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Federal Register

Vol. 80, No. 1

Friday, January 2, 2015

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SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

[Docket No. SSA–2014–0068]

RIN 0960–AH72

Extension of Expiration Dates for Several Body System Listings

AGENCY: Social Security Administration.

ACTION: Final rule.

SUMMARY: We are extending the expiration dates of the following body systems in the Listing of Impairments (listings) in our regulations: Growth Impairment, Musculoskeletal System, Respiratory System, Cardiovascular System, Digestive System, Hematological Disorders, Skin Disorders, Neurological, and Mental Disorders. We are making no other revisions to these body systems in this final rule. This extension will ensure that we continue to have the criteria we need to evaluate impairments in the affected body systems at step three of the sequential evaluation processes for initial claims and continuing disability reviews.

DATES: This final rule is effective on January 2, 2015.

FOR FURTHER INFORMATION CONTACT: Cheryl A. Williams, Director, Office of Medical Policy, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 965–1020. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213, or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION:

Background

We use the listings in appendix 1 to subpart P of part 404 of 20 CFR at the third step of the sequential evaluation process to evaluate claims filed by adults and children for benefits based on disability under the title II and title XVI programs.[1] 20 CFR 404.1520(d), 416.920(d). The listings are in two parts: Part A has listings criteria for adults and Part B has listings criteria for children. If you are age 18 or over, we apply the listings criteria in part A when we assess your impairment or combination of impairments. If you are under age 18, we first use the criteria in part B of the listings when we assess your impairment(s). If the criteria in part B do not apply, we may use the criteria in part A when those criteria give appropriate consideration to the effects of your impairment(s). 20 CFR 404.1525(b), 416.925(b).

Explanation of Changes

In this final rule, we are extending the dates on which the listings for nine body systems will no longer be effective as set out in the following chart:

Listing	Current expiration date	Extended expiration date
Growth Impairment (100.00)	January 30, 2015	January 27, 2017.
Musculoskeletal System (1.00 and 101.00)	July 31, 2015	January 27, 2017.
Respiratory System (3.00 and 103.00)	January 30, 2015	January 27, 2017.
Cardiovascular System (4.00 and 104.00)	July 31, 2015	January 27, 2017.
Digestive System (5.00 and 105.00)	January 30, 2015	January 27, 2017.
Hematological Disorders (7.00 and 107.00)	July 31, 2015	January 27, 2017.
Skin Disorders (8.00 and 108.00)	January 30, 2015	January 27, 2017.
Neurological (11.00 and 111.00)	July 31, 2015	January 27, 2017.
Mental Disorders (12.00 and 112.00)	January 02, 2015	January 27, 2017.

We continue to revise and update all of the listings on a regular basis, including those body systems not affected by this final rule. We intend to update the nine listings affected by this final rule as quickly as possible, but may not be able to publish final rules revising these listings by the current expiration dates. Therefore, we are extending the expiration dates listed above.

Regulatory Procedures

Justification for Final Rule

We follow the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 in promulgating regulations. Section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(a)(5). Generally, the APA requires that an agency provide prior notice and opportunity for public comment before issuing a final regulation. The APA provides exceptions to the notice-and-comment requirements when an agency finds there is good cause for dispensing with such procedures because they are impracticable, unnecessary, or contrary to the public interest.

We determined that good cause exists for dispensing with the notice and public comment procedures. 5 U.S.C. 553(b)(B). This final rule only extends the date on which several body system listings will no longer be effective. It makes no substantive changes to our rules. Our current regulations[2] provide that we may extend, revise, or promulgate the body system listings again. Therefore, we determined that opportunity for prior comment is

[1] We also use the listings in the sequential evaluation processes we use to determine whether a beneficiary's disability continues. See 20 CFR 404.1594, 416.994, and 416.994a.

[2] See the first sentence of appendix 1 to subpart P of part 404 of 20 CFR.

unnecessary, and we are issuing this regulation as a final rule.

In addition, for the reasons cited above, we find good cause for dispensing with the 30-day delay in the effective date of this final rule. 5 U.S.C. 553(d)(3). We are not making any substantive changes to the listings in these body systems. Without an extension of the expiration dates for these listings, we will not have the criteria we need to assess medical impairments in these body systems at step three of the sequential evaluation processes. We therefore find it is in the public interest to make this final rule effective on the publication date.

Executive Order 12866, as Supplemented by Executive Order 13563

We consulted with the Office of Management and Budget (OMB) and determined that this final rule does not meet the criteria for a significant regulatory action under Executive Order 12866, as supplemented by Executive Order 13563. Therefore, OMB did not review it. We also determined that this final rule meets the plain language requirement of Executive Order 12866.

Regulatory Flexibility Act

We certify that this final rule does not have a significant economic impact on a substantial number of small entities because it affects only individuals. Therefore, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act, as amended.

Paperwork Reduction Act

This rule does not create any new or affect any existing collections, and therefore does not require OMB approval under the Paperwork Reduction Act.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; 96.006, Supplemental Security Income)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

Carolyn W. Colvin,

Acting Commissioner of Social Security.

For the reasons set out in the preamble, we are amending appendix 1 to subpart P of part 404 of chapter III of title 20 of the Code of Federal Regulations as set forth below.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE

(1950–)

Subpart P—[Amended]

■ 1. The authority citation for subpart P of part 404 continues to read as follows:

Authority: Secs. 202, 205(a)–(b) and (d)–(h), 216(i), 221(a), (i), and (j), 222(c), 223, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 405(a)–(b) and (d)–(h), 416(i), 421(a), (i), and (j), 422(c), 423, 425, and 902(a)(5)); sec. 211(b), Pub. L. 104–193, 110 Stat. 2105, 2189; sec. 202, Pub. L. 108–203, 118 Stat. 509 (42 U.S.C. 902 note).

