in a single inventory management system.

(b) *Use of donated foods in the nonprofit school food service.* The school food authority must use donated foods, as much as is practical, in the lunches served to schoolchildren, for which they receive an established per-meal value of donated food assistance each school year. However, the school food authority may also use donated foods in other activities of the nonprofit school food service. Revenues received from such activities must accrue to the school food authority's nonprofit school food service account, in accordance with § 210.14. Some examples of such activities in which donated foods may be used include:

(1) School breakfasts or other meals served in child nutrition programs;

(2) A la carte foods sold to schoolchildren;

(3) Meals served to adults directly involved in the operation and administration of the nonprofit school food service, and to other school staff; and

(4) Training in nutrition, health, food service, or general home economics instruction for students.

(c) *Use of donated foods outside of the nonprofit school food service.* The school food authority should not use donated foods in meals or other activities that do not benefit primarily schoolchildren, such as banquets or catered events. However, as their use in such activities may not always be avoided (e.g., if donated foods are commingled with purchased foods in a single inventory management system), the school food authority must ensure reimbursement to the nonprofit school food service for the value of donated foods used in such activities. When such reimbursement may not be based on actual usage of donated foods (e.g., in a single inventory management system), the school food authority must establish an alternate method of reimbursement—e.g., by including the current per-meal value of donated food assistance in the price charged for the meal or other activity.

(d) *Use of donated foods in a contract with a food service management company.* When the school food authority contracts with a food service management company to conduct the food service, in accordance with § 210.16, it must ensure compliance with requirements in Subpart D of this part, which address the treatment of donated foods under such contract. The school food authority must also ensure compliance with the use of donated foods in paragraphs (b) and (c) of this section under its contract with a food service management company.

(e) *School food authorities acting as a collective unit.* Two or more school food authorities may conduct activities of the nonprofit school food service as a collective unit (e.g., in a school co-op or consortium), including activities relating to donated foods. Such activities must be conducted in accordance with a written agreement or contract between the parties. The school food authority collective unit is subject to the same requirements as a single school food authority in conducting such activities. For example, the school food authority collective unit may use a single inventory management system in its storage and control of purchased and donated foods.

§ 250.60 [Removed]

■ 9. Remove § 250.60.

§§ 250.61 and 250.62 [Redesignated as §§ 250.60 and 250.61]

■ 10. Redesignate §§ 250.61 and 250.62 as §§ 250.60 and 250.61, respectively.

■ 11. Revise Subpart F to read as follows:

Subpart F—Household Programs

Sec.

250.63 Commodity Supplemental Food Program (CSFP).
250.64 The Emergency Food Assistance Program (TEFAP).
250.65 Food Distribution Program on Indian Reservations (FDPIR).
250.66 [Reserved]

§ 250.63 Commodity Supplemental Food Program (CSFP).

(a) *Distribution of donated foods in CSFP.* The Department provides donated foods in CSFP to the distributing agency (i.e., the State agency, in accordance with 7 CFR part 247) for further distribution in the State, in accordance with 7 CFR part 247. State agencies and recipient agencies (i.e., local agencies in 7 CFR part 247) must comply with the requirements of this part in the distribution, control, and use of donated foods in CSFP, to the extent that such requirements are not inconsistent with the requirements in 7 CFR part 247.

(b) *Types of donated foods distributed.* Donated foods distributed in CSFP include Section 4(a) foods, and donated foods provided under Section 32, Section 416, or Section 709, as available.

§ 250.64 The Emergency Food Assistance Program (TEFAP).

(a) *Distribution of donated foods in TEFAP.* The Department provides donated foods in TEFAP to the distributing agency (i.e., the State agency, in accordance with 7 CFR part 251) for further distribution in the State, in accordance with 7 CFR part 251. State agencies and recipient agencies must comply with the requirements of this part in the distribution, control, and use of donated foods, to the extent that such requirements are not inconsistent with the requirements in 7 CFR part 251.

(b) *Types of donated foods distributed.* Donated foods distributed in TEFAP include Section 27 foods, and donated foods provided under Section 32, Section 416, or Section 709, as available.

§ 250.65 Food Distribution Program on Indian Reservations (FDPIR).

(a) *Distribution of donated foods in FDPIR.* The Department provides donated foods in FDPIR to the distributing agency (i.e., the State agency, in accordance with 7 CFR parts 253 and 254, which may be an Indian Tribal Organization) for further distribution, in accordance with 7 CFR parts 253 and 254. The State agency must comply with the requirements of this part in the distribution, control, and use of donated foods, to the extent that such requirements are not inconsistent with the requirements in 7 CFR parts 253 and 254.

(b) *Types of donated foods distributed.* Donated foods distributed in FDPIR include Section 4(a) foods, and donated foods provided under Section 32, Section 416, or Section 709, as available.

250.66 [Reserved]

Subpart G—Additional Provisions

■ 12. Revise the heading for subpart G to read as set forth above.

■ 13. Revise § 250.69 to read as follows:

§ 250.69 Disasters.

(a) *Use of donated foods to provide congregate meals.* The distributing agency may provide donated foods from current inventories, either at the distributing or recipient agency level, to

a disaster organization (as defined in § 250.2), for use in providing congregate meals to persons in need of food assistance as a result of a Presidentially declared disaster or emergency (hereinafter referred to collectively as a ''disaster''). FNS approval is not required for such use. However, the distributing agency must notify FNS that such assistance is to be provided, and the period of time that it is expected to be needed. The distributing agency may extend such period of assistance as needs dictate, but must notify FNS of such extension.

(b) *Use of donated foods for distribution to households.* Subject to FNS approval, the distributing agency may provide donated foods from current inventories, either at the distributing or recipient agency level, to a disaster organization, for distribution to households in need of food assistance because of a disaster. Such distribution may continue for the period that FNS has determined to be necessary to meet the needs of such households. However, households receiving disaster SNAP (D–SNAP) benefits are not eligible to receive such donated food assistance.

(c) *Approval of disaster organization.* Before distribution of donated foods to a disaster organization, the distributing agency must review and approve such organization's application, which must be submitted to the distributing agency either electronically or in written form. The distributing agency must also submit such application to FNS for review and approval before permitting distribution of donated foods to households.

(1) The disaster organization's application must, to the extent possible, include the following information:

(i) A description of the disaster situation;

(ii) The number of people requiring assistance;

(iii) The period of time for which donated foods are requested;

(iv) The quantity and types of food needed; and

(v) The number and location of sites where donated foods are to be used, to the extent that such information is known.

(2) In addition to the information required above, disaster organizations applying to distribute donated foods to households must include the following information in their application:

(i) An explanation as to why such distribution is needed;

(ii) The method(s) of distribution available; and

(iii) A statement assuring that D–SNAP benefits and donated food assistance will not be provided simultaneously to individual households, and a description of the system that will be implemented to prevent such dual participation.

(d) *Information from households.* If the issuance of D–SNAP benefits has been approved, the distributing agency must ensure that the disaster organization obtains the following information from households receiving donated foods, and reports such information to the distributing agency:

(1) The name and address of the household members applying for assistance;

(2) The number of household members; and

(3) A statement from the head of the household certifying that the household is in need of food assistance, is not receiving D–SNAP benefits, and understands that the sale or exchange of donated foods is prohibited.

(e) *Eligibility of emergency relief workers for congregate meals.* The disaster organization may use donated foods to provide meals to any emergency relief workers at the congregate feeding site who are directly engaged in providing relief assistance.

(f) *Reporting and recordkeeping requirements.* The distributing agency must report to FNS the number and location of sites where donated foods are used in congregate meals or household distribution as these sites are established. The distributing agency must also report the types and amounts of donated foods from distributing or recipient agency storage facilities used in disaster assistance, utilizing form FNS–292A, *Report of Commodity Distribution for Disaster Relief,* which must be submitted electronically, within 45 days from the termination of disaster assistance. This form must also be used to request replacement of donated foods, in accordance with paragraph (g) of this section. The distributing agency must maintain records of reports and other information relating to disasters.

(g) *Replacement of donated foods.* In order to ensure replacement of donated foods used in disasters, the distributing agency must submit to FNS a request for such replacement, utilizing form FNS–292A, *Report of Commodity Distribution for Disaster Relief,* within 45 days following the termination of disaster assistance. The distributing agency may request replacement of foods used from inventories in which donated foods are commingled with other foods (i.e., at storage facilities of recipient agencies utilizing single inventory management), if the recipient agency received donated foods of the same type as the foods used during the year preceding the onset of the disaster assistance. FNS will replace such foods in the amounts used, or in the amount of like donated foods received during the preceding year, whichever is less.

(h) *Reimbursement of transportation costs.* In order to receive reimbursement for any costs incurred in transporting donated foods within the State, or from one State to another, for use in disasters, the distributing agency must submit a public voucher to FNS with documentation of such costs. FNS will review the request and reimburse the distributing agency.

■ 14. Revise § 250.70 to read as follows:

§ 250.70 Situations of distress.

(a) *Use of donated foods to provide congregate meals.* The distributing agency may provide donated foods from current inventories, either at the distributing or recipient agency level, to a disaster organization, for use in providing congregate meals to persons in need of food assistance because of a situation of distress, as this term is defined in § 250.2. If the situation of distress results from a natural event (e.g., a hurricane, flood, or snowstorm), such donated food assistance may be provided for a period not to exceed 30 days, without the need for FNS approval. However, the distributing agency must notify FNS that such assistance is to be provided. FNS approval must be obtained to permit such donated food assistance for a period exceeding 30 days. If the situation of distress results from other than a natural event (e.g., an explosion), FNS approval is required to permit donated food assistance for use in providing congregate meals for any period of time.

(b) *Use of donated foods for distribution to households.* The distributing agency must receive FNS approval to provide donated foods from current inventories, either at the distributing or recipient agency level, to a disaster organization for distribution to households in need of food assistance because of a situation of distress. Such distribution may continue for the period of time that FNS determines necessary to meet the needs of such households. However, households receiving D–SNAP benefits are not eligible to receive such donated food assistance.

(c) *Approval of disaster organizations.* Before distribution of donated foods to a disaster organization, the distributing agency must review and approve such organization's application, which must be submitted to the distributing agency either electronically or in written form. The distributing agency must also submit such application to FNS for review and approval before permitting

distribution of donated foods in a situation of distress that is not the result of a natural event, or for any distribution of donated foods to households. The disaster organization's application must, to the extent possible, include the information required in § 250.69(c).

(d) *Information from households.* If the issuance of D–SNAP benefits has been approved, the distributing agency must ensure that the disaster organization obtains the information in § 250.69(d) from households receiving donated foods, and reports such information to the distributing agency.

(e) *Eligibility of emergency relief workers for congregate meals.* The disaster organization may use donated foods to provide meals to any emergency relief workers at the congregate feeding site that are directly engaged in providing relief assistance.

(f) *Reporting and recordkeeping requirements.* The distributing agency must report to FNS the number and location of sites where donated foods are used in congregate meals or household distribution as these sites are established. The distributing agency must also report the types and amounts of donated foods from distributing or recipient agency storage facilities used in the situation of distress, utilizing form FNS–292A, *Report of Commodity Distribution for Disaster Relief,* which must be submitted electronically, within 45 days from the termination of assistance. This form must also be used to request replacement of donated foods, in accordance with paragraph (g) of this section. The distributing agency must maintain records of reports and other information relating to situations of distress.

(g) *Replacement of donated foods.* FNS will replace donated foods used in a situation of distress only to the extent that funds to provide for such replacement are available. The distributing agency must submit to FNS a request for replacement of such foods, utilizing form FNS–292A, *Report of Commodity Distribution for Disaster Relief,* which must be submitted electronically, within 45 days from the termination of assistance. The distributing agency may request replacement of foods used from inventories in which donated foods are commingled with other foods (i.e., at storage facilities of recipient agencies utilizing single inventory management), if the recipient agency received donated foods of the same type as the foods used during the year preceding the onset of the situation of distress. Subject to the availability of funds, FNS will replace such foods in the amounts used, or in the amount of like donated foods received during the preceding year, whichever is less.

(h) *Reimbursement of transportation costs.* In order to receive reimbursement for any costs incurred in transporting donated foods within the State, or from one State to another, for use in a situation of distress, the distributing agency must submit a public voucher to FNS with documentation of such costs. FNS will review the request and reimburse the distributing agency to the extent that funds are available.

■ 15. Add § 250.71 to read as follows:

§ 250.71 OMB control numbers.

Unless as otherwise specified in the table below, the information collection reporting and recordkeeping requirements in 7 CFR part 250 are accounted for in OMB control number 0584–0293.

CFR cite	OMB control No.
250.4(a)	0584–0067
250.19(a)	0584–0067, 0584–0293
250.69(f)–(g) & 250.70(f)–(g).	0584–0067, 0584–0293

PART 251—THE EMERGENCY FOOD ASSISTANCE PROGRAM

■ 16. The authority citation for part 251 continues to read as follows:

Authority: 7 U.S.C. 7501–7516.

■ 17. In § 251.4:

■ a. Remove paragraph (f)(4) and redesignate paragraph (f)(5) as paragraph (f)(4).

■ b. Revise paragraph (g).

■ c. Remove paragraph (l).

The revision reads as follows:

§ 251.4 Availability of commodities.

* * * * *

(g) *Distribution and control of donated commodities.* The State agency must ensure that the distribution, control, and use of donated commodities are in accordance with the requirements in this part, and with the requirements in 7 CFR part 250, to the extent that requirements in 7 CFR part 250 are not inconsistent with the requirements in this part. Transfers of donated commodities must comply with requirements in §§ 250.12(e) and 250.14(d), as applicable. In accordance with § 250.16, the State agency must ensure that restitution is made for the loss of donated commodities, or for the loss or improper use of funds provided for, or obtained as an incidence of, the distribution of donated commodities. The State agency is also subject to claims for such losses for which it is responsible, or for its failure to initiate or pursue claims against other parties responsible for such losses.

* * * * *

Dated: October 8, 2014.

Jeffrey J. Tribiano,

Acting Administrator, Food and Nutrition Service.

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Part III

Environmental Protection Agency

40 CFR Parts 403 and 441

Effluent Limitations Guidelines and Standards for the Dental Category; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 403 and 441

[EPA–HQ–OW–2014–0693; FRL–9911–63–OW]

RIN 2040–AF26

Effluent Limitations Guidelines and Standards for the Dental Category

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing technology-based pretreatment standards under the Clean Water Act (CWA) for discharges of pollutants into publicly owned treatment works (POTWs) from existing and new dental practices that discharge dental amalgam. Dental amalgam contains mercury in a highly concentrated form that is relatively easy to collect and recycle. Dental offices are the main source of mercury discharges to POTWs. Mercury is a persistent and bioaccumulative pollutant in the environment with well-documented neurotoxic effects on humans. Mercury pollution is widespread and comes from many diverse sources such as air deposition from municipal and industrial incinerators and combustion of fossil fuels. Mercury easily becomes diffuse in the environment and mercury pollution is a global problem. Removing mercury from the waste stream when it is in a concentrated and easy to handle form like in waste dental amalgam is an important and commonsense step to take to prevent that mercury from being released back into the environment where it can become diffuse and a hazard to humans.

The proposal would require dental practices to comply with requirements for controlling the discharge of mercury and other metals in dental amalgam into POTWs based on the best available technology or best available demonstrated control technology. Specifically, the requirements would be based on the use of amalgam separators and best management practices (BMPs). Amalgam separators are a practical, affordable and readily available technology for capturing mercury and other metals before they are discharged into sewers and POTWs. EPA is also proposing to amend selected parts of the General Pretreatment Regulations to streamline oversight requirements for the dental sector. EPA expects compliance with this proposed rule would reduce the discharge of metals to POTWs by at least 8.8 tons per year, about half of which is mercury. EPA estimates the annual cost of the proposed rule would be $44 to $49 million.

DATES: Comments on this proposed rule must be received on or before December 22, 2014. Under the Paperwork Reduction Act (PRA), comments on the information collection provisions must be received by the Office of Management and Budget (OMB) on or before November 21, 2014. EPA will conduct a public hearing on November 10, 2014 at 1 p.m. in the William J. Clinton Building—East Room 1153, 1201 Constitution Avenue NW., Washington, DC.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OW–2014–0693 by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: OW-Docket@epa.gov,* Attention Docket ID number EPA–HQ–OW–2014–0693.
- *Mail:* Water Docket, Environmental Protection Agency, Mail code: 4203M, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Attention Docket ID number EPA–HQ–OW–2014–0693. Please include a total of three copies. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, OMB, Attn: Desk Officer for EPA, 725 17th St. NW., Washington, DC 20503.
- *Hand Delivery:* Water Docket, EPA Docket Center, EPA West Building Room 3334, 1301 Constitution Ave. NW., Washington, DC, Attention Docket ID Number EPA–HQ–OW–2014–0693. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information by calling 202–566–2426.

Instructions: Direct your comments to docket ID number EPA–HQ–OW–2014–0693. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *http://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 *http://www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. A detailed record index, organized by subject, is available on EPA's Web site at *http://water.epa.gov/scitech/wastetech/guide/dental/index.cfm.* 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 *http://www.regulations.gov* or in hard copy at the Water Docket in the EPA Docket Center, EPA/DC, EPA West William Jefferson Clinton Bldg., 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.

Pretreatment Hearing Information: EPA will conduct a public hearing on the proposed pretreatment standards on November 10, 2014 at 1:00 p.m. in the William Jefferson Clinton Building EPA East Building—East Room 1153, 1201 Constitution Avenue NW., Washington, DC. No registration is required for this public hearing. During the pretreatment hearing, the public will have an opportunity to provide oral comment to EPA on the proposed pretreatment standards. EPA will not address any issues raised during the hearing at that time but these comments will be included in the public record for the rule. For security reasons, we request that you bring photo identification with you to the meeting. Also, if you let us know in advance of your plans to attend, it will expedite the process of

signing in. Seating will be provided on a first-come, first-served basis. Please note that parking is very limited in downtown Washington, and use of public transit is recommended. The EPA Headquarters complex is located near the Federal Triangle Metro station. Upon exiting the Metro station, walk east to 12th Street. On 12th Street, walk south to Constitution Avenue. At the corner, turn right onto Constitution Avenue and proceed to the EPA East Building entrance.

FOR FURTHER INFORMATION CONTACT: Damon Highsmith, Engineering and Analysis Division (4303T), Office of Water, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone: 202–566–2504; email: *highsmith.damon@epa.gov.*

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I. Regulated Entities

Entities potentially regulated by this action include:

Category	Example of regulated entity	North American Industry Classification System (NAICS) code
Industry	A general dentistry practice or large dental facility where mercury amalgam is placed or removed.	621210
States	Where they are the Control Authority [1]	221320
Municipalities	POTWs and other municipally owned facilities that receive pollutants from dental offices.	221320

This section is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this proposed action. Other types of entities that do not meet the above criteria could also be regulated. To determine whether your facility would be regulated by this proposed action, you should carefully examine the applicability criteria listed in § 441.10 and the definitions in § 441.20 of this proposed rule and detailed further in Section XII of this preamble. If you still have questions regarding the proposed applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

II. How To Submit Comments

The public may submit comments in written or electronic form. (see **ADDRESSES**). Electronic comments must be identified by the docket ID number EPA–HQ–OW–2014–0693 and must be submitted as a WordPerfect, MS Word or ASCII text file, avoiding the use of special characters and any form of encryption. EPA requests that any graphics included in electronic comments also be provided in hard-copy form. EPA also will accept comments and data on disks in the aforementioned file formats. Electronic comments received on this document may be filed online at many Federal Depository Libraries. No CBI should be sent by email.