■ 2. Amend appendix 1 to subpart P of part 404 by revising items 1, 2, 4, 5, 6, 8, 9, 12, and 13 of the introductory text before Part A to read as follows:

Appendix 1 to Subpart P of Part 404—Listing of Impairments

* * * * *

1. Growth Impairment (100.00): January 27, 2017.
2. Musculoskeletal System (1.00 and 101.00): January 27, 2017.

* * * * *

4. Respiratory System (3.00 and 103.00): January 27, 2017.
5. Cardiovascular System (4.00 and 104.00): January 27, 2017.
6. Digestive System (5.00 and 105.00): January 27, 2017.

* * * * *

8. Hematological Disorders (7.00 and 107.00): January 27, 2017.
9. Skin Disorders (8.00 and 108.00): January 27, 2017.

* * * * *

12. Neurological (11.00 and 111.00): January 27, 2017.

* * * * *

13. Mental Disorders (12.00 and 112.00): January 27, 2017.

* * * * *

[FR Doc. 2014–30739 Filed 12–31–14; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2013–0983]

RIN 1625–AA09

Drawbridge Operation Regulation; Thames River, New London, CT

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the operating schedule that governs the Amtrak Bridge across the Thames River at mile 3.0, at New London, Connecticut. The bridge owner, National Passenger Railroad Corporation (Amtrak), submitted a request to allow the Amtrak Bridge to open to 75 feet above mean high water instead of the full bridge opening at 135.3 feet above mean high water, unless a full bridge opening is requested. It is expected that this change to the regulations will create more efficiency in drawbridge operations while continuing to meet the reasonable needs of navigation.

DATES: This rule is effective February 2, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2013–0983. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type in the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Ms. Judy Leung-Yee, Project Officer, First Coast Guard District Bridge Branch, 212–514–4330, *judu.k.leung-yee@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

A. Regulatory History and Information

On September 11, 2014, we published a notice of proposed rulemaking (NPRM) entitled ''Drawbridge Operation Regulation; Thames River, New London, CT'' in the **Federal Register** (79 FR 54244). We received two comments regarding the proposed rule. No public meeting was requested, and none was held.

B. Basis and Purpose

The Amtrak Bridge across the Thames River, mile 3.0, at New London, Connecticut, has a vertical clearance in the closed position of 29.4 feet at mean high water and 31.8 feet at mean low water. The drawbridge operation regulations are listed at 33 CFR 117.224. The waterway users are both recreational and commercial vessels.

The owner of the bridge, National Passenger Railroad Corporation (Amtrak), requested an exception to the

requirement to fully open the bridge to its full 135.3 foot height above mean high water when not required for a vessel to pass under safely. Amtrak submitted the request to the Coast Guard to change the drawbridge operation regulations to allow the Amtrak Bridge to open to 75 feet above mean high water for smaller vessels which comprise the majority of the requested openings. The Amtrak Bridge will perform a full bridge opening of 135.3 feet above mean high water when requested to do so.

The existing regulations require the bridge to open immediately on signal for public vessels of the United States and commercial vessels; except that, when a train scheduled to cross the bridge without stopping has passed the Midway, Groton, or New London stations and is in motion toward the bridge, the bridge must not be opened for the passage of any vessel until the train has crossed the bridge. The bridge shall open as soon as practicable for all other vessels but no later than 20 minutes after the signal to open is given.

We analyzed the bridge opening data for the Amtrak Railroad Bridge during calendar year 2013, comparing the number of bridge openings to 135.3 feet and the number of bridge openings to 75 feet for each month of the year.

The bridge opening breakdown for 2013 is as follows:

Month	Total openings	Openings to 135 feet	Openings to 75 feet
January	98	17	81
February	58	8	50
March	62	2	60
April	83	12	71
May	220	40	180
June	255	38	217
July	257	42	215
August	243	34	209
September	227	26	201
October	216	25	191
November	84	8	76
December	97	6	91
Totals	1,900	258	1,642

Out of the total 1900 bridge openings, only 13.57% were to the 135.3 foot elevation and the remaining 86.43% were to the 75 foot elevation.

As a result, the Coast Guard believes that allowing the Amtrak Railroad Bridge to open to 75 feet, except when a request to open to 135.3 feet is received, is reasonable based on the low number of requests to open to 135 feet and to match actual operations.

The Coast Guard will also alter the navigation lighting requirements to better meet the needs of navigation at this drawbridge as a result of this final rule.

In accordance with 33 CFR 118.85, the center of the navigational channel under the operable span will be marked by a range of two green lights when the vertical span is open to navigation.

The Coast Guard will allow one solid green light and one flashing green light when the bridge is at the 75 foot mark and two solid green lights when the bridge is fully opened to 135.3 feet.

We believe this final rule will continue to meet the reasonable needs of navigation while also improving drawbridge efficiency of operation.

Under this final rule, the draw will open on signal to 75 feet above mean high water, except when a full opening to 135.3 feet above mean high water is requested. The bridge tender is aware of the vertical clearance from the low steel chord of the bridge to the water level by a sensor displaying distance on the Operator Control Panel housed in the Drawbridge Control Room at the bridge. A selector switch is placed in the 75 foot position or full lift (135.3 feet) position by the bridge tender prior to operations depending on the vessel requirements.''