III. Supporting Documentation

The proposed rule is supported by a number of documents including:

- Technical and Economic Development Document for Proposed Effluent Limitations Guidelines and Standards for the Dental Category (TEDD), Document No. EPA–821–R–14–006.

The TEDD summarizes the technical and economic analysis described in this document. The TEDD and additional records are available in the public record for this proposed rule and on EPA's Web site at *http://water.epa.gov/scitech/wastetech/guide/dental/index.cfm.* They are available in hard copy from the National Service Center for Environmental Publications (NSCEP), U.S. EPA/NSCEP, P.O. Box 42419, Cincinnati, Ohio 45242–2419, telephone 800–490–9198, *http://epa.gov/ncepihom.*

IV. Overview

The preamble describes the terms, acronyms, and abbreviations used in this document; the background documents that support these proposed regulations; the legal authority for the proposed rules; a summary of the options considered for the proposal; background information; and the technical and economic methodologies used by the Agency to develop these proposed regulations. This preamble also solicits comment and data on specific areas of interest.

V. Legal Authority

EPA is proposing this regulation under the authorities of sections 101, 301, 304, 306, 307, 308, and 501 of the CWA, 33 U.S.C. 1251, 1311, 1314, 1316, 1317, 1318, 1342 and 1361 and pursuant to the Pollution Prevention Act of 1990, 42 U.S.C. 13101 *et seq.*

VI. Purpose and Summary of Proposed Rule

Across the United States, many states and POTWs (also referred to as municipal wastewater treatment plants) are working toward the goal of reducing discharges of mercury to POTWs. Mercury is a persistent and bioaccumulative pollutant with well-documented effects on human health. On November 6, 2013, the United States joined the Minamata Convention on Mercury, a new multilateral environmental agreement not yet in force that addresses specific human activities that are contributing to widespread mercury pollution. The agreement identifies dental amalgam as a mercury-added product for which certain measures should be taken. Specifically, the Convention lists nine

[1] See Section XXI for a definition of Control Authority.

measures for phasing down the use of mercury in dental amalgam, including promoting the use of best environmental practices in dental facilities to reduce releases of mercury and mercury compounds to water and land. Nations that are parties to the Convention are required to implement at least two of the nine measures to address dental amalgam.

Many studies have been conducted in an attempt to identify the sources of mercury entering POTWs. According to the 2002 Mercury Source Control and Pollution Prevention Program Final Report (DCN DA00006) prepared by the National Association of Clean Water Agencies (NACWA), dentists are the main source of mercury discharges to POTWs. A study funded by the American Dental Association (ADA) published in 2005 estimated that 50% of mercury entering POTWs was contributed by dental offices (DCN DA00163). Mercury is discharged in the form of dental amalgam when dentists remove old amalgam fillings from cavities, and from excess amalgam removed when a dentist places a new filling.

EPA estimates that across the United States 4.4 tons of mercury from waste dental amalgam are collectively discharged into POTWs annually. Mercury at POTWs frequently partitions to the sludge, the solid material that remains after wastewater is treated. Mercury from amalgam can then make its way into the environment through the incineration, landfilling, or land application of sludge or through surface water discharge. Once deposited, certain microorganisms can change mercury into methylmercury, a highly toxic form of mercury that accumulates in fish, shellfish, and animals that eat fish. Fish and shellfish are the main sources of methylmercury exposure to humans.

Today's proposed pretreatment standards would control mercury discharges to POTWs by requiring dentists to reduce their discharge of dental amalgam to a level achievable through the use of the best available technology (a combination of amalgam separators and the use of BMPs. In order to simplify compliance with, and enforcement of, the numeric reduction requirements, the proposed rule would allow dentists to demonstrate compliance through the proper use of amalgam separators rather than through discharge monitoring. Removing concentrated sources of mercury waste opportunistically, such as through low-cost amalgam separators at dental offices (average annual cost per dental office: $700 [2]), is a common sense solution to managing mercury where it is most concentrated within the waste stream that would otherwise be released to air, land, and water.

Additionally, EPA is proposing to amend selected parts of the General Pretreatment Regulations (40 CFR part 403) in order to streamline permitting and oversight requirements specific to the dental sector. The number of dental offices that would likely be subject to national pretreatment standards is approximately ten times the current number of Categorical Industrial Users (CIUs). The proposed changes to 40 CFR part 403 reflect EPA's recognition that the current regulatory framework needs to be adjusted for the effective implementation and enforcement of these pretreatment requirements affecting the dental industry. When categorical pretreatment requirements apply to an industry, it creates certain oversight requirements. While other industries subject to categorical pretreatment requirements typically consist of tens to hundreds of facilities, the dental industry consists of approximately 100,000 facilities, making oversight of this large number of facilities subject to categorical pretreatment standards much more challenging.

VII. Solicitation of Data and Comments

EPA solicits comments on the proposed rule, including EPA's rationale as described in this preamble. EPA seeks comments on issues specifically identified in this document as well as any other issues that are not specifically addressed in this document. Comments are most helpful when accompanied by specific examples and supporting data. Specifically, EPA solicits information and data on the following topics.

1. Data demonstrating the effectiveness of polishing, or the use of sorbent columns after solids separation, in reducing mercury discharges from dental offices.

2. Data on costs, performance, affordability and availability of polishing in combination with amalgam separators.

3. Ways for dental offices to demonstrate compliance with this proposed rule, and how much reporting should be required.

4. Information on EPA's approach for addressing offices where no dental amalgam is applied or removed, and its approach for offices that already employ a separator (including cases where the separator was installed as a result of a program required by a state or other locality and where the separator has a certified removal efficiency that is lower than 99.0%).

5. Information on the frequency of emergency removals at dental offices that do not routinely place or remove amalgam.

6. EPA seeks comment on its approach for addressing offices where no dental amalgam is placed or removed except in limited emergency circumstances, and its approach for offices that have already installed an amalgam separator.

7. EPA proposes an inspection frequency of at least once per month to ensure proper operation and maintenance of the amalgam separator. EPA solicits comment on this frequency as well as others, and justifications for alternative approaches.

8. Data on the number of dentists in practices potentially subject to this rule that do not place or remove dental amalgam and on the number of dentists in practices excluded from the proposed rule such as oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, and prosthodontics. EPA also solicits comment on its estimate of the number of dentists in dental specialties that are not subject to this proposed rule.

9. Other technologies not discussed in this proposed rule that have demonstrated an ability to reduce discharges of mercury from dental offices and their associated costs.

10. Data regarding EPA's analysis of clinics and very large facilities.

11. EPA's proposed revisions to 40 CFR part 403, including revisions to create the DIU category, and the means of evaluating ongoing compliance for the purposes of maintaining the DIU designation.

12. Information about mobile facilities used to treat patients. EPA seeks information on the number, size, operation and financial characteristics of mobile facilities that offer dental treatment.

13. EPA's estimate of the number of large institutional practices, including large facilities operated by the Federal Government, and the characteristics (chair size, number of practitioners, currently employed mercury reduction approaches, incremental cost of proposed requirements) of these facilities.

14. Additional information on equipment needs and costs for starting a dental practice including information on the life of the dental equipment.

[2] This estimate is based on the average annualized cost for dentists that do not currently have an amalgam separator. See DCN DA00145.

15. Additional information on low revenue dental offices and if they could represent baseline closures (see discussion in Section XVI).

16. Additional information on the location and characteristics of low revenue dental offices ((1) single-dentist and/or part-time businesses that provide services as a subcontractor on an independent fee-for-service basis (2) non-profit groups, or (3) non-viable as for-profit businesses).

17. Information on requiring an efficiency that exceeds the ISO standard.

18. The proposal would greatly reduce potential requirements that would otherwise apply to control authorities with respect to dental dischargers. EPA solicits comments on its estimate of burden and costs associated with these reduced requirements. In particular, EPA solicits data from control authorities located in municipalities or states where similar mandatory dental amalgam reduction programs exist.

VIII. Background

A. Clean Water Act

Congress passed the Federal Water Pollution Control Act Amendments of 1972, also known as the Clean Water Act, to ''restore and maintain the chemical, physical, and biological integrity of the Nation's waters.'' (33 U.S.C. 1251(a)). The CWA establishes a comprehensive program for protecting our nation's waters. Among its core provisions, the CWA prohibits the discharge of pollutants from a point source to waters of the U.S. except as authorized under the CWA. Under section 402 of the CWA, EPA authorizes discharges by a National Pollutant Discharge Elimination System (NPDES) permit. The CWA also authorizes EPA to establish national technology-based effluent limitations guidelines and standards (effluent guidelines or ELGs) for discharges from different categories of point sources, such as industrial, commercial, and public sources.

Congress recognized that regulating only those sources that discharge effluent directly into the nation's waters would not be sufficient to achieve the CWA's goals. Consequently, the CWA requires EPA to promulgate nationally-applicable pretreatment guidelines and standards that restrict pollutant discharges from facilities that discharge wastewater indirectly through sewers flowing to POTWs. (see CWA sections 304(g), 307(b) and (c), 33 U.S.C. 1314(g), and 1317(b) and (c)). National pretreatment standards are established for those pollutants in wastewater from indirect dischargers that may pass through, interfere with or are otherwise incompatible with POTW operations. Generally, pretreatment standards are designed to ensure that wastewaters from direct and indirect industrial dischargers are subject to similar levels of treatment. In addition, POTWs are required to implement local treatment limits applicable to their industrial indirect dischargers to satisfy any local requirements. (see 40 CFR 403.5).

Direct dischargers must comply with effluent limitations in NPDES permits. Indirect dischargers, who discharge through POTWs, must comply with pretreatment standards. Technology-based effluent limitations in NPDES permits are derived from effluent limitations guidelines (CWA sections 301 and 304) and new source performance standards (CWA section 306) promulgated by EPA, or based on best professional judgment where EPA has not promulgated an applicable effluent guideline or new source performance standard. Additional limitations based on water quality standards (CWA sections 301(b)(1)(C) and 303) may also be included in the permit in certain circumstances. The ELGs are established by regulation for categories of industrial dischargers and are based on the degree of control that can be achieved using various levels of pollution control technology.

EPA promulgates national effluent limitations guidelines and standards of performance for major industrial categories for three classes of pollutants: (1) Conventional pollutants (total suspended solids, oil and grease, biochemical oxygen demand, fecal coliform, and pH); (2) toxic pollutants (e.g., toxic metals such as chromium, lead, mercury, nickel, and zinc; toxic organic pollutants such as benzene, benzo-a-pyrene, phenol, and naphthalene) as specified in CWA section 307 and; (3) non-conventional pollutants, those pollutants that are neither conventional nor toxic (e.g., ammonia-N, formaldehyde, and phosphorus).

B. Effluent Guidelines and Standards Program

Effluent limitations guidelines and standards are technology-based regulations that are developed by EPA for a category of dischargers. These regulations are based on the performance of control and treatment technologies. The legislative history of CWA section 304(b), describes the need to achieve progressively higher levels of control through research and development of new processes, modifications, replacement of obsolete plans and processes, and other improvements in technology, taking into account the cost of controls. Congress also directed that EPA not consider water quality impacts on individual water bodies as the guidelines are developed. See Statement of Senator Muskie (Oct. 4, 1972), reprinted in Legislative History of the Water Pollution Control Act Amendments of 1972, at 170. (U.S. Senate, Committee on Public Works, Serial No. 93–1, January 1973.)

There are standards applicable to direct dischargers (dischargers to surface waters), and standards applicable to indirect dischargers (discharges to publicly owned treatment works or POTWs). The standards relevant to this rulemaking are summarized here.

1. Best Available Technology Economically Achievable (BAT)

BAT effluent limitations guidelines apply to direct dischargers of toxic and nonconventional pollutants. In general, BAT effluent limitations guidelines represent the best economically achievable performance of facilities in the industrial subcategory or category. The factors considered in assessing BAT include the cost of achieving BAT effluent reductions, the age of equipment and facilities involved, the process employed, potential process changes, and non-water quality environmental impacts including energy requirements, and such other factors as the Administrator deems appropriate. The Agency has considerable discretion in assigning the weight to be accorded these factors. An additional statutory factor considered in setting BAT is economic achievability. Generally, EPA determines economic achievability on the basis of total costs to the industry and the effect of compliance with BAT limitations on overall industry and subcategory financial conditions. Where existing performance is uniformly inadequate, BAT may reflect a higher level of performance than is currently being achieved based on technology transferred from a different subcategory or category. BAT may be based upon process changes or internal controls, even when these technologies are not common industry practice.

2. New Source Performance Standards (NSPS)

NSPS reflect effluent reductions that are achievable based on the best available demonstrated control technology. Owners of new facilities have the opportunity to install the best and most efficient production processes and wastewater treatment technologies.

As a result, NSPS should represent the most stringent controls attainable through the application of the best available demonstrated control technology for all pollutants (that is, conventional, nonconventional, and priority pollutants). In establishing NSPS, EPA is directed to take into consideration the cost of achieving the effluent reduction and any non-water quality environmental impacts and energy requirements.

3. Pretreatment Standards for Existing Sources (PSES)

Pretreatment standards apply to discharges of pollutants to POTWs rather than discharges to waters of the United States. Pretreatment Standards for Existing Sources are designed to prevent the discharge of pollutants that pass through, interfere with, or are otherwise incompatible with the operation of POTWs, including sludge disposal methods of POTWs. Categorical pretreatment standards for existing sources are technology-based and are analogous to BAT effluent limitations guidelines.

The General Pretreatment Regulations, which set forth the framework for the implementation of categorical pretreatment standards, are found at 40 CFR part 403.

4. Pretreatment Standards for New Sources (PSNS)

Like PSES, PSNS are designed to prevent the discharges of pollutants that pass through, interfere with, or are otherwise incompatible with the operation of POTWs. New indirect discharges have the opportunity to incorporate into their facilities the best available demonstrated technologies. The Agency typically considers the same factors in promulgating PSNS as it considers in promulgating NSPS.

5. BMPs

Section 304(e) of the CWA authorizes the Administrator to publish regulations, in addition to effluent limitations guidelines and standards for certain toxic or hazardous pollutants, ''to control plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage which the Administrator determines are associated with or ancillary to the industrial manufacturing or treatment process . . . and may contribute significant amounts of such pollutants to navigable waters.'' In addition, section 304(g), read in concert with section 501(a), authorizes EPA to prescribe as wide a range of pretreatment requirements as the Administrator deems appropriate in order to control and prevent the discharge into navigable waters either directly or through POTWs any pollutant which interferes with, passes through, or otherwise is incompatible with such treatment works. (*see also Citizens Coal Council* v. *U.S. EPA,* 447 F3d 879, 895–96 (6th Cir. 2006) (upholding EPA's use of non-numeric effluent limitations and standards); *Waterkeeper Alliance, Inc.* v. *U.S. EPA,* 399 F.3d 486, 496–97, 502 (2d Cir. 2005) (EPA use of non-numerical effluent limitations in the form of BMPs are effluent limitations under the CWA); and *Natural Res. Def. Council, Inc.* v. *EPA,* 673 F.2d 400, 403 (D.C. Cir. 1982) (''section 502(11) [of the CWA] defines 'effluent limitation' as 'any restriction' on the amounts of pollutants discharged, not just a numerical restriction.'')

C. The National Pretreatment Program, 40 CFR Part 403

The General Pretreatment Regulations of 40 CFR part 403 establish responsibilities among federal, state, local government, industry, and the public to implement pretreatment standards to control pollutants that pass through or interfere with the POTW treatment processes or that can contaminate sewage sludge. The regulations, which have been revised numerous times since originally published in 1978, consist of 20 sections and seven appendices. The General Pretreatment Regulations use two terms describing oversight responsibilities under those regulations. One is the term Control Authority. The ''Control Authority'' refers to the POTW if the POTW has an approved Pretreatment Program, or the Approval Authority if the program has not been approved. The term Approval Authority describes the party with responsibility to administer the National Pretreatment Program, which is either a state with an approved state Pretreatment Program or, in a state without an approved Pretreatment Program, the EPA region for that state (40 CFR 403.3(f)). An approved Pretreatment Program is comprised of legal authorities, procedures, funding, local limits, enforcement response plan, and the list of significant industrial users (SIUs), together which the Control Authority uses to implement the General Pretreatment Regulations. The General Pretreatment Regulations apply to all nondomestic sources that introduce pollutants into a POTW. These sources of indirect discharges are more commonly referred to as Industrial Users (IUs). All IUs are subject to general pretreatment standards (40 CFR part 403), including a prohibition on discharges causing ''pass through'' or ''interference'' (*i.e.,* cause the POTW to violate its permits limits, or interfere with the operation of the POTW or the beneficial use of its sewage sludge). All POTWs with approved Pretreatment Programs must develop local limits to implement the general pretreatment standards. All other POTWs must develop such local limits where they have experienced ''pass through'' or ''interference'' and such a violation is likely to recur. There are approximately 1,500 POTWs with approved Pretreatment Programs and 13,500 small POTWs that are not required to develop and implement Pretreatment Programs.

D. State and Local Requirements

Currently, 12 states (Connecticut, Louisiana, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Oregon, Rhode Island, Vermont, and Washington) have implemented mandatory programs to reduce dental mercury discharges.[3] Additionally, at least 19 localities similarly have mandatory dental reduction pretreatment programs. These mandatory programs require the use of amalgam separators and BMPs. Removal efficiency requirements for separators in mandatory program jurisdictions vary from 95% to 99%. A full list of jurisdictions with mandatory separator requirements can be found in the TEDD for this proposed rulemaking.

Later in this document, EPA estimates costs and economic impacts for this proposed rule. In order to do so, EPA needed to estimate baseline compliance, or those dental offices that already have amalgam separators installed, and, therefore, would incur lower costs and impacts from the proposed rule. In order to estimate baseline compliance, EPA distributed the number of dental offices shown in Table IX–1 of Section IX by state,[4] based on the 2007 Economic Census. Because EPA has no data to indicate otherwise, EPA assumes 100% compliance in the 12 states that require amalgam separators. For states without mandatory programs, EPA assumed that 20% of dentists have voluntarily installed amalgam separators. As a result, EPA estimates approximately 40% of dental offices, nationally, have amalgam separators installed (DCN DA00146). EPA, however, welcomes data and comment on this assumption.

[3] New Mexico has a similar program that is scheduled to go into effect in 2015.

[4] Puerto Rico, the Virgin Islands, Pacific Islands and Tribal Nations are not included in this analysis.

E. 2008 Memorandum of Understanding on Reducing Mercury Discharges

In December 2008, EPA signed a Memorandum of Understanding (MOU) with the ADA and the NACWA to establish and monitor the effectiveness of a Voluntary Dental Amalgam Discharge Reduction Program. The purpose of the MOU is to encourage dental offices to voluntarily install and properly maintain amalgam separators, and recycle the collected amalgam waste. Although EPA has not conducted a formal evaluation of the effectiveness of the MOU, EPA is proposing National Pretreatment Standards to accomplish the goals of the MOU in a more predictable timeframe than a voluntary approach.

F. ADA BMPs and Support for a National Rulemaking

ADA encourages dentists to handle mercury and mercury amalgam in a manner that is consistent with ADA's ''Best Management Practices for Amalgam Waste.'' ADA's BMPs are designed to reduce the amount of mercury entering the environment. Practices encouraged by these BMPs include reducing the volume of bulk elemental mercury in dentists' offices, encouraging dentists to recycle amalgam to the greatest extent possible, preventing mercury from being disposed of in medical waste bags, and preventing amalgam from entering the wastewater stream. In 2007, ADA added the use of amalgam separators to their BMPs. See DCN DA00165.

In late 2010, ADA's Board of Directors adopted nine principles upon which ADA supported National Pretreatment Standards for dental facilities. See DCN DA00137.

IX. Description of the Dental Industry

The industry category that would be affected by this proposed rule is Offices of Dentists (NAICS 621210), which comprises establishments of health practitioners primarily engaged in the independent practice of general or specialized dentistry, or dental surgery. These practitioners operate individual or group practices in their own offices or in the offices of others, such as hospitals or health maintenance organization medical centers. They can provide either comprehensive preventive, cosmetic, or emergency care, or specialize in a single field of dentistry.

According to the 2007 Economic Census, there were 127,057 U.S. dental offices owned or operated by 121,048 dental firms.[5] Only 2% of all dental firms were multi-unit with the vast majority being single-unit. The growth of the number of dental offices has remained steady over the past decade with an average increase of 1% per year.

The industry includes mostly small businesses with an estimated 99.8% of all offices falling below the Small Business Administration (SBA) size standard ($7 million in annual revenue). Average revenues for offices were estimated at $739,280 per year with an average of 6.50 employees per establishment.

According to ADA data, approximately 80% of the dental industry engages in general dentistry. Approximately 20% are specialty dentists such as periodontics, orthodontics, radiology, maxillofacial surgery, endodontists, or prosthodontics (DCN DA00123).

One way to categorize dental offices is based on the number of chairs in each facility. The 2007 Economic Census does not provide information on the distribution of dental offices by the number of chairs in each office. However, two studies, the ADA National Study and a Colorado Study, demonstrate distribution of dentist offices by number of chairs (DCN DA00141 and DCN DA00149). EPA used these two sources of data to correlate the number of chairs per office to the revenue range of dental offices. EPA averaged the correlation of these two studies. The results are reported in table IX–1:

TABLE IX–1—NUMBER OF DENTAL OFFICES BY NUMBER OF CHAIRS

Number of chairs	Number of offices by chair size		
	ADA survey	Colorado survey	Average
1–2 chairs	13,694	10,700	12,197
3 chairs	47,698	27,821	25,835
4 chairs		32,102	27,976
5 chairs	29,388	15,694	15,194
6 chairs		9,399	12,047
7+ chairs	19,079	14,143	16,611
Total	109,859	109,859	109,859

Dentistry may also be performed at larger institutional dental service facilities (e.g., clinics or dental schools). These facilities are not included in the 2007 Economic Census data. EPA estimates 130 dental institutional facilities exist nationwide. EPA recognizes that large facilities also may exist at installations operated by the Federal Government, specifically the Department of Defense. While EPA intends such facilities would be subject to today's proposed rule, EPA does not have information to estimate the number of such facilities.

EPA currently lacks a central database on reported discharges from dental offices/clinics. Often, EPA looks to information in the Toxic Release Inventory (TRI) and Discharge Monitoring Report (DMR) databases to gather information on industrial discharges. However, no dental offices/clinics (NAICS Code 621210) are required to report releases to TRI. EPA identified only five dental offices that have National Pollutant Discharge Elimination System (NPDES) permit information. All dental offices were classified as minor dischargers. EPA has not found any DMR data indicating that any significant number of dental offices discharge directly to waters of the U.S. Therefore, EPA is not proposing effluent limits for direct dischargers.[6]

[5] A firm is a business organization, such as a sole proprietorship, partnership, or corporation.

[6] EPA recognizes that some dental facilities may discharge to a septic system. This proposed rule does not apply to such discharges.

X. Summary of Data Collection

In developing this proposed rule, EPA primarily used data previously collected for its Health Services Detailed Study including information submitted in public comments on the study. EPA also collected information and data through outreach to a number of stakeholders. The following describes EPA's outreach and additional data sources for this proposed rule.

A. Health Services Industry Detailed Study on Dental Amalgam

In 2008, EPA published its Health Services Industry Detailed Study on Dental Amalgam. In the study, EPA compiled information on mercury discharges from dental offices, BMPs, and amalgam separators. For amalgam separators, EPA examined the frequency with which they were used; their effectiveness in reducing discharges to POTWs; and the capital and annual costs associated with their installation and operation. EPA also conducted a POTW pass-through analysis on mercury for the industry. This proposed rule relies heavily on data collected for the study (including information submitted in public comments on the study).

B. Environmental Council of the States (ECOS)

EPA participated in several meetings with the Quicksilver Caucus (QSC) of ECOS. From QSC, EPA collected information on implementing mandatory amalgam separator programs at the state level, mandatory program language, and information on compliance reporting and monitoring. QSC also provided EPA with information on efficiency standards for amalgam separators. See DCN DA00158.

C. Environmental Organizations

EPA met with a coalition of environmental organizations, led by the Environmental Law and Policy Center and the Natural Resources Defense Council. Meetings between EPA and the coalition of environmental organizations focused on identifying impacts of discharges of dental amalgam to the environment. In Spring 2011, the coalition submitted a letter listing its suggested BMPs for this proposed rule. See DCN DA00136.

D. ADA

EPA met with the ADA in 2010 and 2011. ADA submitted data to EPA on its principles for addressing mercury discharges from dentists, the proportions of specialties in the industry, the geographic distribution of dentists, financial characteristics of the industry, and operating characteristics of the industry. See DCN DA00137.

E. NACWA

EPA met with NACWA in 2010 and 2011 to discuss the impact of pretreatment standards on POTWs. NACWA provided EPA information on its members' experiences with handling mercury pollution from dental facilities, implementing pretreatment programs for dental facilities, and its experiences implementing pretreatment standards for industries with similar characteristics to the dental sector. NACWA also provided EPA with information on the burden to permitting authorities that would be associated with implementing a dental amalgam pretreatment standard under the existing requirements in 40 CFR part 403. See DCN DA00144.

F. Amalgam Separator Manufacturers

EPA met with, or participated in calls with, representatives of multiple amalgam separator manufacturers. The purpose of the meetings was to understand how amalgam separators work, limitations of the technology, manufacturers' distribution methods, installation requirements, capital and operation and maintenance costs, operation and maintenance requirements, effectiveness, equipment lifetime, amalgam disposal or recycling practices, manufacturing capacity, and installation trends.

G. Air Force Study

In anticipation of this proposed rule, the United States Air Force's Dental Evaluation and Consultation Service compiled a synopsis of commonly used amalgam separator systems. The synopsis describes whether or not the separator is International Organization for Standardization (ISO) 11143 certified, the installation requirements, the design capacity, maintenance requirements for each model, the availability of recycling services by the manufacturer, size, price, and warranty details. EPA incorporated these data into the technology cost analysis. The synopsis can be found in the TEDD for this proposed rule.

XI. Wastewater Characteristics, Dental Office Configurations, and Technology Options

A. Wastewater Sources and Wastewater Characteristics

Dental amalgam consists of approximately 49% mercury by weight. Mercury is the only metal that is in its liquid phase at room temperature, and it bonds well with powdered alloy. This contributes to its durability in dental amalgam. The other half of dental amalgam is usually composed of 35% silver, 9% tin, 6% copper, 1% zinc and small amounts of indium and palladium (DCN DA00131). Sources of mercury discharges generally occur in the course of two categories of activities. The first category of discharges may occur in the course of treating a patient, such as during the placement or removal of a filling. When filling a cavity, dentists overfill the tooth cavity so that the filling can be carved to the proper shape. The excess amalgam is typically rinsed into a chair-side drain, or suctioned out of the patient's mouth. In addition to filling new cavities, dentists also remove old cavity restorations that are worn or damaged. Removed restorations also may be rinsed into the chair-side drain or suctioned out of the patient's mouth. The second category of mercury discharges occur in the course of activities not directly involved with the placement or removal of dental amalgam. Preparation of dental amalgam, disposing of excess amalgam, and flushing vacuum lines with corrosive chemicals present opportunities for mercury from dental amalgam to be discharged.

B. Dental Office Configurations

The typical plumbing configuration in a dental office consists of a chair-side trap for each chair, and a central vacuum pump with a vacuum pump filter. Chair-side traps and vacuum pump filters remove approximately 78% of dental amalgam particles from the wastewater stream (DCN DA00163). Offices with multiple chairs typically share the vacuum lines between chairs. Accordingly, this limits the locations for installation of control and treatment technologies. Controls may be installed: At or near each individual chair; within the vacuum system piping; at a central location upstream of the vacuum pump; or at the exit of the air/water separator portion of the vacuum system. Physical office and building configurations may pose additional considerations, such as space limitations, electrical power accessibility, and existing sewer connections. In the case of very large offices, clinics, and medical buildings, it may be possible to combine waste flows between offices to share or reduce costs.

C. Control and Treatment Technologies and Best Management Practices

As described previously, one source of the discharge of mercury from dental amalgam occurs when dental amalgam enters the chair-side drain, or is suctioned from the patient's mouth. The wastewater then travels through the dental facility's vacuum system. EPA

identified two major technologies that intercept dental amalgam at this point, before it is discharged from the dental office and flows to the POTW: Separators and ion exchange. EPA also identified several BMPs which, when employed along with the use of the technologies discussed below, further reduce the discharge of dental amalgam from activities not directly related to the placement or removal of dental amalgam.

1. Amalgam Separators

An amalgam separator is a device designed to remove solids from dental office wastewater. The amalgam separator is placed at some point in the vacuum line, before the vacuum line intersects with plumbing in other parts of the building, and separates solids from wastewater. Most separator designs rely on the force of the dental facility's vacuum to draw wastewater into the separator. However, the separation of solids from the wastewater and the exit of the wastewater from the separator will vary by design of the separator.

Practically all amalgam separators on the market today use sedimentation processes. The high specific gravity of amalgam allows effective separation of amalgam from suspension in wastewater. Baffles or tanks can reduce the speed of the wastewater flow, allowing more amalgam particles to settle out. After the solids settle, the wastewater is either pumped out, decanted during servicing, or is pulled through the separator. Sedimentation-based separators are often used over other separation technologies for their operational simplicity.

Some amalgam separators may combine filtration with separation. Different types of filtration units can be employed to remove additional amalgam particles. The amalgam separator may also be designed to operate horizontally where wastewater is drawn into one side of the separator, filtered, and then exits the opposite side of the separator. This type of separator is designed to be completely replaced once it reaches its design solids holding capacity. In addition to combined separation and filtration units, EPA is aware of at least one type of separator that utilizes centrifugation. A centrifuge-based separator spins the water so that the heavier amalgam particles are forced to the sides of the separator.

A few amalgam separators combine sedimentation (with or without filtration) with ion exchange in the same unit. This type of separator additionally includes a chelating agent or proprietary resin. This type of separator often requires special cleaning or additives to maintain efficiency.

The typical amalgam separator will operate in one of two ways. A two-chambered separator is a design consisting of a base permanently plumbed into the vacuum line, and a replaceable filtration cartridge. The removable cartridge usually attaches to the bottom of the permanent base. As wastewater enters the separator from the top of the unit, gravity separates the wastewater from the air pulling it through the vacuum. Air from the vacuum continues through the system by exiting a bypass at or near the top of the base chamber. Wastewater then falls through the base of the separator and enters the filtration cartridge. As additional wastewater enters the separator, the filtration cartridge will fill to capacity, and wastewater will begin to collect at the bottom of the base chamber. Gravity forces wastewater in the separator through a filtration device and out of the separator through a decanting tube on the side of the separator. The wastewater, less the solids retained by the separator, then continues through the vacuum system and is eventually discharged from the dental office and to the sanitary sewer and the POTW. The second common separator design consists of a single chamber that requires wastewater to travel through a filtration medium before it is drawn out of the separator. These separators may be oriented vertically so that wastewater enters the top of the unit, remains in the separator for some time, and allows solids to settle. For either design, when the filtration cartridge or the separator itself reaches the designed solids retention capacity, it must be replaced. Manufacturers can include replacement schedules and capacity levels for amalgam separators.

The vast majority of amalgam separators on the market today have been evaluated for their ability to meet the International Organization for Standardization Standard for Dental Amalgam Separators (*http://www.iso.org/iso/iso_catalogue/catalogue_tc/catalogue_detail.htm?csnumber=42288*). This voluntary standard setting organization established a standard for measuring amalgam separator efficiency by evaluating the retention of amalgam mercury using specified test procedures in a laboratory setting. It also includes requirements for instructions for use and operation and maintenance. In order to obtain the ISO certification, a separator must achieve 95% removal or greater of total mercury. Based on EPA's evaluation of a range of amalgam separators as described above that meet the ISO standard and that are currently on the market, certified separators obtain a median of 99.0% total mercury removal efficiency (see Section 7 of the TEDD). When existing chair side traps and vacuum pump filters are used upstream of the amalgam separators, the combined treatment system can achieve total mercury removal rates exceeding 99% (DCN DA00008).

EPA is proposing to include certain operation, maintenance, and inspection activities that have the greatest impact on the ability of an amalgam separator to achieve its performance as certified. Once the separator reaches solids retention capacity, vacuum suction will begin to diminish or, more commonly, the separator will enter bypass mode. Wastewater running through a separator in bypass mode flows through the separator without being filtered, rendering the separator ineffective. Because many separators can enter bypass mode without any noticeable effect on vacuum suction, it would be important that the unit be checked periodically, and if necessary, serviced.[7]

Solids collected by the amalgam separator may be a combination of dental amalgam, biological material from patients, and any other solid material sent down the vacuum line. Amalgam separator manufacturer instructions should be followed for servicing amalgam separators and for handling separator waste. Some amalgam separator manufacturers also offer waste management services. Examples of services provided include ensuring that waste collected by the separator is handled according to state and local requirements, and providing necessary compliance documentation for the facility's recordkeeping requirements. In the event that these services are not employed, the facility should dispose of amalgam waste in accordance with state and local requirements.

Most amalgam separators are compatible with both wet and dry vacuum systems, and with both large and small dental offices.[8] As explained in Section VIII, currently at least 12 states and 19 localities have implemented mandatory programs to reduce dental mercury discharges. All of these programs require the use of

[7] There may be separators on the market that do not notify users when they are in bypass mode or otherwise require servicing. These separators would not meet ISO certification standards.

[8] This does not mean all types of separators are compatible at a given dental office. For example, an amalgam separator that relies on filtration technology may not be compatible with a dry vacuum system in place.

amalgam separators. Further, many dental offices in states or localities without mandatory programs have voluntarily installed dental amalgam separators, and the ADA recommends their use as part of its ''Best Management Practices for Amalgam Waste'' (2007). As described in Section VIII, EPA estimates that 40% of dental offices currently employ amalgam separators.

2. Polishing To Remove Dissolved Mercury From Wastewater

Mercury in dental amalgam is present in both the suspended and dissolved form. The vast majority (>99.6%) is suspended (DCN DA00018). An additional process sometimes referred to as ''polishing'' uses ion exchange to remove dissolved mercury. In contrast to amalgam separators that contain an ion exchange component in the same unit, as discussed in the previous section, ''polishing'' ion exchange refers to a separate wastewater treatment system added after the amalgam separator for the purpose of removing dissolved mercury.

Dissolved mercury has a tendency to bind with other chemicals, resulting in a charged complex. Ion exchange is the process that separates these charged amalgam particles from the wastewater. Ion exchange does not rely on physical settling of particles, and can remove very small amalgam and ionic mercury particles. This technology may be preferable over sedimentation (with or without filtration) alone because dissolved mercury is removed by this process. For example, ion exchange might be useful in municipalities that have concentration limits on mercury (McManus, 2003). EPA is not aware of any state regulations that require ion exchange.

For ion exchange to be most effective, the incoming wastewater to be treated must first have the solids removed. Then the wastewater needs to be oxidized in order for the resin or mercury capturing material to capture the dissolved mercury. Therefore, ion exchange will not be effective without first being preceded by a solids collector. As a result, EPA concludes this sequential polishing approach, in which amalgam separators and ion exchange are separate units, is more effective than the single units described above that combine sedimentation and ion exchange. Dental offices needing to employ polishing would likely need to add a separate ion exchange unit following the amalgam separator to remove additional mercury from the waste stream.

As explained above, ISO certification testing is based on an evaluation of the removal of total mercury in a laboratory setting and does not differentiate removal for the suspended and dissolved forms.[9] In order to better understand the reductions in dissolved mercury that can be achieved with the addition of ion exchange as polishing, EPA reviewed available data on the performance from actual installations of ion exchange units in addition to amalgam separators in dental offices. EPA found the use of polishing is limited to just a handful of dental offices. EPA identified only one study of polishing systems, and has not identified any further data pertaining to the performance of polishing. This one study evaluated the additional efficacy associated with polishing at two dental facilities in response to sanitation district concerns over mercury discharges. In both cases, the polishing systems were installed after the amalgam separators but prior to discharge into the treatment plant's collection system. While a reduction was observed in the final effluent mercury after the polishing system was installed, preliminary EPA Region 8 audits showed the total additional mercury reductions were typically on the order of 0.5% (DCN DA00164). This is not surprising since, as indicated above, dissolved mercury contributes such a small portion to the total amount of mercury in dental amalgam. It is unclear whether any solid mercury was converted to dissolved mercury, and additional monitoring data are not yet available.

The capital costs of the polishing system, as a stand-alone system, are approximately four times that of the amalgam separator; the costs for chemical use, regenerating the resin, filter replacement, and other operational costs were not reported. Further, EPA is uncertain whether typical dental buildings have adequate space to install the holding tanks needed to oxidize the waste before treatment, as well as space for the polishing equipment itself.

D. Best Management Practices

EPA considered what BMPs reflect the best available technology economically achievable or best available demonstrated control technology—the standards applicable to existing and new sources subject to categorical pretreatment standards. After this review, EPA proposes to include certain operation, maintenance, and inspection practices as part of the technology basis for this proposed rule. These practices have the greatest impact on the ability of an amalgam separator to achieve its performance as certified.

EPA also proposes to require two BMPs to control mercury discharges that would not be captured by an amalgam separator. Bleach and other corrosive cleaners can solubilize bound mercury. If corrosive cleaners are used to clean vacuum lines that lead to an amalgam separator, the line cleaners may solubilize any mercury that the separator has captured, leading to increased mercury discharges. Therefore, EPA proposes to require line cleaners that do not contain bleach, and are of neutral pH.

Flushing scrap amalgam (contact and non-contact), including dental amalgam from chair-side traps, screens, vacuum pump filters, dental tools, or collection devices into drains that do not have a solids collecting device presents additional opportunities for mercury to be discharged from the dental office. Therefore, EPA proposes to include a BMP that prohibits flushing scrap dental amalgam into any drain that is not connected to an amalgam separator.

XII. Scope/Applicability

As mentioned in the previous section, EPA has not identified dental offices/clinics discharging directly to waters of the U.S. Because EPA has very limited information on any direct discharge of dental amalgam, EPA is not proposing effluent limitations guidelines and new source performance standards for direct dischargers at this time.

As such, EPA is proposing to apply this rule to wastewater discharges to POTWs from offices where the practice of dentistry is performed, including institutions, permanent or temporary offices, clinics, mobile units, home offices, and facilities, and including dental facilities owned and operated by Federal, state, or local governments. EPA is not proposing to include wastewater discharges from dental facilities where the practice of dentistry consists exclusively of one or more of the following dental specialties: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics. As described in the TEDD, these specialty practices do not engage in the practice of restorations or removals, and are not expected to have any discharges of dental amalgam.

XIII. Subcategorization

In developing effluent limitations guidelines and pretreatment standards, EPA may divide an industry category into groupings called ''subcategories'' to

[9] In some cases, the ISO testing results include ranges of dissolved mercury in the effluent.

provide a method for addressing variations among products, processes, and other factors, which result in distinctly different effluent characteristics. *See Texas Oil & Gas Ass'n.* v. *U.S. EPA,* 161 F.3d 923, 939–40 (5th Cir. 1998). Regulation of a category by subcategories provides that each subcategory has a uniform set of effluent limitations or pretreatment standards that take into account technological achievability, economic impacts, and non-water quality environmental impacts unique to that subcategory. In some cases, effluent limitations or pretreatment standards within a subcategory may be different based on consideration of these same factors, which are identified in CWA section 304(b)(2)(B). The CWA requires EPA, in developing effluent guidelines and pretreatment standards, to consider a number of different factors, which are also relevant for subcategorization. The CWA also authorizes EPA to take into account other factors that the Administrator deems appropriate.