Discussion of Comments, Changes and the Final Rule

The Coast Guard received two comments in response to the notice of proposed rulemaking. One of the two comment letters was submitted in error for another bridge located in Florida. The second comment letter questioned if the regulation change was considered not a ''significant energy action'' because it saves time or saves energy by opening to 75 feet instead of 135.3 feet. Executive Order 13211 defines ''significant energy action.'' One prong of the definition is that the regulatory action needs to be significant per Executive Order 12866. This regulation does not meet the threshold for a significant regulatory action and therefore cannot be considered a ''significant energy action.'' While the change in opening levels will save both time and energy, the analysis for a ''significant energy action'' is based on definition in E.O. 13211.

The single comment letter pertinent to the Amtrak Bridge was not an objection or in favor of the rule change, as a result, no changes have been made to this final rule.

C. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. We believe that this rule is not a significant regulatory action because the Amtrak Bridge will continue to open fully for any vessel upon request.

2. Impact on Small Entities

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

The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will have no effect on small entities for the following reason: The Amtrak Bridge will open fully for all vessel traffic at all times upon request.

3. Assistance for Small Entities

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

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

4. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. This rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Commandant Instruction.

Under figure 2–1, paragraph (32)(e), of the Commandant Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 117.224 to read as follows:

§ 117.224 Thames River.

The draw of the Amtrak Bridge, mile 3.0, at New London, shall operate as follows:

(a) The draw shall open on signal to 75 feet above mean high water for all vessel traffic unless a full bridge opening to 135.3 feet above mean high water is requested.

(b) The 75 foot opening will be signified by a range light display with one solid green light and one flashing green light and the full 135.3 foot opening will be signified with two solid green range lights.

(c) The draw shall open on signal for public vessels of the United States and commercial vessels; except that, when a train scheduled to cross the bridge without stopping has passed the Midway, Groton, or New London stations and is in motion toward the bridge, the lift span shall not be opened until the train has crossed the bridge.

(d) The draw shall open on signal as soon as practicable for all other vessel traffic but no later than 20 minutes after the signal to open is given.

Dated: December 8, 2014.

L.L. Fagan,

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

[FR Doc. 2014–30779 Filed 12–31–14; 8:45 am]

BILLING CODE 9110–04–P

Proposed Rules

Federal Register

Vol. 80, No. 1

Friday, January 2, 2015

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 AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 51, 71, 75, 78, 85, and 86

[Docket No. APHIS–2014–0018]

RIN 0579–AE02

Livestock Marketing Facilities

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations governing approval of facilities that receive livestock moved in interstate commerce. We are also proposing several amendments to the conditions under which livestock may move to such facilities without official identification or prior issuance of an interstate certificate of veterinary inspection or alternative documentation. These changes are necessary to update the regulations governing livestock marketing facilities, while also helping ensure animal disease traceability of livestock that are moved in interstate commerce to such facilities.

DATES: We will consider all comments that we receive on or before March 3, 2015.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0018.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0018, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0018* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Mr. Neil Hammerschmidt, Program Manager, Animal Disease Traceability, VS, APHIS, 4700 River Road Unit 200, Riverdale, MD 20737–1236; (301) 851–3539.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR subchapter B contain requirements governing Cooperative State-Federal programs for the control or eradication of diseases of livestock. The regulations in 9 CFR subchapter C contain requirements for the interstate movement of livestock to prevent the dissemination of diseases of livestock within the United States. In the remainder of this document, we refer to these two subchapters collectively as ''the regulations.''

The regulations in 9 CFR part 71, ''General provisions,'' contain general requirements regarding the movement of livestock in interstate commerce within the United States. Section 71.20, ''Approval of livestock facilities,'' provides that the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA) may approve a livestock facility to receive livestock that are moved interstate under conditions that are afforded only to such approved facilities. As a general condition for approval of a facility, the person legally responsible for the day-to-day operations of the livestock facility must execute an agreement with APHIS regarding the manner in which the facility will operate, if approved. The provisions of the agreement are set forth in the regulations.

However, the agreement set forth in § 71.20 is antiquated, and thus contains provisions that were necessary when diseases of livestock were more prevalent in the United States, but that currently rarely come into play during the day-to-day operations of a particular facility. We have therefore evaluated the agreement in order to determine which provisions are still necessary.

The regulations in 9 CFR part 86, ''Animal Disease Traceability,'' provide minimum national official identification and recordkeeping requirements for the traceability of livestock moving interstate.

Section 86.4 provides the official identification devices and methods that the Administrator of APHIS has approved for various species of livestock moving interstate, and generally requires livestock to be officially identified prior to moving interstate.

The section also provides a number of exemptions from this general requirement. One of these exemptions, found in paragraph (b)(1)(ii) of the section, allows cattle and bison to be moved interstate without official identification if they are moved directly to no more than one approved livestock marketing facility [1] and then directly to a recognized slaughtering establishment and additionally if they are moved interstate with a USDA-approved backtag or a USDA-approved backtag is applied to them at the approved livestock marketing facility or the recognized slaughtering establishment.

Section 86.5 provides general documentation requirements for livestock moving interstate. The section provides, as a general requirement, that livestock leaving a premises for interstate movement must be accompanied by an interstate certificate of veterinary inspection (ICVI).