In developing the proposed rule, EPA considered whether subcategorizing the dental industry was warranted. EPA evaluated a number of factors and potential subcategorization approaches, including the size of dental office, specialty practices, and unusual configurations that may be found at very large offices such as clinics and universities. EPA proposes that establishing formal subcategories is not appropriate for the Dental Amalgam category for three reasons. First, the proposed rule is structured to set standards only for those facilities that discharge dental amalgam. Second, the requirements do not include a size threshold because the technology is readily scaled to the size of the dental office. Finally, those states and localities that already have regulatory programs for controlling discharges of dental amalgam have been largely successful without subcategorization.

XIV. Proposed Regulation

A. PSES Options Selection

Section XI discussed the technologies identified to control amalgam discharges from dental offices. EPA identified two basic technologies, amalgam separators and polishing. EPA determined separators plus polishing is not ''available'' as that term is used in the CCWA.

EPA identified one technology that is available and demonstrated—amalgam separators. EPA further identified BMPs that would ensure the effectiveness of the amalgam separator technology and would reduce discharges of dental amalgam not captured by an amalgam separator. Therefore, EPA developed a regulatory option based on proper operation and maintenance of amalgam separators that achieve a 99.0% reduction of total mercury from amalgam process wastewater with BMPs. Compliance with the numeric pretreatment standard for new and existing sources could be met by installation and proper operation and maintenance of an amalgam separator certified to meet at least 99.0% reduction of total mercury according to the 2008 ISO 11143 standard. Compliance with two additional BMPs—not flushing scrap amalgam down the drain and cleaning of chair side traps with non-bleach, non-chlorine cleaners—are necessary to prevent mercury discharges that would bypass the separator. EPA finds that the proposed technology basis is ''available'' as that term is used in the CWA because it is readily available and feasible for all dental offices. ADA recommends its dentists use the technology on which this rule is based (i.e., amalgam separators and BMPs). Further, EPA estimates that 40% of dental offices currently use amalgam separators on a voluntary basis or are in states with state or local laws requiring the use of amalgam separators. For those dental offices that have not yet installed an amalgam separator, EPA estimates this is a low cost technology with an approximate average annual cost of $700 [10] per office. EPA's economic analysis analyzes these costs in relation to the overall income of the regulated entities and shows that this proposed rule is economically achievable (see Section XVI). Finally, EPA also examined the non-water quality environmental impacts of the proposed rule and found them to be acceptable. See Section XX, ''Non Water Quality Environmental Impacts.''

EPA is not proposing to establish pretreatment standards based on technologies that remove dissolved mercury, or polishing. None of the states with mandated requirements to reduce dental mercury discharges requires polishing. EPA also lacks adequate performance data to truly assess the efficacy of polishing or its availability of ion exchange for nationwide use. EPA's current information suggests that polishing only achieves incremental removals over the BAT selected technology of less than one half percent of total mercury. While even very small amounts of mercury have environmental effects, EPA lacks sufficient data to conclude that there is a significant difference in the performance between the two technologies. EPA estimates that the capital costs of amalgam separators and polishing are at least four times that of amalgam separators alone (see DCN DA00122). Finally, EPA is uncertain whether existing dental offices have adequate space to install polishing controls. These factors led EPA to find that polishing is not ''available'' as that term is used in the CWA. As a result, EPA did not select amalgam separators followed by polishing as the technology basis for this proposed rule. EPA solicits data on the costs, performance, affordability, and availability of polishing in combination with amalgam separators.

B. Pollutants of Concern and Pass Through

Of the dental amalgam constituents, mercury is of greatest concern to human health because it is a persistent, bioaccumulative, toxic chemical and can bioaccumulate three to ten times across each trophic level of the food chain. Mercury from dental amalgam makes its way into the environment when it is discharged from the dental facility to a POTW, where it settles into sewage sludge, or is discharged to surface waters. Once discharged, certain microorganisms change mercury into methylmercury, a form of mercury that can be absorbed by fish, shellfish and animals that eat fish.

EPA finds that the technologies considered for control of amalgam solids will be similarly effective on other metals contained in dental amalgam because these metals are in a solids form, and the separation technology is designed to remove solids. Therefore any controls established for the reduction of mercury discharges will similarly reduce the discharge of other metals contained in amalgam. As such, EPA focused its consideration of regulated pollutants on mercury.

C. POTW Pass Through Analysis

To establish pretreatment standards, EPA examines whether the pollutants discharged by the industry ''pass through'' a POTW to waters of the U.S. or interfere with the POTW operation or sludge disposal practices. EPA's consideration of pass through for national technology based categorical pretreatment standards differs from that described in Section VIII for general pretreatment standards. For categorical pretreatment standards, EPA's approach for pass through satisfies two competing objectives set by Congress: (1) That standards for indirect dischargers be

[10] This estimate is based on the average annualized cost for dentists that do not currently have an amalgam separator. See DCN DA00145.

equivalent to standards for direct dischargers; and (2) that the treatment capability and performance of the POTWs be recognized and taken into account in regulating the discharge of pollutants from indirect dischargers.

Generally, in determining whether pollutants pass through a POTW when considering the establishment of categorical pretreatment standards, EPA compares the percentage of the pollutant removed by typical POTWs achieving secondary treatment with the percentage of the pollutant removed by facilities meeting BAT effluent limitations. A pollutant is deemed to pass through a POTW when the average percentage removed by a typical POTW is less than the percentage removed by direct dischargers complying with BPT [11]/BAT effluent limitations. In this manner, EPA can ensure that the combined treatment at indirect discharging facilities and POTWs is at least equivalent to that obtained through treatment by a direct discharger, while also considering the treatment capability of the POTW.

In the case of this proposed rulemaking, where only pretreatment standards are being developed, EPA compared the POTW removals with removals achieved by indirect dischargers using the candidate technology that otherwise satisfies the BAT factors. Historically, EPA's primary source of POTW removal data is its 1982 ''Fate of Priority Pollutants in Publicly Owned Treatment Works'' (also known as the 50 POTW Study). The 50 POTW study presents data on the performance of 50 POTWs achieving secondary treatment in removing toxic pollutants. Results of this study demonstrate POTWs remove 90% of total mercury found in wastewater. EPA has data from targeted studies performed by NACWA and ADA that indicate a POTW can remove 95% of total mercury. However, these studies reflect the performance of best performing POTWs, as opposed to the 50 POTW Study which reflects nationwide POTWs. Consequently, for this proposal, EPA maintains a POTW percent removal rate of 90% for its nationwide pass-through analysis. In comparison, indirect dischargers using this proposed technology will remove 99.0% or more total mercury prior to discharge. Therefore, EPA concludes mercury passes through [12] and is today proposing requirements to control its discharge.

D. Requirements

This proposed rule would establish a pretreatment standard that would require removal of at least 99.0% of total mercury from amalgam discharges and BMPs. One way affected dental offices would be able to meet the standard would be to use, and properly operate and maintain, a dental amalgam separator certified to achieve at least 99.0% reduction of total mercury according to the 2008 ISO 11143 standard, to perform certain BMPs, and to certify to this effect. Another way affected dental offices would be able to meet the standard would be to certify that they do not install or remove amalgam except in limited emergency circumstances. Dentists that certify that they do not install or remove amalgam will be exempt from any further requirements of the proposed rule.

While the proposed rule does not require the use of an amalgam separator to meet the numeric standard, EPA expects that most, if not all dentists that place or remove amalgam would use this widely available technology to comply with the proposed numeric standard. EPA expects dentists will choose to install and operate an amalgam separator because of the nature of dental offices, the variability of the flows and resulting waste streams, and the difficulty in obtaining a sample that represents only dental amalgam discharges. Moreover, amalgam separators are an easy to use, low cost technology. Dental offices that elect to not use an amalgam separator must meet the proposed numeric limit and would be subject to the oversight and compliance requirements for indirect discharges subject to national pretreatment requirements.

In selecting an amalgam separator that meets the requirements of today's proposed pretreatment standards, dentists would verify that the amalgam separator is compliant with the 2008 ISO 11143 standard and meets the design specifications of the proposed regulation for their configuration. Once selected and installed, EPA expects dentists will operate and maintain the separator following all manufacturer's instructions and conduct inspections at least monthly to ensure all features are functional.

This proposal would subject all dentists (except those specialists as described in Section XII) to categorical pretreatment requirements. EPA recognizes that some dentists covered by this proposal do not apply or remove dental amalgam except possibly in limited emergency circumstances. However, EPA, in consultation with pretreatment authorities, has been unable to identify a publically available source of information that differentiates dental offices on the basis of whether or not dental amalgam may reasonably be expected to be present. As such, this proposed rule would apply to such dischargers and require them to report baseline information, but it would also allow them to certify (at any time) that they do not and will not install or remove amalgam (not including infrequent emergency treatment as discussed below). This would fulfill their obligations under this proposed rule. If they subsequently elect to install or remove amalgam, they would then need to comply with the proposed numeric standard (e.g., proper operation and maintenance of an amalgam separator) and with the BMPs in this proposed rule.[13]

EPA does not want to penalize existing dental offices or institutional dental facilities that have already installed amalgam separators either voluntarily or to comply with state or local requirements. EPA recognizes that these offices may currently have amalgam separators in place that are certified to a removal rate slightly less than this proposed standard. For example, some states require dental offices to employ amalgam separators that are certified to remove 95% total mercury. EPA does not propose a rule that would require existing separators that still have a remaining useful life to be retrofitted with new separators, both because of the additional costs incurred by dental facilities that moved ahead of EPA's proposed requirements to install a treatment technology and because of the additional solid waste that would be generated by disposal of the existing separators. Therefore, EPA is proposing that, as long as they continue to properly operate and maintain existing separators, comply with BMPs, and comply with recordkeeping requirements, these facilities would be considered in compliance with the numeric standard until ten years from the effective date of the final rule. EPA selected ten years because it appears to be a conservative estimate of the useful life of the existing equipment. However, if prior to that time, the currently installed separator needs to be replaced, these facilities would need to install and

[11] Best Practicable Control Technology Currently Available.

[12] For all the metals contained in dental amalgam, EPA's record demonstrates that these pollutants would similarly pass through as defined above. See the Pollutant Reduction Estimates section of the TEDD for POTW removal estimates for the other metals.

[13] EPA recognizes that dentists, infrequently, may remove amalgam in the course of emergency treatment. EPA does not intend for discharges of dental amalgam, related to only these infrequent emergency treatments, to preclude such dentists from certifying.

operate an amalgam separator that meets a removal efficiency of 99.0%.

EPA requests comment on this proposed regulatory scheme. In particular, EPA seeks comment on its approach for addressing offices where no dental amalgam is placed or removed except in limited emergency circumstances, and its approach for offices that have already installed an amalgam separator.

E. PSNS Option Selection

As previously noted, under section 307(c) of the CWA, new sources of pollutants into POTWs must comply with standards which reflect the greatest degree of effluent reduction achievable through application of the best available demonstrated control technologies. Congress envisioned that new treatment systems could meet tighter controls than existing sources because of the opportunity to incorporate the most efficient processes and treatment systems into the facility design. EPA proposes PSNS that would control the same pollutants using the same technologies proposed for control by PSES. The technologies used to control pollutants at existing offices, amalgam separators and BMPs, are fully applicable to new offices. New dental offices can incorporate amalgam separators into the design and installation of their vacuum system. Furthermore, EPA has not identified any technologies that are demonstrated for new sources that are more effective than those identified for existing sources. Finally, EPA determined that the proposed PSNS present no barrier to entry. EPA has found that overall impacts from the proposed standards on new sources would not be any more severe than those on existing sources, since the costs faced by new sources generally will be the same as or less than those faced by existing sources. Therefore, EPA proposes to establish NSPS that are the same as those proposed for PSES.

EPA does not propose to establish more stringent requirements for new sources based on technologies that remove dissolved mercury (i.e., polishing) for the same reasons stated above for existing standards.

XV. Technology Costs

This section summarizes EPA's approach for estimating compliance costs, while the TEDD provides detailed information on the methodology. EPA's cost methodology assumes dental offices would use the required BMPs in combination with 2008 ISO 11143 amalgam separators on the market today to comply. See DCN DA00138. EPA categorized all of the costs as either capital costs [14] (one-time costs associated with planning or installation of technologies), as operation and maintenance (O&M) costs (costs that occur on a regular ongoing basis such as inspection or cleaning of the unit or annual purchases of amalgam cartridges), or as reporting costs. All final cost estimates are expressed in terms of 2010 dollars.

EPA estimated compliance costs associated with this proposal using data collected through EPA's Health Services Industry Detailed Study (August 2008) [EPA–821–R–08–014], a review of the literature, and information supplied by vendors. EPA's cost estimates represent the incremental costs for a dental office to comply with this proposed rule. For costing purposes, EPA differentiated dental offices by those that already use amalgam separators and those that do not.

EPA recognizes that some fraction of dental offices subject to this proposed rule may not place or remove amalgam and proposes to allow them to submit a one-time baseline monitoring report. Such dental offices would be exempt from this rule so long as they do not place or remove amalgam. Should the status of the dental office change, the certification would no longer be valid. For example, if a dental office so certifies and is sold, the new owner must similarly so certify or would need to comply with the rule. See § 441.10. EPA estimates the costs associated with this one-time only certification to be $22.

In general, one approach that EPA takes to estimate compliance costs is to use facility-specific data to determine what requirements apply to a given facility and whether that facility would already meet the proposed requirements. This approach requires facility specific technical and financial data. In this case, EPA would need such data for approximately 110,000 dental offices estimated to be subject to this rule. Such data are not available. An alternative approach often used by EPA is to develop a series of model facilities that exhibit the typical characteristics of the affected facilities and calculate costs for each model facility. EPA can then determine how many of the affected facilities are represented nationally by each model facility to represent the full universe of affected facilities.

A. Methodology for Developing Model Dental Office Costs

EPA used the model approach to estimate costs for facilities that place or remove amalgam for this proposal. The model facility approach used in this effort involved calculating compliance costs for each of the size classes of dental offices described in Section IX of this preamble. In other words, EPA developed compliance costs for six models based on the number of chairs in an office. The ranges for each model are as follows: 1 to 2 chairs, 3 chairs, 4 chairs, 5 chairs, 6 chairs, and 7+ chairs (average of 10 chairs). In addition to each of the size class models, EPA developed a model facility to represent very large offices such as clinics and universities. This is discussed separately in Section XV. B., below.

EPA developed two sets of costs for each model: one for facilities that do not use an amalgam separator and one for facilities that do. For those that do not use an amalgam separator, EPA estimated capital costs and operation and maintenance costs. Capital costs include purchase of the separator and installation. Recurring costs include replacement of the cartridge, and operation and maintenance costs. A summary of costs for dental offices that do not currently use amalgam separators may be found in Tables XV–1 and XV–2.

TABLE XV–1—SUMMARY OF ONE TIME MODEL FACILITY COSTS ($2010) FOR DENTAL OFFICES THAT DO NOT CURRENTLY USE AMALGAM SEPARATORS

Cost element	Number of chairs in the model dental office			
	1 or 2	3, 4, or 5 [15]	6	7+
Separator Purchase	$502	$599	$1,058	$1,531

[14] See Section XVI and the Economic Section of the Technical Development Document for information on how EPA annualized costs.

TABLE XV–1—SUMMARY OF ONE TIME MODEL FACILITY COSTS ($2010) FOR DENTAL OFFICES THAT DO NOT CURRENTLY USE AMALGAM SEPARATORS—Continued

Cost element	Number of chairs in the model dental office			
	1 or 2	3, 4, or 5 [15]	6	7+
Installation	250	250	250	250

TABLE XV–2—SUMMARY OF ONE TIME MODEL FACILITY COSTS ($2010) FOR DENTAL OFFICES THAT DO NOT CURRENTLY USE AMALGAM SEPARATORS

Cost element	Number of chairs in the model dental office			
	1 or 2	3, 4, or 5 [16]	6	7+
Replacement Parts	$195	$219	$430	$647
O&M Including Recycling	216	216	216	216

For those facilities that already have an amalgam separator, EPA calculated costs for certain additional recurring operation and maintenance associated with the amalgam separator compliance option in this proposal. Recurring costs include replacement of the cartridge and operation and maintenance costs. A summary of these costs may be found in Table XV–3. This is a conservative approach to costing, however, because some of these facilities would presumably continue to operate and maintain the separators that they have already chosen or been required to install.

TABLE XV–3—SUMMARY OF ANNUAL MODEL FACILITY COSTS ($2010) FOR DENTAL OFFICES THAT CURRENTLY USE AMALGAM SEPARATORS

Cost element	Number of chairs in the model dental office			
	1 or 2	3, 4, or 5 [17]	6	7+
Replacement Parts	$98	$110	$215	$324
O&M including recycling	116	116	116	116

In assessing the long term costs of rule compliance for these model facilities (those with and without existing separators), EPA estimated that amalgam separators would have a service life of 10 years, at which time the amalgam separators would need to be replaced. For the purposes of cost estimates for this proposal, EPA assumed that all offices regardless of the original technology in-place would incur the full cost of purchasing amalgam separators at the time of reinstallation. However, because various modifications needed by the office for initial amalgam separator installation would have already been completed, EPA has projected that amalgam separators replaced beyond year 10 would be installed at one-half of the cost of the original installation. For example, EPA assumed plumbing modifications for initial installation would cost $250 per office, but that replaced equipment would cost $125 to install. EPA assumed that dental offices would continue to incur recurring expenses such as O&M in the same way as described for the initial installation.

Finally, all dental offices subject to this proposed rule will also have reporting requirements and BMP requirements. EPA also included reporting costs for one-time preparation of a baseline report and initial compliance report and recurring costs associated with preparation of an annual certification statement. Section XI describes the BMPs in this proposal. EPA projects that there will be no incremental costs associated with these BMPs, because 1) costs for non-oxidizing, pH neutral line cleaners are roughly equivalent to other line cleaners; and 2) dentists will not incur additional costs by changing the location for flushing scrap amalgam.

[15] EPA assumed the separator can be sized for 3, 4, or 5 chairs, but has kept these three model office sizes distinct because the economic analysis evaluates different revenues for each of these sized offices.

[16] EPA assumed the separator can be sized for 3, 4, or 5 chairs, but has kept these three model office sizes distinct because the economic analysis evaluates different revenues for each of these sized offices.

[17] EPA assumed the separator can be sized for 3, 4, or 5 chairs, but has kept these three model office sizes distinct because the economic analysis evaluates different revenues for each of these sized offices.

B. Methodology for Developing Costs for Institutional Facilities

Institutional dental service facilities (e.g., clinics or dental schools), have a larger number of chairs than the typical dental office. For these institutional dental facilities, EPA developed a costing methodology based on the methodology for offices described above. For purposes of costs, EPA assumed the average institutional facility has 15 chairs. In the methodology described previously, the model practice with the largest number of chairs for which EPA developed cost information is the 7+ chair model with an average of 10 chairs. Scaling the information on costs for the 10 chair model facility to a 15 chair operation using a straight ratio yields costs at these institutional facilities at 1.5 times the costs estimated for the largest chair range shown in Table XV–1 and Table XV–2. These costs are likely overstated as they do not reflect opportunities the largest offices may have to share costs,[18] and they do not assume any economies of scale. EPA solicits comment and data regarding EPA's analysis of clinics and institutional facilities.

XVI. Economic Impact Analysis

This section summarizes EPA's assessment of the costs and impacts of the proposed pretreatment standards on the regulated industry.

A. Social Cost Estimates

As described earlier in Section XIV of this preamble, EPA proposes PSES and PSNS based on a widely available technology, amalgam separator, and employment of BMPs. Section XV provides a detailed explanation of how EPA estimated compliance costs for model dental offices. As described there, EPA developed compliance costs for six models based on the number of chairs in an office. The ranges for each model are as follows: 1 to 2 chairs, 3 chairs, 4 chairs, 5 chairs, 6 chairs, and 7+ chairs (average of 10 chairs). In addition to each of the size class models, EPA developed a model facility to represent institutional facilities such as clinics and universities.

For each model facility, EPA estimated compliance costs for dental offices that currently use a separator, those that do not have a separator in place, and those that certify that they do not place or remove amalgam. For those that do not currently use a separator, EPA estimated costs as either capital costs (one-time costs associated with planning or installation of technologies), as O&M costs (costs that occur on a regular ongoing basis such as inspection or cleaning of the unit, annual purchases of amalgam cartridges, and recycling), and as reporting costs. For those that use a separator (approximately 40% of dental offices as reported in Section VIII), EPA estimated O&M costs and reporting costs only. As applicable, EPA annualized the capital costs over a 20-year period at a discount rate of 3%[19] and summed these costs with the O&M and reporting costs to determine an annual compliance cost estimate for each model facility. In order to develop a national estimate of social costs[20] based on these model facilities, EPA estimated the number of dental offices represented by each model facility. As explained in Section IX, EPA estimated the number of dental offices based on data from the 2007 Economic Census[21] describing the number of establishments in the Offices of Dentists NAICS (621210), and their annual revenue. Because reported establishments were described by their annual revenue and not number of chairs (the basis of model compliance costs), EPA used data from two surveys, a Colorado survey and an ADA survey, to correlate the estimated number of chairs per office to the revenue range of dental offices. Because EPA used two different data sources, results are presented as a range. Details of the relationship between chairs and revenue can be found in the TEDD.

To estimate nationwide social costs, EPA multiplied the estimated total annualized costs of rule compliance for each model facility by the estimated number of dental offices represented by that model (i.e. with the indicated number of chairs and with/without existing amalgam separators). EPA also accounted for some dental offices that may not place or remove amalgam and assigned them costs only for a one-time baseline monitoring report. EPA then summed the values for each chair range over the number of chair ranges to yield the total estimated compliance cost.

Similarly, EPA calculated costs for institutional facilities by multiplying the compliance cost for its model institutional facility by the number of estimated institutional facilities indicated in Section IX. Lastly, EPA estimated costs for control authorities for administering the Dental Amalgam Rule.[22] Details of this cost analysis can be found in the TEDD. See Table XVI–1 for EPA's estimate of nationwide annualized costs for each chair range represented by EPA's model facilities as well as EPA's estimate of total nationwide annualized costs for this proposed rule.

TABLE XVI–1—TOTAL ANNUALIZED SOCIAL COSTS BY NUMBER OF CHAIRS

[Millions of 2010 dollars]

Number of chairs	Total annualized costs by chair size [1]	
	Colorado survey	ADA Survey
1–2 chairs	$3.4	$4.4
3 chairs	9.5	16.3
4 chairs	11.0	
5 chairs	5.4	14.8
6 chairs	4.7	
7+ chairs	9.5	12.8
Large Dental Facilities	0.1	0.1

[18] For example, multiple offices located in a single building or complex may be able to share plumbing, vacuum systems, and may be able to install a larger separator rather than each office having its own separator.

[19] See the TEDD for the reported analyses using a 7% discount rate.

[20] Costs of the rule, from the standpoint of cost to society, include compliance costs and administrative costs to control authorities. Social costs would also incorporate any adjustment based on a quantity demand response to a change in price driven by a price change due to cost pass-through to consumers. For this analysis, EPA is not able to demonstrate an observable change in price for dental services, therefore no observable change in amount of visits (quantity demanded). Therefore EPA makes no adjustment to social costs based on a change in quantity.

[21] EPA adjusted the 2007 Economic Census revenue values to reflect 2010 dollars.

[22] As a point of clarification, for this proposal, social costs equal the sum of compliance costs and administrative costs.

TABLE XVI–1—TOTAL ANNUALIZED SOCIAL COSTS BY NUMBER OF CHAIRS—Continued

[Millions of 2010 dollars]

Number of chairs	Total annualized costs by chair size [1]	
	Colorado survey	ADA Survey
Cost to Control Authorities	0.9	0.9
Total Annualized Social Costs	44.5	49.4

[1] EPA assumed that initial capital outlays and initial incurrence of ongoing compliance expenses would occur in the third year following rule promulgation. EPA assumed that the amalgam separator technology would have a service life of 10 years, and used a 20-year analysis period to allow for one-time replacement of capital equipment 10 years following the initial installation. A 3% discount rate was used for the analysis reported in this table, see the TEDD for the analysis with a 7% discount rate.

B. Economic Impact Methodologies

EPA devised a set of tests for analyzing economic achievability. As is often the practice, EPA conducted a cost-to-revenue analysis to examine the relationship between the costs of the proposed rule to current (or pre-rule) dental office revenues. In addition, EPA chose to examine the financial impacts of the proposed rule using two measures that utilize the data EPA has on dental office baseline assets and estimated replacement capital costs: (1) Ratio of the Proposed Rule's Capital Costs to Total Dental Office Capital Assets and (2) Ratio of the Proposed Rule's Capital Costs to Annual Dental Office Capital Replacement Costs.

EPA did not conduct a traditional closure analysis for this proposed rule because EPA does not have detailed data on baseline financial conditions of dental offices. Also, closure analyses typically rely on accounting measures such as present value of after-tax cash flow. However, such accounting measures are difficult to implement for businesses that are organized as sole proprietorships or partnerships, as is the case in the dental industry. Still, the 2007 Economic Census reports that approximately 700 offices of the approximately 110,000 total offices had revenue of less than $25,000 (2007 dollar basis). In reviewing the implied operating characteristics of these low revenue offices, EPA considered whether these offices should be excluded from the analyses on any of the following bases:

- These low revenue offices could be single-dentist and/or part-time businesses that provide services as a subcontractor on an independent fee-for-service basis, such as dental hygiene, in general service dental offices that are owned and operated by a larger dental practice. Because these establishments would not be the primary owner/operator of the dental offices in which they provide services, they would not directly incur the compliance costs of a Dental Amalgam Rule. If they incurred any of these costs, it would be on a limited fractional share basis, most likely in proportion to the total value of their services as a fraction of the total revenue in the office. On the other hand, if these operators offer their services in a competitive market, it may be that none of the compliance costs are shared by these subcontractors.
- Another possibility is these very low revenue offices could be non-profit groups which provide pay-as-you-can or free services to a low-income populations. In this case, these small businesses may be viable enterprises because they receive in-kind donations not counted as revenue, e.g., services of a practicing dentist.
- Alternatively, these low revenue offices may be non-viable as for-profit businesses, if they are attempting to operate as general service dental practices. This is based on EPA's assessment (see Ratio of Proposed Rule Capital Costs to Total Dental Office Capital Replacement Costs, below) that 1–2 chair offices would incur pre-rule capital replacement costs of approximately $23,500 per year. This cost represents all or a substantial fraction of annual revenue of the business in the below-$25,000 revenue range. Accordingly, these businesses may not be operating viably as for-profit general service dental offices.

As such, EPA could consider these offices to be the equivalent of baseline closures as traditionally accounted for in cost and economic impact analysis for effluent guidelines rulemakings. As a result of the uncertainty here, EPA analyzed the impacts twice: (1) Excluding dental offices that could represent baseline closures and (2) including all offices in the analysis. EPA solicits comment for additional information on these low revenue dental offices.

1. Cost-to-Revenue Analysis

To provide an assessment of the impact of the rule on dental offices, EPA used a cost-to-revenue analysis as is standard practice for ELGs when looking at impacts to small businesses. The cost-to-revenue analysis compares the total annualized compliance cost of each regulatory option with the revenue of the entities. It is also used under the Regulatory Flexibility Act (RFA) to determine if a rule has the potential to have a significant impact on a substantial number of small entities. EPA apportioned all dental offices into Economic Census revenue ranges. Using the relationship between revenue and number-of-chairs previously developed, each revenue range was assigned to a number-of-chairs category which determined its annual costs. EPA looked at whether all, some, or none of the offices in each revenue range would exceed the 1% or 3% threshold (to signal the potential for significant impact), and summed across chair-size categories to assess impact to the industry. To incorporate the discussion of low revenue dental offices described in Section XVI.B above, this analysis is conducted twice: (1) Excluding dental offices that could represent baseline closures and (2) including all offices in the analysis.

2. Ratio of the Proposed Rule's Capital Costs to Total Dental Office Capital Assets

This ratio examines the initial spending on capital costs of compliance in relation to the baseline value of assets on the balance sheet of dental office businesses. EPA assumes a low ratio implies limited impact on dental offices' ability to finance the initial spending on capital costs of the proposed rule. A high ratio may still allow costs to be financed but could imply a need to change capital planning and budgeting. EPA relied on data from Risk Management Association (RMA) [23] to estimate the average asset-to-sales ratio

[23] Risk Management Association reports financial statement information received from lending institutions, for businesses in a wide range of economic sectors, including Dental Offices. These data include a wide range of income statement and balance sheet information as well as financial and operating ratios.

in each number-of-chairs category for the dental office sector. This ratio was then applied to the revenue range/number-of-chairs categories to find an asset value for the minimum (reported as low in Table XVI–3) and maximum (reported as high in Table XVI–3) revenue values for that number-of-chairs category. EPA used these baseline assets by number-of-chairs category as the denominator for the ratio. Total proposed rule compliance costs, as described in Section XVI.B above, were assigned to each number-of-chairs category as the numerator for the ratio. To incorporate the discussion of low revenue dental offices described in Section XVI.B above, this analysis is conducted twice: (1) Excluding dental offices that could represent baseline closures, and (2) including all offices in the analysis. This analysis assumes a minimum revenue value of $5,000 for the lowest revenue range to prevent division by zero.

The RMA data contains the limitation that it may not be fully representative of all dental offices, because it only represents dental offices that are successful borrowers. It is possible that offices that are not financially healthy may be underrepresented in the RMA data. This would tend to understate EPA's finding of impacts.

3. Comparison of the Proposed Rule's Capital Costs to Annual Dental Office Capital Replacement Costs

EPA also compared the initial spending on capital costs of compliance associated with this proposed rule to the estimated capital replacement costs for a dental office business (e.g., computer systems, chairs, x-ray machines, etc.). The capital replacement costs represent a value that dental offices may reasonably expect to spend in any year to replace and/or upgrade dental office capital equipment. EPA assumes a low ratio implies limited impact on dental offices' ability to finance the initial spending on capital costs of the proposed rule. A high ratio may still allow costs to be financed but could imply a need to change capital planning and budgeting. However, because EPA expects that annual dental office capital replacement would be smaller than total dental office capital assets, this ratio is likely to result in a higher value than the previous ratio. Because this ratio is based on a different data source, it provides an independent check that abstracts from the limitations of the RMA data.

EPA used data from *Safety Net Dental Clinic Manual,* prepared by the National Maternal & Child Oral Health Resource Center at Georgetown University (see DCN DA00143). This study examines data describing the equipment needs and costs for starting a dental practice for a range of different number-of-chairs including information on the life of the dental equipment. EPA then used these data to estimate capital replacement costs, accounting for the total value of equipment purchases for different numbers of chairs, and the composition of purchases by equipment life category. EPA used these replacement capital costs by number-of-chairs as the denominator for the ratio. Total proposed rule compliance costs, as described in Section XVI.B above, were assigned to each number-of-chairs as the numerator for the ratio.

Because the data are for starting a dental clinic instead of a dental practice, EPA is taking comment to solicit additional information on equipment needs and costs for starting a dental practice, including information on the life of the dental equipment. See the TEDD for details on this analysis.

C. Results of Impact Analysis

1. Cost-to-Revenue Analysis Results

Following the methodology outlined in XVI.B, EPA estimated the occurrence of annualized compliance costs exceeding the 1% and 3% of revenue thresholds for the proposed option twice: (1) Excluding dental offices that could represent baseline closures, and (2) including all offices in the analysis.

Table XVI–2 summarizes the results from this analysis. As shown there, under either scenario, over 99% of dentists would incur annualized compliance costs of less than 1% of revenue. With baseline set-asides excluded from the analysis, 507 offices (0.5% of offices using dental amalgam and exceeding the set-aside revenue threshold) are estimated to incur costs exceeding 1% of revenue; no offices are estimated to incur costs exceeding 3% of revenue. With baseline set-asides included in the analysis, 965 offices (0.9% of offices using dental amalgam) are estimated to incur costs exceeding 1% of revenue; 221 offices (0.2% of offices using dental amalgam) are estimated to incur costs exceeding 3% of revenue.

TABLE XVI–2—COST-TO-REVENUE ANALYSIS IMPACT SUMMARY

Number of chairs	Total offices by chair size	Costs >1% Revenue		Costs >3% Revenue	
		Number	Percent	Number	Percent
Excluding Baseline Set-Aside Offices from Analysis					
1–2 chairs	12,197	507	4.2	0	0.0
3 chairs	25,835	0	0.0	0	0.0
4 chairs	27,976	0	0.0	0	0.0
5 chairs	15,194	0	0.0	0	0.0
6 chairs	12,047	0	0.0	0	0.0
7+ chairs	16,611	0	0.0	0	0.0
Total	109,859	507	0.5	0	0.0
Including Baseline Set-Aside Offices in Analysis					
1–2 chairs	12,197	965	7.9	221	1.8
3 chairs	25,835	0	0.0	0	0.0
4 chairs	27,976	0	0.0	0	0.0
5 chairs	15,194	0	0.0	0	0.0
6 chairs	12,047	0	0.0	0	0.0
7+ chairs	16,611	0	0.0	0	0.0

TABLE XVI–2—COST-TO-REVENUE ANALYSIS IMPACT SUMMARY—Continued

Number of chairs	Total offices by chair size	Costs >1% Revenue		Costs >3% Revenue	
		Number	Percent	Number	Percent
Total	109,859	965	0.9	221	0.2

Source: EPA analysis.

2. Ratio of the Proposed Rule's Capital Costs to Total Dental Office Capital Assets

Table XVI–3 reports the findings from this analysis, specifically the weighted average of the initial spending on the proposed rule's capital costs divided by total assets of dental office across the revenue range/number-of-chairs analysis combinations. With baseline set-asides excluded from the analysis, the resulting initial capital costs to total capital assets values are low, with an average value 0.5% to 1.0% for the no technology in-place case and 0% for the technology in-place case. With baseline closures included in the analysis, the resulting initial capital costs to total capital assets values are low, with an average value 0.6% to 1.2% for the no technology in-place case and 0% for the technology in-place case.

TABLE XVI–3—INITIAL SPENDING AS PERCENTAGE OF PRE-RULE TOTAL DENTAL OFFICE CAPITAL ASSETS [1]

Number of chairs	Technology in place		No technology in place	
	Low	High	Low	High
Excluding Baseline Set-Aside Establishments from Analysis				
1–2 chairs	0.1	0.1	2.7	1.3
3 chairs	0.0	0.0	0.8	0.5
4 chairs	0.0	0.0	0.5	0.3
5 chairs	0.0	0.0	0.3	0.2
6 chairs	0.0	0.0	0.3	0.2
7+ chairs	0.0	0.0	0.2	0.2
Weighted Average	0.0	0.0	0.7	0.4
Including Baseline Set-Aside Establishments in Analysis				
1–2 chairs	0.2	0.1	3.7	1.7
3 chairs	0.0	0.0	0.8	0.5
4 chairs	0.0	0.0	0.5	0.3
5 chairs	0.0	0.0	0.3	0.2
6 chairs	0.0	0.0	0.3	0.2
7+ chairs	0.0	0.0	0.2	0.2
Weighted Average	0.0	0.0	0.8	0.5

[1] EPA used the baseline asset value for the minimum (reported as low) and maximum (reported as high) revenue values by number-of-chairs category as the denominator for the ratio. Total proposed rule compliance costs, as described in Section XVI.B above, were assigned to each number-of-chairs category as the numerator for the ratio.

3. Ratio of the Proposed Rule's Capital Costs to Annual Dental Office Capital Replacement Costs Results

EPA compared the estimated total initial spending on the proposed rule's capital costs to the estimated capital replacement costs across all chair-sizes. The resulting values for the proposed option range from 2.9% to 3.5%, with a weighted average of 2.9% across all chair size ranges.

TABLE XVI–4—INITIAL SPENDING AS PERCENTAGE OF ESTIMATED ANNUAL DENTAL OFFICE CAPITAL REPLACEMENT COSTS [1]

Number of chairs	Percent
1–2 chairs	3.4
3 chairs	3.2
4 chairs	2.6
5 chairs	2.2

TABLE XVI–4—INITIAL SPENDING AS PERCENTAGE OF ESTIMATED ANNUAL DENTAL OFFICE CAPITAL REPLACEMENT COSTS [1]—Continued

Number of chairs	Percent
6 chairs	2.9
7 chairs	3.5
8 chairs	3.1
9 chairs	2.9
Weighted Average	2.9

Source: EPA Analysis.

[1] EPA estimated capital replacement costs, accounting for the total value of equipment purchases for different numbers of chairs, and the composition of purchases by equipment life category by number-of-chairs as the denominator for the ratio. Total proposed rule compliance costs, as described in Section XVI.B, were assigned to each number-of-chairs as the numerator for the ratio.

D. Economic Achievability

The analyses performed above demonstrate the impact of this proposed rule on the dental office sector. In the cost-to-revenue analysis, EPA found that no more than 0.2% of offices, mostly in the lower revenue ranges, would potentially incur costs in excess of 3% of revenue. The two financial ratios reported in Tables XVI–3 and XVI–4 show that the proposed option would not cause dental offices to encounter difficulty in financing initial spending on capital costs of the proposed regulatory option. Based on the results of the three analyses above in combination, and EPA's inability at this time to conduct a traditional facility closure analysis, EPA has determined that the proposed pretreatment standard is economically achievable. EPA notes that, due to a lack of data, the economic

impact analyses did not include large institutional facilities. However, the results of the economic analyses performed on a range of office sizes indicate that this proposal is economically achievable at every level. Therefore, EPA projects the rule would similarly be achievable for large institutional facilities. EPA requests comment on this projection and data to perform economic achievability analyses.

E. Economic Impact for New Sources

EPA determined that this proposed pretreatment standard for new sources would not impose a barrier to entry. EPA relied on data describing the equipment needs and costs for starting a dental practice as compiled in Safety Net Dental Clinic Manual, prepared by the National Maternal & Child Oral Health Resource Center at Georgetown University (see DCN DA00143). Information from the Georgetown Manual demonstrates that the amalgam separator capital costs (based on costs for existing model facilities as described in Section XI) comprised 0.3% to 0.4% of the cost of starting a dental practice and, therefore, does not pose a barrier to entry.

TABLE XVI–5—INITIAL SPENDING AS PERCENTAGE OF ESTIMATED DENTAL OFFICE START-UP COSTS

Number of chairs	Percent
1–2 chairs	0.4
3 chairs	0.4
4 chairs	0.3
5 chairs	0.3
6 chairs	0.3
7 chairs	0.4
8 chairs	0.4
9 chairs	0.3
Weighted Average	0.3

Source: EPA Analysis.