The section also provides a number of exemptions from this general requirement. One of these exemptions, found in paragraph (c)(1) of the section, allows cattle and bison to be moved without an ICVI if they are moved directly to an approved livestock marketing facility and then directly to a recognized slaughtering facility and are accompanied by an owner-shipper statement. Another exemption, found in paragraph (c)(2), allows cattle and bison to be moved without an ICVI if they are moved directly to an approved livestock marketing facility under an owner-shipper statement and are not subsequently moved interstate from the facility unless accompanied by an ICVI. We have received several requests to

[1] The section currently refers to such facilities as ''approved livestock facilities.'' However, for reasons that we discuss later in this document, we are proposing to revise this term to ''approved livestock marketing facilities.'' For the sake of consistency, we refer to the facilities as approved livestock marketing facilities throughout this document.

reconsider or clarify aspects of the exemptions.

We are proposing to make a number of changes to the regulations. Below, we discuss the changes that we are proposing to make, by topic.

Approved Livestock Marketing Facilities

Currently, the regulations refer, in various instances, to ''approved livestock facilities,'' ''approved stockyards,'' and ''specifically approved stockyards'' in order to describe livestock facilities that have been approved in accordance with § 71.20. We are proposing to replace all such references with the term ''approved livestock marketing facilities.'' Similarly, we are proposing to replace all references in the regulations to ''livestock facilities'' with ''livestock marketing facilities.'' We believe the term ''livestock marketing facility'' appropriately describes a variety of different facilities, such as stockyards, auction barns, and buying stations, that share the common distinction of being locations where livestock moving in interstate commerce are marketed. We also believe the term helps differentiate livestock marketing facilities from other locations, such as slaughtering facilities and quarantine lots, that receive livestock moved in interstate commerce but that do not market such animals. Finally, it would also differentiate livestock marketing facilities from private production facilities, such as feed lots, dairies, farms, and ranches.

Proposed Revisions to Part 71

We are proposing to revise § 71.20. Paragraph (a) of § 71.20 would contain requirements that apply to all livestock marketing facilities regardless of whether they have sought APHIS approval. All livestock marketing facilities would have to allow APHIS or State representatives to collect blood samples, conduct testing, and carry out operations and measures at the facilities in order to detect, control, and eradicate diseases and pests of livestock. In order to carry out these operations and measures, APHIS or State representatives could request records and receipts retained by the facilities that pertain to these disease and pest detection, control, and eradication efforts, and the facilities would have to provide any records or receipts so requested. Additionally, all livestock marketing facilities would have to maintain a record of the receipt, distribution, and application of all official identification devices and USDA-approved backtags at the facility.

Under section 8308 of the Animal Health Protection Act (AHPA, 7 U.S.C. 8301 *et seq.*), APHIS may carry out operations and measures to detect, control, or eradicate any pest or disease of livestock, including the drawing of blood and diagnostic testing of animals at points of livestock concentration. Paragraph (a) of § 71.20 would, in part, restate this statutory authority.

When APHIS exercises this authority at a livestock marketing facility in order to respond to disease or pest outbreaks, it is usually in order to trace known or potentially infected or infested animals forward or back through their chain of production and determine what other animals may have commingled with the animals under investigation. In order to do that, APHIS reviews records of official identification devices and USDA-approved backtags applied to livestock at a marketing facility, as well as other records retained by the facility as part of common business practices. To the extent that these records are incomplete, or the facility delays in sharing them with APHIS, the possibility of an incomplete trace—and, commensurately, the likelihood of disease or pest spread—increases. Thus it is necessary to require facilities to maintain for a 5 year period a record of the receipt, distribution, and application of all official identification devices and USDA-approved backtags at the facility, and to provide these and any other receipts or records that pertain to disease or pest detection, control, or eradication efforts to APHIS or State officials working in cooperation with APHIS, when requested.

Proposed paragraph (b) of § 71.20 would contain our approval process for livestock marketing facilities. Similar to the existing requirements for livestock facilities, to qualify for approval by APHIS as an approved livestock marketing facility and to retain such designation, the individual legally responsible for the day-to-day operations of the facility, or his or her agent, would have to execute an agreement with APHIS. At the discretion of APHIS, a State animal health official could also be a cosignatory on the agreement.

We would allow the individual legally responsible for the day-to-day operations of the facility to authorize an agent to execute the agreement in case the individual would prefer that his or her legal counsel review and execute the agreement on his or her behalf. We would allow a State animal health official to be a cosignatory on the agreement in order to codify a longstanding operational practice that we instituted out of recognition of the degree of oversight that State animal health authorities exercise over such facilities.

We are proposing to remove the terms of the agreement from the regulations. Instead, the terms would be contained in a document titled the ''Approved Livestock Marketing Facility Agreement.'' The Approved Livestock Marketing Facility Agreement, a draft of which we are making available for review as a supporting document for this proposed rule, would be added to the Animal Disease Traceability General Standards, found at *http://www.aphis.usda.gov/traceability/downloads/ADT_standards.pdf,* as an appendix if this proposed rule is finalized. It could also be obtained by writing to APHIS Veterinary Services (VS) headquarters or calling a district APHIS VS office.

We are proposing to add a definition of *Approved Livestock Marketing Facility Agreement* to § 71.1, which contains definitions of the terms used in the general provisions regulations. We would define *Approved Livestock Marketing Facility Agreement* as an agreement between a livestock marketing facility and APHIS that is executed in accordance with § 71.20, in which the facility agrees to adhere to the structural and procedural standards specified within the agreement.