XVII. Pollutant Reductions to POTWs and Surface Waters

Consistent with its costing methodology, EPA's pollutant reduction methodology assumes 2008 ISO 11143 amalgam separators on the market today with BMPs, the proposed technology basis, would be used to comply with this proposed rule. As was the case for costing, EPA does not have office specific discharge data for the approximately 110,000 dental offices potentially subject to this proposal. Instead, EPA has modeled the discharges of mercury based on nationwide estimates of amalgam restorations and removals, and did not calculate the pollutant reductions on a per office basis. Rather, EPA calculated average mercury loadings by dividing the total number of annual procedures by the total number of dentists performing the procedure.[24] This is the same approach and data that EPA presented in its Health Services Industry Detailed Study (EPA 821–R–08–014). EPA did not receive comments on this part of the health study that would cause EPA to reconsider its approach, and, therefore, EPA did not change the overall methodology. The following sections describe the method in more detail.

A. Nationwide Estimate of Annual Mercury Discharges From Dental Offices

First, EPA estimated the amount of mercury potentially discharged nationwide through amalgam restorations. EPA's main source of the data underlying all of the estimates related to restorations is Vandeven and McGinnis, 2005 (DCN 00163). EPA estimates 71 million restorations occur at dental offices annually and that these restorations are performed with one amalgam capsule per restoration. Each amalgam capsule contains 450 mg of mercury and, on average, 75% of the capsule is used for the filling, with the remaining 25% remaining in the capsule. Therefore, 340 mg of mercury (75% of the capsule) are used per filling. Further, 9% of the 340 mg of mercury, or 31 mg, is discharged to the POTW as carvings and filings or other waste. Thus, EPA estimates a total of 2.4 tons of mercury nationwide[25] is discharged annually to POTWs from restorations.

Second, EPA modeled mercury discharges from amalgam removals. Similar to restorations, EPA's main source of the data underlying all of the estimates related to amalgam removals is Vandeven and McGinnis, 2005. Based on this information, EPA estimates approximately 97 million amalgam removals occur each year. An average of 300 mg mercury is removed from the filling. Ninety percent of the removed filling is assumed to be discharged to wastewater, and the other 10% is handled as dry waste and/or gray bagged. Thus, EPA estimates 29 tons of mercury are discharged to POTWs from removals each year.

Summing the total mercury discharged from restorations plus that associated with filling removals, 31.4 tons of mercury are potentially discharged annually to POTWs from dental offices. However, these calculations do not account for the amount of mercury removed at the dental office and prior to POTW discharge through existing chair side traps, vacuum pump filters, and/or amalgam separators as described below.

B. National Estimate of Annual Baseline Discharges of Mercury From Dental Offices to POTWs

As described in Section VIII, EPA estimates that 40% of dental offices currently operate dental amalgam separators. Thus, on a nationwide basis, approximately 65,000 dental offices currently do not have separators and 44,000 offices already have separators in place. Of the offices that do not currently have separators in place, EPA assumed that 20% do not install or remove amalgam, but EPA requests comment on this assumption. For the remainder, based on information in its record, EPA assumes all offices have chair side traps or a combination of chair side traps and vacuum filters that result in 68% and 78% collection of dental amalgam, respectively (Vandeven and McGinnis). After accounting for mercury reductions achieved through existing chair side traps, vacuum filters, and separators, as appropriate, EPA estimates the offices without separators that place or remove amalgam collectively discharge a total of 4.4 tons of mercury to POTWs per year. The offices with separators collectively discharge approximately 63 pounds of mercury to POTWs per year. Thus, EPA calculates the current nationwide annual baseline pounds of mercury discharged to POTWs from dental offices to be 4.4 tons mercury (out of a total of the 31.4 tons mercury originally generated). See Chapter 10 of the TEDD for more information.

C. National Estimate of Annual Baseline Discharges of Other Metals Contained in Amalgam From Dental Offices to POTWs

Amalgam is comprised of roughly 49% mercury, 35% is silver, 9% tin, 6% copper and 1% zinc[26] (DCN DA00131). As explained earlier in Section XI, EPA concludes the technology basis for this proposal would be equally effective in reducing discharges of silver, tin, copper, and zinc as it is in reducing mercury. EPA similarly assumes chair side traps and the combination of chair side traps and vacuum filters will result in 68% and 78% collection of these metals, respectively. Accordingly, after accounting for existing technologies at dental offices, EPA estimates that in

[24] Because this approach is based on the number of dentists, it includes those dentists both at offices and institutional facilities.

[25] 71 million restorations times 31 mg per restoration.

[26] It also contains small amounts of indium and palladium. EPA did not estimate discharges of these two pollutants.

addition to 4.4 tons of mercury, approximately 4.6 tons of these additional metals are discharged to POTWs annually for a total metal discharge to POTWs of 9 tons annually.

D. National Estimate of Annual Pollutant Reductions to POTWs Associated With This Proposal

1. Mercury

EPA estimates the 52,000 offices that install separators would obtain an additional 99.0% removal by amalgam separator (median removal efficiency of amalgam separators; see 7.1 of TEDD). This would result in reduction of total mercury discharges to POTWs by 4.3 tons. Because dissolved mercury accounts for much less than 1% of total mercury (DCN DA00018), and because amalgam separators are not effective in removing dissolved mercury, the dissolved mercury contribution and associated reduction in loads is assumed to be negligible. EPA solicits comment and data on this assumption.

2. Other Metals

As explained earlier in Section XI, EPA concludes the technology basis for this proposal would be equally effective in reducing discharges of silver, tin, copper, and zinc as it is in reducing mercury. Accordingly, EPA estimates a reduction of these metal discharges to POTWs of approximately 4.5 tons.

3. Total Reductions

EPA estimates this proposal would annually reduce mercury discharges by 4.3 tons and other metal discharges by 4.5 tons for a total annual reduction to POTWs of 8.8 tons.

E. National Estimate of Annual Pollutant Reductions to Surface Waters Associated With This Proposal

In order to evaluate final discharges of mercury (and other metals) to waters of the U.S. by the POTW, EPA used its 50 POTW Study to calculate POTW removals of each metal. As explained above, at baseline and prior to implementation of this proposal, EPA estimates 4.4 tons of dental mercury is collectively discharged annually to POTWs. Based on the 50 POTW Study, EPA estimates POTWs remove 90% of the 4.4 tons mercury from the wastewater. Thus, POTWs collectively discharge 880 lbs of mercury from dental amalgam to surface waters annually. Under this proposed rule, 99.0% of the solid mercury currently discharged annually to POTWs will be removed prior to the POTW. The POTWs then further remove 90% of total mercury from the wastewater. This reduces the total amount of dental mercury discharged from POTWs nationwide to surface water to 14 lbs of mercury annually. In other words, discharges of mercury to waters of the U.S. are expected to be reduced by 860 pounds per year.[27] Similarly, EPA's 50 POTW Study data shows 79% to 88% of other metals in the wastewater are removed by POTWs. As explained above, EPA estimates 4.6 tons of other metals are also collectively discharged annually to POTWs. Thus POTWs collectively discharge approximately 1,280 lbs of other metals to surface waters annually. Following compliance with this proposed rule, the total amount of other metal discharges from POTWs nationwide to surface waters will be approximately 20 lbs or a reduction of 1,257 lbs. See TEDD for more details.

XVIII. Cost Effectiveness

EPA also conducted an analysis of the cost-effectiveness of the proposed option. For more information about the methodology, data, and results see the cost effectiveness section of the TEDD. The results of this cost-effectiveness analysis are expressed in terms of the costs (in 1981 dollars) per pound-equivalent removed, where pounds-equivalent removed for a particular pollutant is determined by multiplying the number of pounds of a pollutant removed by an option by a toxic weighting factor (TWF). The toxic weighting factors account for the differences in toxicity among pollutants and are derived using chronic aquatic life criteria (or toxic effect levels) and human health criteria (or toxic effect levels) established for the consumption of fish. For this proposal, EPA used the annual pounds removed for mercury, silver, tin, copper and zinc. The TWF for these pollutants is shown in Table XVIII–1.

TABLE XVIII–1—TOXIC WEIGHTING FACTORS FOR POLLUTANTS IN DENTAL AMALGAM

Total Mercury	117.12
Silver	16.47
Tin	0.30
Copper	0.63
Zinc	0.05

EPA presents cost effectiveness in 1981 dollars as a reporting convention. This allows EPA to compare the cost-effectiveness of various ELGs. EPA calculates cost-effectiveness as the ratio of pre-tax annualized costs of an option to the annual pounds-equivalent removed by that option, and for this proposal is expressed as the average cost-effectiveness for the option. Average cost-effectiveness can be thought of as the ''increment'' between no regulation and the selected option for any given rule. The technology basis for PSES in this proposal has a cost-effectiveness ratio of $181–$201/lb-equivalent. This cost-effectiveness ratio falls within industry comparisons of PSES cost-effectiveness. A review of approximately 25 of the most recently promulgated or revised categorical pretreatment standards demonstrates that PSES cost effectiveness ranges from approximately $1/lb-equivalent (Inorganic Chemicals) to $380/lb-equivalent (Transportation Equipment Cleaning) in 1981 dollars.

TABLE XVIII–2—PSES COST EFFECTIVENESS ANALYSIS

Proposed option	Pre-tax total annualized costs ($1981 M)	Removals (lbs-eq)	Average cost effectiveness
ADA National Survey	$23	113,152	$201
Colorado Survey	21	113,152	181

[27] Dissolved mercury accounts for a portion of surface water discharges, because amalgam separators do not remove dissolved mercury.

XIX. Environmental Assessment

A. Environmental Impacts

EPA conducted a literature review concerning potential environmental impacts associated with mercury in dental amalgam discharged to surface water by POTWs. See DCN DA00148. Studies indicate that dental offices are the largest source of mercury entering POTWs. The total annual baseline discharge of dental mercury to POTWs is approximately 8,800 pounds (4.4 tons): 8,448 pounds are in the form of solid particles and 352 pounds (4%) are dissolved in the wastewater. Through POTW treatment, approximately 90% of dental mercury is removed from the wastewater and transferred to sewage sludge. The 10% of dental mercury not removed by POTW treatment is discharged to surface water. EPA estimates that POTWs annually discharge approximately 880 pounds of dental mercury nationwide.

The CWA regulations known as *Standards for Use and Disposal of Sewage Sludge,* 40 CFR part 503, control the land application, surface disposal, and incineration of sewage sludge generated by POTWs. Of the 11.2 billion dry pounds of sewage sludge generated annually, about 60%, or 6.7 billion pounds, are treated to produce biosolids for beneficial use as a soil amendment and applied to about 0.1% of agricultural lands in the United States (National Research Council, 2002). Approximately 4,800 pounds per year of dental mercury are contained in land applied biosolids.

Approximately 18%, or 2 billion pounds, of the sewage sludge generated annually by POTWs are surface disposed in facilities such as sewage sludge mono-fills or municipal landfills. Approximately 1,400 pounds per year of dental mercury are contained in surface disposed sewage sludge. Pollutant limits and monitoring requirements for surface disposed sewage sludge mono-fills are set by 40 CFR part 503 and by 40 CFR part 258 for municipal landfills. There may be additional state or local regulations that are more stringent than the federal biosolids regulations.

The remaining 22%, or 2.5 billion pounds, of sewage sludge generated annually by POTWs is disposed of through incineration. An estimated 35 pounds of dental mercury are emitted to the atmosphere annually from incineration of sewage sludge (U.S. EPA, 2005); about 11.5 pounds of which are deposited within the conterminous United States (U.S. EPA, 1997). 40 CFR part 503, subpart E sets requirements for the incineration of mercury and other toxic metals in sludge. For mercury, subpart E provides that incineration of sludge must meet the requirements of the National Emissions Standards for Mercury in subpart E of 40 CFR part 61.

Environmental assessment of impacts associated with POTW discharges of dental mercury is complicated by uncertainties about the fate and transport of mercury in aquatic environments. The elemental form of mercury used in dentistry has low water solubility and is not readily absorbed when ingested by humans, fish, or wildlife. However, elemental mercury may be converted into highly toxic methylmercury in aquatic environments by certain forms of anaerobic sulfur reducing bacteria. Methylmercury is easily absorbed into muscle and fat tissues, but it is not readily excreted due to its low water solubility. Methylmercury thus has high potential to become increasingly concentrated up through aquatic food chains as larger fish eat smaller fish. Fish commonly eaten by humans may have methylmercury levels 100,000 times that of ambient water. The neurological effects of consumption of methylmercury contaminated fish are well documented. Developmental effects to fetuses, infants, children, and women of childbearing age are of special concern. Neurological effects from predation of methylmercury contaminated fish have been documented to occur in wild populations of fish, birds, and mammals in many areas of the United States. A plausible link has been identified between anthropogenic sources of mercury in the United States and methylmercury in fish. However, fish methylmercury concentrations also result from existing background concentrations of mercury which may consist of mercury from natural sources, mercury re-emitted from the oceans or soils, and mercury deposited in the United States from sources in other countries. Given the current scientific understanding of the environmental fate and transport of mercury, it is not possible to quantify how much of the methylmercury in fish consumed by the U.S. population is contributed by U.S. emissions relative to international mercury sources or natural mercury sources.

EPA was unable to assess the specific environmental impacts of dental mercury discharged by POTWs due to insufficient data needed to evaluate several fundamental factors about the discharge, fate, and transport of dental mercury in aquatic environments, including: the degree and geographic extent of dental mercury methylation in aquatic environments, the amount of methylated dental mercury that is taken up by fish and wildlife, the human consumption rates of fish contaminated with methylated dental mercury, and the extent and magnitude of naturally-occurring mercury in aquatic environments.

B. Environmental Benefits

While EPA did not perform an environmental benefits analysis of this proposed rule, due to insufficient data about the aquatic fate and transport of dental mercury discharged by POTWs, EPA was able to assess the qualitative environmental benefits based on existing information. For example, EPA identified studies that show that decreased point-source discharges of mercury to surface water result in lower methylmercury concentrations in fish. Moreover, several studies quantified economic benefits from improved human health and ecological conditions resulting from lower fish concentrations of methylmercury. See DCN DA00148. The proposed pretreatment standards will produce human health and ecological benefits by reducing the estimated annual nationwide POTW discharge of dental mercury to surface water from 880 pounds to 14 pounds.

XX. Non-Water Quality Environmental Impacts Associated With the Proposed Technology Basis

Eliminating or reducing one form of pollution may cause other environmental problems. Sections 304(b) and 306 of the Clean Water Act require EPA to consider non-water quality environmental impacts (including energy requirements) associated with effluent limitations guidelines and standards. To comply with these requirements, EPA considered the potential impact of the collection and treatment technologies on energy consumption, air pollution, and solid waste generation. EPA anticipates that the proposed rule would produce minimal non-water quality impacts. The Administrator has determined that these very minimal impacts are acceptable. For additional information on the analysis of these non-water quality impacts, see the Technical and Economic Development Document.

A. Energy Requirements

Net energy consumption considers the incremental electrical requirements associated with operating and maintaining dental amalgam separators used in combination with BMPs that form the technology basis for the proposed rule standards. As described in Section VI, an amalgam separator in

a dental office is installed between chairs used for treatment and the vacuum pump. Amalgam separators use sedimentation, either alone or in conjunction with filtration to remove solids in the waste stream. Most separators rely on gravity or the suction of the existing vacuum system to operate, and do not require an additional electrical power source. As a result, EPA expects operation of an amalgam separator would pose negligible additional energy requirements on the existing vacuum pump.

While the vendor data used to support this proposed rule have not identified incremental energy requirements for an amalgam separator, EPA is aware that some units described in the literature may require small pumps to remove settled effluent from the separator (DCN 00162). EPA found that these pumps are designed to operate only at the end of the day or overnight, when the vacuum system is turned off. Any incremental energy requirements in those cases where a small supplemental pump is installed would be negligible compared to the energy demands of the vacuum pump. Based on this evaluation of energy requirements associated with this proposed rule, EPA concludes there will be no significant non-water quality impacts associated with the energy requirements of this proposed rule.

B. Air Emissions

Unbound mercury is highly volatile and can easily evaporate into the atmosphere. An estimated 99.6% of dental mercury discharges are in solid bound form; i.e. elemental mercury bound to amalgam particles (DCN DA00018). Because the majority of dental mercury is bound to solid particles, it likely will not volatize to the atmosphere. Therefore, EPA expects the proposed PSES and PSNS will not pose any increases in air pollution. EPA concludes there will be no significant non-water quality impacts associated with air emissions as a result of this proposed rule.

C. Solid Waste Generation

As explained above in Section XI, in the absence of amalgam separators, a portion of the amalgam rinsed into chair side drains is collected by chair side traps. The remainder is discharged to the POTW where the vast majority is removed from the wastewater and becomes part of the POTW sludge that may be land applied, disposed of in landfills or mono-fills, or incinerated. This proposed rule is expected to increase the use of amalgam separators nationwide by one and a half times, since EPA estimates 40% of dental offices have separators installed, with a corresponding increase in collection of used amalgam prior to POTW discharge and recycling of amalgam via the spent separator canisters. EPA expects the operation and maintenance requirements associated with the amalgam separator compliance option included as part of the proposed rule will further promote recycling as the primary means of amalgam waste management. EPA expects this proposed rule will not create additional solid waste, but will instead result in a shift in how dental amalgam is handled. Nationally, EPA expects less dental amalgam will partition to the POTW wastewater sludge leading to reductions in the amount of mercury currently land applied, landfilled, or released to the air during incineration. Instead, it will be collected in separator canisters and recycled. Based on this evaluation of solid waste generation, EPA concludes there will be a reduction in non-water quality impacts associated with solid waste generation as a result of this proposed rule.

XXI. Implementation and Proposed Changes to General Pretreatment Regulations in 40 CFR Part 403

A. Implementation Deadline

1. Existing Sources

For existing sources, EPA proposes a compliance date of three years after the effective date of the final rule. Section 307(b)(1) of the CWA provides categorical pretreatment standards ''shall specify a time for compliance not to exceed three years from the date of promulgation.'' See also 40 CFR 403.6(b). In proposing a compliance date for existing sources subject to this proposed rule, EPA considered several factors. First, EPA considered the burden on Control Authorities (POTWs with approved Pretreatment Programs) of implementing this rule on an industry consisting of approximately 110,000 dental offices, many of whom are small businesses. EPA expects that these POTWs will need to develop and implement new strategies and programs for managing the enforcement and compliance of these pretreatment standards given that the number of possibly affected facilities is approximately 10 times the total number of dischargers currently regulated under any categorical pretreatment standard. EPA expects that POTWs will need time to conduct outreach to dental offices subject to this proposed rule. Moreover, EPA envisions that dental offices may use the entire three year period to come into compliance with the numeric standard (presumably using amalgam separators) and implement the required BMPs.

2. New Sources

For new sources, the compliance deadline is governed by EPA's regulation at 40 CFR 403.6(b), which provides that

> New Sources shall install and have in operating condition, and shall 'start-up' all pollution control equipment required to meet applicable Pretreatment Standards before beginning to Discharge. Within the shortest feasible time (not to exceed 90 days), new Sources must meet all applicable Pretreatment Standards.

B. Upset and Bypass Provisions

A ''bypass'' is an intentional diversion of the streams from any portion of a treatment facility. An ''upset'' is an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. EPA's regulations for indirect dischargers concerning bypasses and upsets are set forth at 40 CFR 403.16 and 403.17.

C. Variances and Modifications

The CWA requires application of pretreatment standards established pursuant to sections 304 and 307 for all indirect dischargers. However, the statute provides for the modification of these national requirements in a limited number of circumstances. Moreover, the Agency has established administrative mechanisms to provide an opportunity for relief from the application of the national pretreatment standards for categories of existing sources.

1. Fundamentally Different Factors Variance

EPA may develop pretreatment standards different from the otherwise applicable requirements if an individual discharger is fundamentally different with respect to factors considered in establishing the standards applicable to the individual discharger. Such a modification is known as a ''fundamentally different factors'' (FDF) variance. See 40 CFR 403.13. EPA, in its initial implementation of the effluent guidelines and standards program, provided for the FDF modifications in regulations. These were variances from the BCT effluent limitations, BAT limitations for toxic and nonconventional pollutants, and BPT limitations for conventional pollutants for direct dischargers. FDF variances for toxic pollutants were challenged judicially and ultimately sustained by

the Supreme Court. (*Chemical Manufacturers Association* v. *Natural Resources Defense Council,* 479 U.S.C. 116 (1985)).

Subsequently, in the Water Quality Act of 1987, Congress added new CWA section 301(n). This provision explicitly authorizes modifications of the otherwise applicable BAT effluent limitations or categorical pretreatment standards for existing sources if a discharger is fundamentally different with respect to the factors specified in CWA section 304 or 403 (other than costs) from those considered by EPA in establishing the effluent limitations or pretreatment standards. CWA section 301(n) also defined the conditions under which EPA may establish alternative requirements. Under section 301(n) of the CWA, an application for approval of a FDF variance must be based solely on (1) information submitted during rulemaking raising the factors that are fundamentally different or (2) information the applicant did not have an opportunity to submit. The alternate limitation or standard must be no less stringent than justified by the difference and must not result in markedly more adverse non-water quality environmental impacts than the national limitation or standard.

EPA regulations at 40 CFR part 403, authorizing the Regional Administrators to establish alternative standards, further detail the substantive criteria used to evaluate FDF variance requests for existing dischargers to POTWs. Thus, 40 CFR 403.13(d) identifies six factors (e.g., volume of process wastewater, age and size of a discharger's facility) that may be considered in determining if a discharger is fundamentally different. The Agency must determine whether, based on one or more of these factors, the discharger in question is fundamentally different from the dischargers and factors considered by EPA in developing the nationally applicable pretreatment standards. The regulation also lists four other factors (e.g., inability to install equipment within the time allowed or a discharger's ability to pay) that may not provide a basis for an FDF variance. In addition, under 40 CFR 403.13(c)(2), a request for standards less stringent than the national standard may be approved only if compliance with the pretreatment standards would result in either (a) a removal cost wholly out of proportion to the removal cost considered during development of the pretreatment standards, or (b) a non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the pretreatment standards. The legislative history of section 301(n) of the CWA underscores the necessity for the FDF variance applicant to establish eligibility for the variance. EPA's regulations at 40 CFR 403.13 are explicit in imposing this burden upon the applicant. The applicant must show that the factors relating to the discharge controlled by the applicant's permit which are claimed to be fundamentally different are, in fact, fundamentally different from those factors considered by EPA in establishing the applicable pretreatment standards. In practice, very few FDF variances have been granted for past ELGs. An FDF variance is not available to a new source subject to PSNS.

2. Economic Variances

Section 301(c) of the CWA authorizes a variance from the otherwise applicable PSES and PSNS for nonconventional pollutants due to economic factors. As this rule controls toxic pollutants and only controls nonconventional pollutants that are also found in the same waste stream, this variance would not be applicable to this particular rule.

D. What are the roles of key entities involved in implementing the rule and how are pretreatment standards implemented?

EPA recognizes the role of many interested parties in the development of, and, ultimately, the successful implementation of pretreatment standards for dental dischargers. To the greatest extent possible, EPA has attempted to strike a reasonable balance among the many interests. A short summary of the various roles involved in implementing categorical pretreatment standards is provided below.

1. Control Authorities

The ''Control Authority'' refers to the POTW if the POTW has an approved Pretreatment Program, or the Approval Authority if it has not been approved, which may be the state or EPA. A POTW is a treatment works as defined by section 212(2) of the CWA, which is owned by a state or municipality (as defined in CWA sections 502 (3) and (4), respectively). (see 40 CFR 403.3(q).) POTWs collect wastewater from homes, commercial buildings, and industrial facilities and typically transport it via a series of pipes, known as a collection system, to the treatment plant. Most POTWs are not designed to treat the toxics in commercial and industrial wastes, which can cause pass through, interfere with, or are otherwise incompatible with the operation of POTWs, including sludge disposal methods at POTWs. The General Pretreatment Regulations require POTWs that meet certain criteria (e.g. minimum design flow) to develop Pretreatment Programs to control industrial Discharges into their sewage collection systems, unless the state exercises its option to assume local responsibilities as provided in EPA's regulations at 40 CFR 403.10(e) and (f). Today there are an estimated 1500 approved POTW Pretreatment Programs. As required under 40 CFR part 403, Control Authorities implement and enforce control mechanisms (*e.g.,* permits) to the Industrial Users (IUs) that discharge to their systems, inspect and sample, and enforce control requirements in order to protect the POTW against discharges which ''pass through'' or cause interference'' with the POTW (see 40 CFR 403.3(p) and (k)).

2. Approval Authority

The Director in an NPDES state with an approved state Pretreatment Program may be authorized to serve as the Approval Authority for the implementation of a general pretreatment program. (40 CFR 403.3(c)). Thirty-six states have such approved Pretreatment Programs and are authorized to serve as Approval Authorities for implementation of the Pretreatment Program. In a non-NPDES state or an NPDES state without an approved state Pretreatment Program, the EPA Regional Administrator is the Approval Authority.

3. EPA

EPA establishes and implements national regulations for Pretreatment Programs and categorical pretreatment standards for certain industries such as the pretreatment standards for dental amalgam proposed today. EPA also develops policy and guidance and provides training and oversight for Pretreatment Program implementation. As noted above, EPA's Regional Administrator serves as the Approval Authority for a non-NPDES state or an NPDES state without an approved state Pretreatment Program, and as the Control Authority for POTWs without an approved Pretreatment Program in these states.

4. Industrial Dischargers (i.e. Dentists)

IUs of POTWs must comply with Pretreatment Standards prior to introducing pollutants into a POTW. The General Pretreatment Regulations include general prohibitions that forbid IUs from causing pass through and interference (i.e., cause the POTW to

violate its permits limits, or interfere with the operation of the POTW or the beneficial use of its sewage sludge), and specific prohibitions against the discharge of pollutants that cause problems at the POTW such as corrosion, fire or explosion, and danger to worker health and safety. As discussed in this document, EPA may also develop national categorical pretreatment standards, including numeric pollutant limits and BMPs, for IUs in specific industrial categories. The General Pretreatment Regulations include reporting and other requirements necessary to implement these categorical standards (*e.g.,* 40 CFR 403.12).

E. What are the Control Authority requirements under existing General Pretreatment Regulations?

The current regulations require certain minimum oversight of IUs by Control Authorities, which are typically POTWs with Approved Pretreatment Programs but could be states or EPA acting as Pretreatment Control Authorities. The required minimum oversight includes receipt and analysis of reports and other notices submitted by IUs, randomly sampling and analyzing effluent from IUs, and conducting surveillance activities to identify occasional and continuing non-compliance with pretreatment standards. In addition, for IUs designated as significant industrial users (SIUs), per 40 CFR 403.3(v), Control Authorities must inspect and sample the SIU effluent annually, review the need for a slug control plan, and issue a Permit or equivalent control mechanism with a duration not to exceed five years (40 CFR 403.8(f)(1)(iii) and 403.8(f)(2)(v), 403.10(e) and 403.10(f)(2)(i)). Control authorities may determine that an industrial user is a non-significant categorical industrial user or that an industrial user is not an SIU (see 40 CFR 403.3(v)(2) and (v)(3)).

Facilities that are subject to categorical pretreatment standards contained in regulations in 40 CFR Chapter I, subchapter N are referred to as Categorical Industrial Users (CIUs). The regulations related to SIU at 40 CFR 403.3(v) define SIU to include CIUs, but also provide that a Control Authority may determine that a CIU may be a Non-Significant Categorical Industrial User (NSCIU) if certain conditions are met. (see 403.3(v)(1) and (v)(2)). State Approval Authorities and POTW Control Authorities who have the legal authority to implement the NSCIU classification may find some of their CIUs satisfy the qualifying conditions of NSCIU at 40 CFR 403.3(v)(2). Upon such finding, the Control Authority may exclude facilities meeting the NSCIU criteria from the SIU definition and its minimum oversight requirements. A Control Authority may not exclude CIUs from the requirements of the categorical pretreatment standards.

F. Why is EPA revising the existing General Pretreatment Regulations?

EPA proposes to amend selected parts of the General Pretreatment Regulations in order to simplify oversight requirements for the approximately 110,000 dental offices subject to this proposed rule. As mentioned in paragraph E. of this section, when EPA promulgates categorical industrial pretreatment standards, as defined in 40 CFR part 403, affected dischargers are referred to as Categorical Industrial Users (CIUs). The number of dental offices that would be subject to this proposed rule is approximately ten times the current number of Categorical Industrial Users. EPA recognizes regulatory oversight of this increased number of CIUs would need to be very different from regulating the current number of CIUs. Using the existing regulatory framework, enforcement of categorical pretreatment regulation on this industry would require an increase in local, state and federal resources whereas EPA does not expect such efforts to result in greater environmental benefit. EPA is focused on providing technical means to reduce administrative burden to dentists and Control Authorities, while still providing a clear understanding of who is affected and what they are expected to do, as well as achieving the projected pollutant reductions. EPA estimates that these changes to the Existing General Pretreatment Standards would reduce costs to POTWs to implement and enforce this proposed rule by $47 million annually (see TEDD).

G. What changes is EPA proposing to the General Pretreatment Standards?

EPA proposes a new classification of CIU specifically tailored to the Dental Office Effluent Limitations Guidelines and Standards rule, ''Dental Industrial User'' (DIU). EPA proposes that such Users not be subject to the oversight requirements for SIUs (*i.e.,* control mechanism issuance requirement, annual inspection and sampling requirements). Rather, EPA proposes to allow Control Authorities to focus their oversight efforts on those dental office facilities that fail to meet the compliance requirements of the DIU.

H. When is a dental office a DIU?

Under the proposed rule, a dental discharger is given the option of complying with monitoring and reporting requirements in 40 CFR 441.60, which are tailored for dental dischargers, in lieu of the otherwise applicable monitoring and reporting requirements in 40 CFR part 403. If a dental discharger complies with (1) the special monitoring and reporting requirements in 40 CFR 441.60, (2) the remaining 40 CFR part 403 requirements, and the applicable pretreatment standards (PSES or PSNS), then the Control Authority may treat the dental discharger as a DIU. The DIU must maintain compliance in order to retain its DIU status.

I. When is a dental office not a DIU?

If the dental office does not meet the requirements to be treated as a DIU, under this proposal the Control Authority must treat the dental discharger as a Significant Industrial User as defined in 40 CFR 403.3(v). As a Significant Industrial User, the POTW Control Authority would be required to conduct the oversight duties applicable to SIUs as described in 40 CFR 403.8(f).

J. What oversight responsibilities for DIUs is EPA proposing for Control Authorities?

This proposal would require that a Control Authority evaluate, at least once per year, whether an IU previously determined to be a DIU still meets the criteria for treatment as a DIU under 40 CFR 441.60. EPA anticipates that this evaluation will primarily involve the Control Authority's verification that the certification has been submitted by the dental office documenting continued eligibility for DIU status. In accordance with 40 CFR 403.8(f)(2)(viii)(F), a dental discharger would be in significant noncompliance if it fails to provide any required report within 45 days of the due date or if the Control Authority elects to inspect the facility and finds the facility is not in compliance with 40 CFR 441.60. Upon discovery that a dental office is not in compliance with regulations at 40 CFR 441.60 (either reporting requirements, 403, or 441 PSES/PSNS requirements), the Control Authority must initiate enforcement in accordance with its approved Pretreatment Program to return the dental discharger into compliance. In order for the Control Authority to continue to treat the dentist as a DIU, the Control Authority would need to verify and find, through an inspection, that the dental discharger has returned to full compliance with the criteria in 40

CFR 441.60. If, within 90 days, the Control Authority inspects, verifies, and finds that the dental discharger has returned to full compliance with 40 CFR 441.60, then the dental discharger would remain a DIU. The 90 day compliance deadline is consistent with other portions of 40 CFR part 403 (e.g., significant noncompliance compliance report deadlines, 90 day report after effective dates of categorical standards), and provides both the dental discharger and Control Authority with an incentive to provide a timely return to compliance. If the dental discharger has not returned to compliance within 90 days of the initial noncompliance, the Control Authority could no longer treat the dental discharger as a DIU and the dental discharger would become a Significant Industrial User. Control Authorities are required to provide oversight of SIUs which includes inspection and sampling of each SIU annually, reviewing the need for a slug control plan, and issuing a Permit or equivalent control mechanism with a duration not to exceed five years (40 CFR 403.8(f)(1)(iii) and (f)(2)(v) and 403.10(f)(2)(i)).

K. Can a dental office DIU be a Non-Significant Industrial User (NSCIU)?

EPA does not propose to prohibit a Control Authority from finding that a dental office may qualify as an NSCIU on an individual basis. State Approval Authorities and POTW Control Authorities who have the legal authority to implement the NSCIU classification may find that one or more of their dental office CIUs may qualify as NSCIUs. However, since its promulgation in 2005, many state Approval Authorities and POTW Control Authorities have not adopted regulations to implement the NSCIU classification. EPA believes that the DIU classification, tailored for this single categorical pretreatment standard, while comparable to the NSCIU classification, would be preferable, because it would significantly reduce the Control Authority's burden in complying with the oversight requirements that would otherwise apply.

L. Can Dental Industrial Users be covered under a general permit?

Although this proposed rule does not require a Control Authority to regulate DIUs as SIUs thereby requiring the Control Authority to issue a control mechanism, designation of a dental office subject to 40 CFR part 441 as a DIU does not preclude a Control Authority's option to regulate the dental office under a general control mechanism, 40 CFR 403.8(f)(1)(iii)(A), if that legal authority is adopted. The General Pretreatment Regulations describe conditions which must be met in order for the Control Authority to use a general control mechanism in lieu of an individual permit or control mechanism. Provided that the Control Authority adopted the necessary legal authority and modified its Pretreatment Program to incorporate such authority and procedures, the Control Authority may use a general control mechanism or ''general permit'' for facilities that meet certain minimum criteria for being considered substantially similar. The use of general control mechanisms allows the permitting authority to allocate resources in a more efficient manner and to provide timelier permit coverage, particularly in the circumstances of covering large numbers of similar facilities under a single mechanism. EPA considers that most dental offices generally will conform to these requirements and could appropriately be covered by a general control mechanism issued by a Control Authority. The use of a general control mechanism also ensures consistency of permit conditions for similar facilities. Additional information on the use of general control mechanisms may be found in the **Federal Register** of October 14, 2005 (70 FR 60143).

M. Would any POTW with a dentist office in its service area be required to develop a Pretreatment Program?

In accordance with 40 CFR 403.8(a), POTWs (or combination of POTWs operated by the same authority) with a total design flow greater than 5 million gallons per day and receiving pollutants from IUs which pass through or interfere with the operation of the POTW or are otherwise subject to Pretreatment Standards are required to establish a POTW Pretreatment Program unless the state with an approved Pretreatment Program exercises its option to assume local responsibilities as provided for in 40 CFR 403.10(e). For smaller POTWs, POTWs that have a design flow of 5 million gallons per day or less, the Regional Administrator or state Director may require the POTW to develop a local Pretreatment Program if the nature or volume of the industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances warrant such development in order to prevent interference or pass through. Interference and pass through are defined at 40 CFR 403.3(k) and (p), respectively. As noted above, a state with an Approved state Pretreatment Program may instead assume local responsibilities as provided in 40 CFR 403.10(e). EPA anticipates that the approved states will choose to carry out the oversight activities themselves rather than requiring a POTW to develop a full Pretreatment Program solely to regulate its dental dischargers.

N. Would states or municipalities that already implement Dental Amalgam Control Programs need to modify their regulations?

The proposed rulemaking would not affect existing state and local requirements that control discharges of dental amalgam. However, states with approved state programs and POTWs with approved Pretreatment Programs would need to enforce the federal requirements at a minimum. The new federal requirements include removal of at least 99.0% of total mercury from amalgam discharges which can be accomplished through proper use of a 2008 ISO 11143 certified amalgam separator with a removal efficiency of at least 99.0%. The proposal at part 441.40(d) would allow dentists currently operating amalgam separators no less efficient than 95% to continue to operate their separators for ten years before they would be required to meet the 99% removal standard. Where ongoing state or POTW Control Authority programs require additional information or implementation requirements, the Control Authority must implement and enforce both program requirements and, for overlapping requirements, the more stringent of the two programmatic requirements.

O. Will states or municipalities that already implement Dental Amalgam Control Programs need to issue control mechanisms or permits to impose requirements that are more stringent than the federal requirements?

The legal authority requirements for a POTW Pretreatment program only require issuance of an individual or general control mechanism to SIUs, 40 CFR 403.8(f)(2)(1)(iii)(A). The proposed regulation modification in the General Pretreatment Regulations is to establish a new DIU classification of Industrial User. The proposal indicates that a DIU will not be a Significant Industrial User. Where the state or POTW existing dental amalgam control programs are equal to or less stringent than this proposal, and the state or Control Authority adopt and have their Pretreatment Programs appropriately approved to incorporate EPA's DIU provisions, dental offices compliant

with the DIU classification will not need to be issued a control mechanism.

P. What reports would dental dischargers be required to submit?

Existing and new dental dischargers could comply with the special reporting requirements in 40 CFR part 441 in lieu of the otherwise applicable reporting requirements in 40 CFR part 403 by submitting the Baseline Report (40 CFR 441.60(a)(1)) and the 90 Day Compliance Report (40 CFR 441.60(a)(2)) and Periodic Monitoring reports (40 CFR 441.60(a)(3)). Submission of these reports would satisfy the reporting requirements in 40 CFR parts 403 and 441. Dental dischargers who do not submit reports consistent with the requirements in 40 CFR 441.60 would be required to submit the reports described in 40 CFR 403.12(b), (d), and (e).

Q. Can the DIU designate a contractor or contract vendor to submit Compliance Reports to the Control Authority or EPA?

In accordance with 40 CFR 403.12(l), Baseline Monitoring Reports, 90-day Compliance Reports, and Periodic monitoring reports (40 CFR 403.12(b), (d), and (e), respectively) must be signed by (1) a responsible corporate officer of the IU if it is a corporation; (2) a general partner or proprietor if the IU is a partnership or sole proprietorship; or (3) a duly authorized representative of the responsible corporate officer, general partner, or proprietor if the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager or a position of equivalent responsibility for environmental matters for the company and the written authorization is submitted to the Control Authority.[28] This does not preclude a third-party from submitting the reports as long as the submission includes the proper signature from the DIU.

R. Would Control Authorities need to modify their Sewer Use Ordinance and state regulations, respectively, to incorporate these changes to 40 CFR part 403?

The proposed changes to 40 CFR part 403 to create the DIU classification are changes that the Control Authority may adopt at its discretion. The changes to 40 CFR part 403 provide program flexibility and are not required to be incorporated into the state or POTW's Pretreatment Program. However, for Control Authorities to designate dental offices as DIUs, the state and POTW Pretreatment program would need to incorporate these changes into their legal authority under 40 CFR 403.8(f)(l).

XXII. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is a ''significant regulatory action.'' Accordingly, EPA submitted this action to the OMB for review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011) and any changes made in response to OMB recommendations have been documented in the docket for this action.

B. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* The Information Collection Request (ICR) document prepared by EPA has been assigned EPA ICR number 2514.01. To reduce the overall costs associated with this rule, in lieu of discharge monitoring, proposed 40 CFR 441.60 allows dentists to certify compliance with requirements for amalgam capture and certain BMPs.