The Approved Livestock Marketing Facility Agreement would be similar in structure and content to the existing agreement in § 71.20, with a few substantive revisions:

- We would remove a requirement that an accredited veterinarian, State representative, or APHIS representative must be on the premises at all times on sale days to perform duties in accordance with State and Federal regulations.
- In its place, we would add a requirement specifying that the facility must allow Federal and State representatives to perform duties at the facility in accordance with Federal and State regulations, as requested, and requirements specifying that accredited veterinarians must be available (either physically present or on-call) on sale days in order to provide any inspection of livestock that is required by the regulations before the animals leave the facility and to issue ICVIs, as necessary.
- We would add a provision specifying that APHIS or the State will inspect each approved facility at least twice yearly.

We are proposing to remove the requirement that an accredited veterinarian, State representative, or APHIS representative must be on the premises at all times on sale days to perform duties in accordance with State

and Federal regulations because it has presented logistical problems in recent years at some facilities.

When this requirement was established, diseases of livestock were more prevalent in the United States. For this reason, livestock marketing facilities were more likely to receive animals that posed a high risk of spreading diseases of livestock. For example, it was common enough for such facilities to receive cattle that were potentially infected with brucellosis that APHIS' cooperative Federal-State brucellosis eradication program required first-point testing of all susceptible cattle that entered a livestock marketing facility. Therefore, at the time, it was necessary for a Federal or State representative or accredited veterinarian to be present at the facility on all sale days in order to conduct this required testing and to ensure that any high-risk animals that entered the facility were adequately isolated from other livestock at the facility.

The prevalence of Program diseases has decreased significantly since that time. The brucellosis eradication program no longer requires first-point testing of cattle that enter livestock marketing facilities, and it is rare that livestock marketing facilities receive cattle or bison that are potentially infected with brucellosis or other high-risk animals. Accordingly, the primary function that Federal and State representatives and accredited veterinarians currently fulfill at livestock marketing facilities is issuing ICVIs for livestock that will be moved interstate from the facility. Additionally, while the current regulations provide that Federal or State representatives may issue such ICVIs, in recent years, accredited veterinarians have issued the vast preponderance of such ICVIs.

Depending on what classes of animals are sold, how many are sold, and to whom they are sold, only a few ICVIs may need to be issued at a livestock marketing facility on a sale day. Thus, requiring an accredited veterinarian to be present at the facility all day on every sale day could represent an inefficient use of that veterinarian's services.

However, we recognize that, if certain classes of livestock arrive at an approved livestock marketing facility without an accompanying ICVI and will move interstate from the facility, an ICVI may need to be issued before the livestock leave the facility after sale. Thus, we are proposing to require that all approved livestock marketing facilities must have an accredited veterinarian available (either physically present or on-call) on sale days in order to provide inspection of livestock before the animals leave the facility and to issue ICVIs, as necessary.

In the event that Federal or State personnel require access to the facility in order to perform duties at the facility in accordance with Federal and State regulations, the facility would have to provide such access. Similarly, APHIS or the State would inspect approved facilities at least twice a year in order to ensure that the facility continues to operate in accordance with the agreement. The results of such inspections would factor into any decision to withdraw approval of the facility.

Currently, § 71.20 contains provisions regarding the denial of approval of a facility. Our proposed revision to § 71.20 would modify these provisions. The provisions are currently written in a manner which could be interpreted to provide that APHIS will enter into an agreement with a livestock marketing facility prior to evaluating the facility's ability to operate in accordance with the agreement. Practically speaking, however, we do not enter into such an agreement unless we have evaluated the facility's ability to adhere to the agreement.

We would retain, with non-substantive editorial changes, the provisions of § 71.20 that pertain to withdrawal of approval for a livestock facility. We would also retain the provisions that pertain to a facility's ability to appeal denial or withdrawal of approval.

We would, however, remove provisions allowing a hearing to be held in certain instances if approval is denied or withdrawn. We would do so in order to reflect current Agency practices. This does not mean that facilities would lose the ability to appeal APHIS' decisions, but rather that the appeal would be made in writing to the Agency itself rather than submitting an appeal through a hearing process.

Proposed Revisions to Part 86

Meaning of ''No More Than One''

As we mentioned earlier in this document, § 86.4 generally requires livestock to be officially identified prior to moving interstate. As we also mentioned, paragraph (b)(1)(ii) of the section allows cattle and bison to be moved interstate without official identification, if they are moved directly to no more than one approved livestock marketing facility and then directly to a recognized slaughtering establishment and additionally if they are moved interstate with a USDA-approved backtag or a USDA-approved backtag is applied to them at the approved livestock marketing facility or the recognized slaughtering establishment.

Producers, market managers, and State animal health officials have asked us to clarify the meaning of the phrase ''no more than one'' approved livestock marketing facility in this paragraph of the regulations. In particular, they have asked whether this exemption pertains solely to interstate movement, and whether cattle and bison may move intrastate to a livestock marketing facility and then interstate to another livestock marketing facility under this exemption.

In response to this request from stakeholders to clarify the intent of the phrase, we are proposing to revise paragraph (b)(1)(ii) of § 86.4 to provide that the exemption pertains only to cattle and bison moved interstate from their farm of origin to an approved livestock marketing facility. We are proposing to define *farm of origin* in § 86.1 as ''any farm where livestock are produced, or any farm on which they are maintained for at least 4 consecutive months prior to interstate movement.''

We are proposing this clarification because the exemption in paragraph (b)(1)(ii) is appropriate only for movement directly from the farm of origin. If cattle and bison have moved from their farm of origin intrastate—especially if they have been commingled with animals from different premises after leaving their farm—and are subsequently discovered to be affected with a disease or infested with a pest of livestock after inspection or testing at an approved livestock marketing facility, it is very difficult to conduct thorough and timely trace-back procedures unless the cattle or bison are officially identified.

Meaning of ''Directly To An Approved Livestock Marketing Facility''

Section 86.5 generally requires that livestock leaving a premises for interstate movement must be accompanied by an ICVI. However, paragraph (c)(1) of the section allows cattle and bison to be moved without an ICVI if they are moved directly to an approved livestock marketing facility and then directly to a recognized slaughtering facility, and are accompanied by an owner-shipper statement. Similarly, paragraph (c)(2) of the section allows cattle and bison to be moved without an ICVI if they are moved directly to an approved livestock marketing facility under an owner-shipper statement and do not move interstate from the facility unless accompanied by an ICVI.

To more clearly state the intent of the regulation, we are proposing to amend paragraphs (c)(1) and (c)(2) of § 86.5 to provide that the exemption pertains only to cattle and bison moved interstate from their farm of origin to an approved livestock marketing facility.

We are proposing the clarification because the exemptions are appropriate only for such movements. If cattle or bison have been commingled with animals from different premises, there is a higher risk of disease introduction and a correspondingly higher risk that the interstate movement of the cattle or bison may contribute to the spread of diseases of livestock. Accordingly, we believe that it is necessary that such animals be accompanied by an ICVI in order to have assurances about their health status.

Regarding the exemption in paragraph (c)(2) of § 86.5 that allows cattle and bison to be moved without an ICVI if they are moved directly to an approved livestock marketing facility with an owner-shipper statement and are not moved interstate from the facility unless accompanied by an ICVI, producers and State animal health officials have stated that, pursuant to § 71.20, approved livestock marketing facilities are required to record and maintain most of the information that is contained on an owner-shipper statement for all livestock that enter the facility. They have also stated that, operationally, livestock markets often record information equivalent to that contained on an owner-shipper statement. In such instances, producers and State animal health officials have asked whether the records could be used in lieu of an owner-shipper statement.

After reviewing the relevant provisions of the agreement in § 71.20 and how they have been implemented operationally, we agree with producers and State animal health officials that the information maintained by approved livestock marketing facilities for all livestock that enter the facility often includes all categories of information that are required on an owner-shipper statement. Thus, we are proposing to allow cattle and bison to be moved interstate to an approved livestock marketing facility without an accompanying owner-shipper statement, provided a State animal health official has waived the need for the owner-shipper statement and all of the information required for an owner-shipper statement is recorded as soon as the cattle or bison are offloaded at the approved livestock marketing facility and this record is maintained in accordance with the record retention requirements located in § 86.3.

Application of USDA-Approved Backtags

Finally, we have received several requests to amend the traceability regulations to specify where USDA-approved backtags must be applied on cattle and bison. (Section 71.18 had contained such information; however, the final rule that established the traceability regulations removed these provisions from the regulations.) Some requests have suggested that we amend the traceability regulations to require that the backtags be applied behind the shoulders of the cattle or bison. They have stated that this facilitates removing the backtags more efficiently at slaughter, when the cattle or bison are suspended from their hind legs. Others have stated that it is easier to apply the tags closer to the hip, and that retention rates are generally higher in that location, and have asked us to amend the traceability regulations accordingly.

We can see a rationale for both placements, and therefore request public comment regarding whether we should amend the regulations to specify a location for placing the backtags, and, if so, where it should be. We also request public comment whether, instead of a regulatory requirement, preferred placement of the tags should be a guideline or recommendation within the Animal Disease Traceability General Standards.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with 5 U.S.C. 603, we have performed an initial regulatory flexibility analysis, which is summarized below, regarding the economic effects of this proposed rule on small entities. Copies of the full analysis are available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov).

Based on the information we have, there is no reason to conclude that adoption of this proposed rule would result in any significant economic effect on a substantial number of small entities. However, we do not currently have all of the data necessary for a comprehensive analysis of the effects of this proposed rule on small entities. Therefore, we are inviting comments on potential effects. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from the implementation of this proposed rule.

We are proposing to amend the regulations governing approval of facilities that receive livestock moved in interstate commerce. We are also proposing several amendments to the conditions under which livestock may move to such facilities without official identification or prior issuance of an interstate certificate of veterinary inspection or alternative documentation. These changes are necessary to update the regulations governing livestock marketing facilities, while also helping ensure animal disease traceability of livestock that are moved in interstate commerce to such facilities.

APHIS expects the cattle industry would be the livestock sector principally affected by this rule. Livestock marketing facilities would be directly affected and certain cattle production enterprises that move cattle interstate may also be affected.

Most livestock marketing facilities qualify as small according to Small Business Administration guidelines. Most cattle enterprises are small family farms. As is true for other cattle operations, incremental costs of the rule for these facilities will depend on current routine management practices, and whether the enterprise is already receiving cattle interstate.

Livestock marketing facilities could experience cost savings as a result of the proposed rule. We are proposing to remove the requirement that an accredited veterinarian, State representative, or APHIS representative must be on the premises at all times on sale days to perform duties in accordance with State and Federal regulations.