For purposes of this estimate, EPA assumed all affected dentists would elect to comply with this proposal through certification rather than discharge monitoring. EPA estimates it would take a total annual average of 153,000 hours[29] and $2.5 million for affected dental offices to collect and report the information required for certification in the proposed rule. This estimate includes effort for each dental office associated with completing the baseline monitoring report, a one-time compliance report and an annual compliance certification for each year of a three year ICR. This estimate is based on average labor rates from the Bureau of Labor Statistics for the dental office personnel involved in collecting and reporting the information required. EPA estimates it would take a total annual average of 17,400 hours and $960,000 for control authorities to review the information submitted by dentists that certify they meet the requirements in the proposed rule. EPA estimates that there would be no start-up or capital costs associated with the information described above. Burden is defined at 5 CFR 1320(b).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, EPA has established a public docket for this proposed rule, which includes this ICR, under Docket identification ID number EPA–HQ–OW–2014–0693. Submit any comments related to the ICR to EPA and OMB. See **ADDRESSES** section in this document for where to submit comments to EPA. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after October 22, 2014, a comment to OMB is best assured of having its full effect if OMB receives it by November 21, 2014. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of this proposed rule on small entities, small entity is defined as: (1) A small business in the Dental Office sector (NAICS 621210) with annual receipts of 7 million dollars or less (based on SBA size standards); (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

EPA estimates that 109,600 dental offices out of 109,859 dental offices potentially subject to this proposal meet the small business definition. EPA's analysis of projected impacts on small dental offices is described in detail in

[28] Today's proposal does not apply to third-party vendors because they are not dental dischargers, and therefore, as such, EPA cannot compel a third-party vendor to meet any reporting requirements.

[29] This estimate reflects approximately three hours per office in the first year and one hour each subsequent year.

Section XVI. EPA projects less than 1% of 109,859 affected dental offices would incur compliance costs exceeding 1% of revenue and no more than 0.2% would incur compliance costs exceeding 3% of revenue. After considering the economic impact of this proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Although this proposed rule will not have a significant economic impact on a substantial number of small entities, EPA nonetheless has tried to reduce the impact of this proposed rule on small entities. First, while some amalgam separators currently used at some dentists are certified to meet slightly less mercury removal than required in this proposed rule (e.g., they are certified to remove 95% total mercury), this proposal would allow dentists with existing separators to satisfy the requirements for a period of up to 10 years. See Section XIV. In addition, this proposed rule includes a compliance option that would allow dental offices subject to the rule to certify proper operation of a widely available, inexpensive technology that meets certain requirements in combination with BMPs in lieu of conducting more onerous discharge monitoring requirements that would otherwise be associated with pretreatment standards. Finally, EPA has tried to minimize impacts to small governments responsible for Pretreatment Programs by proposing to amend the General Pretreatment Regulations to create the DIU classification. The DIU classification reduces oversight responsibilities for Control Authorities from the current regulatory scheme, while at the same time achieving the projected pollutant reductions. We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act (UMRA)

This proposed rule does not contain a Federal mandate that may result in expenditures of $100 million or more for state, local, and tribal governments, in the aggregate, or the private sector in any 1 year. As explained in Section XVI, the annual cost of the proposed rule is $44–$49 million. Thus, this proposed rule is not subject to the requirements of sections 202 or 205 of UMRA.

The proposal is also not subject to the requirements of section 203 of UMRA, because it contains no regulatory requirements that may significantly or uniquely affect small governments. EPA has not identified any dental offices that are owned by small governments. While this proposal would impact government entities required to administer the proposed pretreatment standards, EPA does not expect that this would include any small governments. By statute, a small government jurisdiction is defined as a government of a city, county, town, school district or special district with a population of less than 50,000 (5 U.S.C. 601). As explained in Section XXI, control authorities are responsible for oversight and administration associated with this proposal. To qualify as a Control Authority, a POTW must have a flow of at least 5 million gallons per day. The average water use per person is 100 gallons per day so a POTW with a population less than 50,000 would likely have a flow less than 5 MGD. Therefore, EPA does not expect small government owned POTWs would meet the definition of a Control Authority.

E. Executive Order 13132: Federalism

This proposed rule would not have federalism implications. It would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The proposed rule would not alter the basic state-federal scheme established in the CWA under which EPA authorizes states to carry out the NPDES permit program. EPA expects the proposed rule would have little effect on the relationship between, or the distribution of power and responsibilities among, the federal and state governments. Thus, Executive Order 13132 does not apply to this proposed rule.

EPA coordinated closely with states, via ECOS and local governments and with NACWA, throughout the development of this proposed rule. In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and state and local governments, EPA specifically solicits comment on this proposed rule from state and local officials.

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

This proposed rule does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 6, 2000). It would not have substantial direct effects on Tribal governments, on the relationship between the Federal government and Indian Tribes, or on the distribution of power and responsibilities between the Federal government and Indian Tribes. This proposed rule contains no Federal mandates for Tribal governments and does not impose any enforceable duties on Tribal governments. Thus, Executive Order 13175 does not apply to this rule. EPA specifically solicits additional comment on this proposed action from Tribal officials.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to rules that are economically significant according to Executive Order 12866 and involve a health or safety risk that may disproportionately affect children. This action is not subject to Executive Order 13045 because it is estimated to cost less than $100 million and does not involve a safety or health risk that may have disproportionately negative effects on children. The proposed rule will reduce the amount of mercury from dental amalgam entering POTW's and eventually the nation's waters, which will reduce impacts to the neurological development of children.

H. Executive Order 13211: Energy Effects

This proposed rule is not a ''significant energy action'' as defined in Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy, as described in Section XX of this proposal. EPA determined that any additional energy usage would be insignificant to the total energy usage of Dental Offices and total annual U.S. energy consumption.

I. National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995, (Pub. L. 104–113; 15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standard bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rulemaking involves technical standards. The International Organization for Standardization (ISO) developed efficiency standards for amalgam separators (ISO 11143) in 1999 and updated these standards in 2008. EPA proposes to use ISO 11143 2008. This voluntary standard setting organization established a standard for measuring amalgam separator efficiency by evaluating the retention of amalgam mercury using specified test procedures in a laboratory setting. It also includes requirements for instructions for use and operation and maintenance.

EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potentially-applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629, Feb. 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations. While EPA was unable to perform a detailed environmental justice analysis because it lacks data on the location of POTWs to which dental discharges currently occur, the proposal would increase the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population. The proposed rule will reduce the amount of mercury from dental amalgam entering POTW's and eventually the nation's waters, to benefit all of society, including minority communities.

EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potential environmental justice considerations associated with this proposed regulation.

List of Subjects in 40 CFR Parts 403 and 441

Environmental protection, Dental, Dental office, Dentist, Mercury, Pretreatment, Waste treatment and disposal, Water pollution control.

Dated: September 23, 2014.

Gina McCarthy,

Administrator.

Therefore, it is proposed that 40 CFR parts 403 and 441 be amended as follows:

PART 403—GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION

■ 1. The authority citation for part 403 continues to read as follows:

Authority: 33 U.S.C. 1251, 1311, 1314, 1316, 1317, 1318, 1342, and 1361.

■ 2. In § 403.3, add paragraph (v)(4) to read as follows:

§ 403.3 Definitions.

* * * * *

(v) * * *

(4) An industrial user subject to categorical Pretreatment Standards under 40 CFR part 441 is designated a Dental Industrial User (DIU) rather than a Significant Industrial User (SIU) if the Industrial User (IU) has complied with 40 CFR part 403, the applicable pretreatment standards for existing sources (PSES) or pretreatment standards for new sources (PSNS) and the monitoring and reporting requirements of 40 CFR 441.60. If a DIU has not complied with these requirements and standards, such IU will be considered a SIU until the Control Authority evaluates the IU as specified in § 403.8(f)(2)(v)(D).

* * * * *

■ 3. In § 403.8, add paragraph (f)(2)(v)(D) to read as follows:

§ 403.8 Pretreatment Program Requirements: Development and Implementation by POTW.

* * * * *

(f) * * *

(2) * * *

(v) * * *

(D) Where the publicly owned treatment works (POTW) finds that an Industrial User (IU) meets the criteria for classification as a Dental Industrial User (DIU), the POTW must evaluate, at least once per year, whether the IU meets the criteria in § 403.3(v)(4). In the event that the POTW determines that a DIU does not meet the criteria in § 403.3(v)(4), the POTW must immediately begin enforcement in accordance with its enforcement response plan. If the dental discharger has not returned to compliance within 90 days of the initial noncompliance, the POTW may no longer treat the dental discharger as a DIU and must treat the dental discharger as a SIU. Upon verification by the POTW through an inspection and a finding that the dental discharger has complied with all of the applicable requirements in § 403.3(v)(4), the dental discharger may be considered a DIU.

* * * * *

■ 4. Add part 441 to read as follows:

PART 441—DENTAL OFFICE (MERCURY AMALGAM) POINT SOURCE CATEGORY

Sec.
441.10 Applicability.
441.20 General definitions.
441.30 General pretreatment requirements.
441.40 Pretreatment standards for existing sources (PSES).
441.50 Pretreatment standards for new sources (PSNS).
441.60 Discharge monitoring, reporting, and recordkeeping requirements.

Authority: 33 U.S.C. 1251, 1311, 1314, 1316, 1317, 1318, 1342, and 1361. 42 U.S.C. 13101 et seq.

§ 441.10 Applicability.

(a) Except as provided in paragraphs (b) and (c) of this section, the provisions of this part are applicable to discharges of wastewater to publicly owned treatment works from facilities where the practice of dentistry is performed (''dental dischargers''), including but not limited to institutions, permanent or temporary offices, clinics, mobile units, home offices, and facilities, and including dental facilities owned and operated by Federal, state, or local governments.

(b) The provisions of this part do not apply to process wastewater discharges from dental dischargers which exclusively practice one or more of the following dental specialties: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics;

(c) Dental Dischargers will be exempt from any further requirements of this rule so long as they:

(1) Do not place or remove amalgam except in limited emergency circumstances

(2) Certify to the Control Authority that that they do not and will not use or remove amalgam, including the following information:

(i) The facility name, address, contact information.

(ii) The dental license number of all practicing dentists at the location.

(3) Notify the Control Authority of any changes to information required under paragraphs (c)(2)(i) and (ii) of this section.

(4) Information provided to comply with paragraphs (c)(2)(i) and (ii) of this section must be signed by the responsible corporate officer as defined in § 403.12(l).

§ 441.20 General definitions.

For purposes of this part:

Amalgam process wastewater means any wastewater generated and discharged by a dental discharger through the practice of dentistry that may contain dental amalgam.

Amalgam separator means a collection device designed to capture and remove dental amalgam from the amalgam process wastewater of a dental facility.

Control Authority is defined in 40 CFR 403.3(f).

Dental amalgam means an alloy of elemental mercury and other metals that is used in the practice of dentistry.

Dental Discharger means a source of wastewater to a publicly owned treatment works from a facility where the practice of dentistry is performed as described in 40 CFR 441.10.

Dental Industrial User (DIU) means a dental discharger as described in § 441.10(a) that meets the requirements of 40 CFR 441.60.

§ 441.30 General pretreatment requirements.

(a) Any source subject to this part that introduces process wastewater pollutants into a publicly owned treatment works (POTW) must comply with 40 CFR part 403.

(b) [Reserved]

§ 441.40 Pretreatment standards for existing sources (PSES).

Except as provided in 40 CFR 403.7 (removal credits) and 403.13 (fundamentally different factors) and no later than [DATE 3 YEARS AFTER EFFECTIVE DATE OF THE FINAL RULE IN THE FEDERAL REGISTER], any existing source subject to this part must achieve the following pretreatment standards:

(a) Removal of at least 99.0% of total mercury from amalgam process wastewater and

(b) Incorporation of the following best management practices:

(1) Scrap amalgam (contact and non-contact), including but not limited to dental amalgam from chair-side traps, screens, vacuum pump filters, dental tools, or collection devices may not be flushed down the drain.

(2) Chair-side traps that may drain to a sewer must be cleaned with non-bleach, non-chlorine containing cleaners that have a pH of 6 to 8. Such cleaning must be conducted at least weekly.

(3) Certification that the BMPs specified in paragraphs (b)(1) and (2) of this section are being followed is deemed to meet these requirements.

(c) The requirements of paragraph (a) of this section may be met by installation and operation of at least one 2008 ISO 11143 certified amalgam separator that:

(1) Is certified to meet a removal efficiency of no less than 99.0%;

(2) Receives all amalgam process wastewater;

(3) Is sized to incorporate all wastewater that may pass through it;

(4) Is inspected at least once per month to ensure proper operation and maintenance of the separator, including confirmation that amalgam process wastewater is flowing through the retaining cartridge, separator canister, or amalgam separating portion of the amalgam separator (preventing bypass);

(5) In the event that the separator is found to not be functioning properly, is repaired or replaced according to manufacturer instructions; and

(6) Is regularly maintained by replacing the amalgam retaining cartridge(s), separator canister(s), or separator unit(s) whenever the collection of retained solids reaches the manufacturer's stated design capacity or annually, whichever comes first.

(d) Dental Dischargers that operate an amalgam separator certified under the 1999 or 2008 ISO 11143 standard installed at a dental facility prior to October 22, 2014, satisfy the requirements of paragraph (a) of this section until [DATE 10 YEARS AFTER EFFECTIVE DATE OF THE FINAL RULE IN THE FEDERAL REGISTER] if the existing amalgam separator:

(1) Receives all amalgam process wastewater;

(2) Is sized to incorporate all amalgam process wastewater that may pass through it;

(3) Is inspected at least once per month to ensure proper operation and maintenance of the separator, including confirmation that wastewater is flowing through the retaining cartridge, separator canister, or amalgam separating portion of the amalgam separator (preventing bypass); and

(4) Is regularly maintained by replacing the amalgam retaining cartridge(s), separator canister(s), or separator unit(s) whenever the collection of retained solids reaches the manufacturer's rated design capacity or annually, whichever comes first.

§ 441.50 Pretreatment standards for new sources (PSNS).

Except as provided in 40 CFR 403.7 (removal credits) and 40 CFR 403.13 (fundamentally different factors), any new source subject to this part must achieve PSNS as follows:

(a) Removal of at least 99.0% of total mercury from amalgam process wastewater and

(b) Incorporation of the following best management practices (BMPs):

(1) Scrap amalgam (contact and non-contact), including but not limited to dental amalgam from chair-side traps, screens, vacuum pump filters, dental tools, or collection devices may not be flushed down the drain.

(2) Chair-side traps that may drain to a sewer must be cleaned with non-bleach, non-chlorine containing cleaners that have a pH of 6 to 8. Such cleaning must be conducted at least weekly.

(3) Certification that the BMPs specified in (1) and (2) of this subpart are being followed is deemed to meet these requirements.

(c) The requirements of paragraph (a) of this section may be met by installation and operation of at least one 2008 ISO 11143 certified amalgam separator that:

(1) Is certified to meet a removal efficiency of no less than 99.0%;

(2) Captures all amalgam process wastewater;

(3) Is sized to incorporate all amalgam process wastewater that may pass through it;

(4) Is inspected at least once per month to ensure proper operation and maintenance of the separator, including confirmation that amalgam process wastewater is flowing through the retaining cartridge, separator canister, or amalgam separating portion of the amalgam separator (preventing bypass);

(5) In the event that the separator is found to not be functioning properly, is repaired or replaced according to manufacturer instructions; and

(6) Is regularly maintained by replacing the amalgam retaining cartridge(s), separator canister(s), or separator unit(s) whenever the collection of retained solids reaches the manufacturer's stated design capacity or annually, whichever comes first.

§ 441.60 Discharge monitoring, reporting, and recordkeeping requirements.

(a) Dental dischargers may comply with the following monitoring and reporting requirements in lieu of the otherwise applicable requirements in § 403.12(b), (d), and (e).

(1) *Baseline report.* For existing sources, a baseline report must be

submitted within 180 days of the effective date of this rule. For new sources, a baseline report must be submitted at least 90 days prior to commencement of discharge. It must include:

(i) The facility name, address, and contact information as well as the dental license number of all practicing dentists at the location.

(ii) A description of the operation at the dental discharger including:

(A) The total number of chairs,

(B) The total number of chairs at which dental amalgam may be present in the resulting wastewater;

(C) For existing sources, a description of any existing amalgam separators currently operated to include, at a minimum, the make, model, and manufacturers recommended frequency of container change. If no separators are currently employed, indicate none. For new sources, a description of any planned amalgam separators to include, at a minimum, the make, model, and manufacturers recommended frequency of container change.

(iii) For existing sources, statement of whether or not the facility currently employs the best management practices (BMPs) specified in § 441.40(b).

(2) *90-day compliance report.* For existing sources, a compliance report must be submitted within [90 days after the final compliance date of this rule]. For new sources, a compliance report must be submitted within 90 days following commencement of the introduction of wastewater into the publicly owned treatment works (POTW). The report must include:

(i) The facility name, address, and contact information as well as the dental license number of all practicing dentists at the location.

(ii) A description of the operation at the dental office including:

(A) The total number of chairs, and

(B) The total number of chairs at which dental amalgam may be present in the resulting wastewater.

(C) A description of any existing amalgam separators currently operated to include, at a minimum, the make, model, and manufacturers recommended frequency of container change.

(iii) Certification that the design and operation of separators meet the requirements specified in § 441.40 or § 441.50, as applicable.

(iv) Certification that the facility is employing BMPs specified in § 441.40(b) or § 441.50(b), as applicable.

(3) *Periodic monitoring report.* A periodic report of ongoing compliance must be submitted annually. The reports must include:

(i) The facility name, address, and contact information as well as the dental license number of all practicing dentists at the location;

(ii) If no changes have occurred since submission of the most recent compliance submission (e.g. 90-day compliance report or periodic monitoring report);

(iii) Certification that the design and operation of the separators meets the requirements specified in § 441.40 or § 441.50, as applicable and that the facility is employing the BMPs specified in § 441.40(b) or § 441.50(b), as applicable;

(iv) If changes have occurred since submission of the most recent compliance submission (e.g. 90-day compliance report or periodic monitoring report), you must submit the updated information required for the 90-day compliance report as specified in § 441.60(a)(2).

(b) If the dental discharger complies with the applicable requirements in 40 CFR part 403 and the monitoring and reporting requirements described in paragraphs (a)(1) through (3) of this section, in addition to the applicable pretreatment standards for existing sources (PSES) or pretreatment standards for new sources (PSNS) in § 441.40 or § 441.50, the dental discharger may be considered a Dental Industrial User (DIU) by the Control Authority; otherwise the Control Authority must treat the dental discharger as a Significant Industrial User (SIU) as defined in 40 CFR 403.3(v). Reports submitted to comply with this section must be signed by the responsible corporate officer as defined in 40 CFR 403.12(l).

(c) Dental dischargers must maintain on site and available for inspection (in either physical or electronic form) the following records for a period of three years from the date they are created:

(1) The baseline report required in paragraph (a)(1) of this section;

(2) The 90-day compliance report required in paragraph (a)(2) of this section;

(3) The periodic monitoring report required paragraph (a)(3) of this section;

(4) Documentation including the date of each visual inspection of the amalgam separator(s) as specified in § 441.40(c)(4) or § 441.50(c)(4), including records of visual inspections of the amalgam separator to ensure that the device is not in bypass mode;

(5) Documentation specifying the date of amalgam retaining cartridge replacement in accordance with § 441.40(c)(5) or § 441.50(c)(5); and

(6) Records indicating the date of amalgam retaining cartridges are sent off site for proper disposal and the shipping address of the facility to which amalgam retaining cartridges are sent.

[FR Doc. 2014–24347 Filed 10–21–14; 8:45 am]

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