In recent years, this role has most often been fulfilled by accredited veterinarians. The Bureau of Labor Statistics (BLS) reported that veterinarians earned a median wage of $40.61 per hour in 2012. This likely overestimates the median wages of large animal veterinarians, however BLS statistics do not specify wages by type of veterinary practice.

The proposed rule would relax the requirement to have an accredited veterinarian present. We are proposing to require that the facility must allow Federal and State representative to perform their duties as requested and that all approved livestock marketing facilities must have an accredited veterinarian available (either physically present or on-call) on sale days in order to provide inspection of livestock before

the animals leave the facility and to issue ICVIs, as necessary.

Livestock producers also may benefit from the proposed rule. APHIS is proposing to allow cattle and bison to be moved interstate to an approved livestock marketing facility without an accompanying owner-shipper statement, provided a State animal health official has waived the need for the owner-shipper statement and all of the information required for an owner-shipper statement is recorded as soon as the cattle or bison are offloaded at the approved livestock marketing facility and this record is maintained in accordance with the record retention requirements of the regulations. As this provision reduces documentation and recordkeeping requirements, we anticipate that any economic effect on producers would be beneficial.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If adopted, this rule: (1) Would preempt State and local laws and regulations that are in conflict with this rule, as provided in § 86.8; (2) would have no retroactive effect; and (3) would not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects

9 CFR Part 51

Animal diseases, Cattle, Hogs, Indemnity payments, Reporting and recordkeeping requirements.

9 CFR Part 71

Animal diseases, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Transportation.

9 CFR Part 75

Animal diseases, Horses, Quarantine, Reporting and recordkeeping requirements, Transportation.

9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

9 CFR Part 85

Animal diseases, Livestock, Quarantine, Reporting and recordkeeping requirements, Transportation.

9 CFR Part 86

Animal diseases, Bison, Cattle, Interstate movement, Livestock, Official identification, Reporting and recordkeeping requirements, Traceability.

Accordingly, we propose to amend 9 CFR parts 51, 71, 75, 78, 85, and 86 as follows:

PART 51—ANIMALS DESTROYED BECAUSE OF BRUCELLOSIS

■ 1. The authority citation for part 51 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 2. Section 51.1 is amended by adding, in alphabetical order, a definition of *Approved livestock marketing facility* and by removing the definition of *Specifically approved stockyard.*

The addition reads as follows:

§ 51.1 Definitions.

* * * * *

Approved livestock marketing facility. A stockyard, livestock market, buying station, concentration point, or any other premises under State or Federal veterinary supervision where livestock are assembled and that has been approved under § 71.20 of this chapter.

* * * * *

§ 51.3 [Amended]

■ 3. In § 51.3, footnotes 3 and 4 are redesignated as footnotes 2 and 3, respectively.

§ 51.6 [Amended]

■ 4. Section 51.6 is amended as follows:

■ a. In paragraph (a), the words ''a specifically approved stockyard'' are removed and the words ''an approved livestock marketing facility'' are added in their place, and in paragraph (b), the words ''a stockyard approved by the Administrator'' are removed and the words ''an approved livestock marketing facility'' are added in their place.

■ b. Footnote 5 is redesignated as footnote 4.

§ 51.29 [Amended]

■ 5. In § 51.29, in paragraph (a)(2), the words ''approved stockyard'' are removed and the words ''approved livestock marketing facility'' are added in their place.

PART 71—GENERAL PROVISIONS

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

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 7. Section 71.1 is amended as follows:

■ a. The definition of *Approved livestock facility* is removed;

■ b. The definitions of *Approved livestock marketing facility* and *Approved Livestock Marketing Facility Agreement* are added in alphabetical order;

■ c. The definition of *Livestock market* is removed;

■ d. The definition of *Livestock marketing facility* is added in alphabetical order; and

■ e. In the definition of *Swine production system,* the word ''markets'' is removed and the words ''marketing facilities'' are added in its place.

The additions read as follows:

§ 71.1 Definitions.

* * * * *

Approved livestock marketing facility. A stockyard, livestock market, buying station, concentration point, or any other premises under State or Federal veterinary supervision where livestock are assembled and that has been approved under § 71.20.

Approved Livestock Marketing Facility Agreement. An agreement between a livestock marketing facility and APHIS that is executed in accordance with § 71.20, in which the facility agrees to adhere to the structural and procedural standards specified within the agreement.

* * * * *

Livestock marketing facility. A stockyard, buying station, concentration point, or any other premises where livestock are assembled for sale or sale purposes.

* * * * *

§ 71.19 [Amended]

■ 8. In § 71.19, in paragraph (a)(1)(ii) and paragraph (g) introductory text, the words ''livestock market'' are removed and the words ''livestock marketing facility'' are added in their place.

■ 9. Section 71.20 is revised to read as follows:

§ 71.20 Livestock marketing facilities.

(a) *Livestock marketing facilities; general requirements.* All livestock marketing facilities (even those not approved by APHIS) must allow APHIS or State representatives to collect blood

samples, conduct testing, and carry out operations and measures at the facilities in order to detect, control, and eradicate diseases and pests of livestock. In order to carry out these operations and measures, APHIS or State representatives may request records and receipts retained by the facilities that pertain to these disease or pest detection, control, and eradication efforts, and facilities must provide any records or receipts so requested. All livestock marketing facilities must maintain for a 5 year period a record of the receipt, distribution, and application of all official identification devices and USDA-approved backtags at the facility.

(b) *Approved livestock marketing facilities*—(1) *Approval.* To qualify for approval by APHIS as an approved livestock marketing facility and to retain such designation, the individual legally responsible for the day-to-day operations of the facility must operate in accordance with the Approved Livestock Marketing Facility Agreement. The Approved Livestock Marketing Facility Agreement is provided in the Animal Disease Traceability General Standards, found at *http://www.aphis.usda.gov/traceability/downloads/ADT_standards.pdf.* It may also be obtained by writing to APHIS Veterinary Services, 4700 River Road Unit 200, Riverdale, MD 20737–1231, or by calling a district APHIS Veterinary Services office, phone numbers for which are provided in local telephone directories. The Agreement must be executed by the individual or his or her agent and APHIS. At the discretion of APHIS, a State animal health official may also be a cosignatory on the agreement. While a facility is an approved livestock marketing facility, the provisions in this chapter pertaining to approved livestock marketing facilities apply to the facility.

(2) *Denial of approval.* The Administrator may deny approval of a livestock marketing facility if he or she determines that the facility is not maintained or will not be maintained in accordance with the Approved Livestock Marketing Facility Agreement.

(3) *Withdrawal of approval.* The Administrator may withdraw approval of a livestock marketing facility if:

(i) The individual legally responsible for the day-to-day operations of the facility, or his or her agent, notifies the Administrator, in writing, that the facility no longer handles livestock moved interstate under this chapter;

(ii) The individual who executed the Approved Livestock Marketing Facility Agreement pursuant to paragraph (b)(1) of this section is no longer legally responsible for the day-to-day operations of the facility; or

(iii) The Administrator determines that the livestock facility is or has not been maintained and operated in accordance with the Approved Livestock Marketing Facility Agreement executed pursuant to paragraph (b)(1) of this section.

(4) *Appeal.* The individual legally responsible for the day-to-day operations of the facility or his or her agent will be notified by APHIS of the reasons for any denial or withdrawal, and may appeal the denial or withdrawal in writing to APHIS within 10 days of such notification. The appeal must include all of the facts and reasons on which the facility relies to show that the reasons for the denial or withdrawal are incorrect or do not support denial or withdrawal of approval. APHIS will grant or deny the appeal in writing as promptly as circumstances permit, stating the reason for the decision.

(Approved by the Office of Management and Budget under control numbers 0579–0258 and 0579–0342)

§ 71.21 [Amended]

■ 10. In § 71.21, footnotes 8 and 9 are redesignated as footnotes 1 and 2.

PART 75—COMMUNICABLE DISEASES IN HORSES, ASSES, PONIES, MULES, AND ZEBRAS

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

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 12. Section 75.4 is amended as follows:

■ a. In paragraph (a), the definition of *Approved stockyard* is removed and a definition of *Approved livestock marketing facility* is added in alphabetical order;

■ b. In paragraph (a), in the definition of *Operator,* the words ''specifically approved stockyard'' are removed and the words ''approved livestock marketing facility'' are added in their place; and

■ c. In paragraph (b)(4) introductory text, the words ''approved stockyard'' are removed each time they appear and the words ''approved livestock marketing facility'' are added in their place.

The addition reads as follows:

§ 75.4 Interstate movement of equine infectious anemia reactors and approval of laboratories, diagnostic facilities, and research facilities.

(a) * * *

Approved livestock marketing facility. A stockyard, livestock market, buying station, concentration point, or any other premises under State or Federal veterinary supervision where livestock are assembled and that has been approved under § 71.20 of this chapter.

* * * * *

PART 78—BRUCELLOSIS

■ 13. The authority citation for part 78 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 14. Section 78.1 is amended as follows:

■ a. The term Approved livestock marketing facility is added to the list of defined terms and a definition of *Approved livestock marketing facility* is added to the section in alphabetical order;

■ b. In the definition of *Official test,* the words ''specifically approved stockyards'' are removed each time they appear and the words ''approved livestock marketing facilities'' are added in their place, once at paragraph (a)(1)(i)(C) introductory text, twice at paragraph (a)(1)(i)(C)(*1*), and once at paragraph (a)(7);

■ c. In the definition of *Originate,* in paragraph (c), the words ''a specifically approved stockyard'' are removed and the words ''an approved livestock marketing facility'' are added in their place;

■ d. In the definition of *Quarantined feedlot,* in paragraph (a), the words ''a specifically approved stockyard'' are removed both times they appear and the words ''an approved livestock marketing facility'' are added in their place at paragraphs (a)(4) and (5); and

■ e. The term Specifically approved stockyard is removed from the list of defined terms, the definition of *Specifically approved stockyard* is removed from the section.

The addition reads as follows:

§ 78.1 Definitions.

* * * * *

Approved livestock marketing facility. A stockyard, livestock market, buying station, concentration point, or any other premises under State or Federal veterinary supervision where livestock are assembled and that has been approved under § 71.20 of this chapter.

* * * * *

§ 78.7 [Amended]

■ 15. In § 78.7, paragraph (a)(3), the words ''a specifically approved stockyard'' are removed and the words ''an approved livestock marketing facility'' are added in their place.

§ 78.8 [Amended]

■ 16. In § 78.8, the words ''a specifically approved stockyard'' are removed each

time they appear and the words ''an approved livestock marketing facility'' are added in their place.

§ 78.9 [Amended]

■ 17. In § 78.9, the words ''a specifically approved stockyard'' are removed each time they appear and the words ''an approved livestock marketing facility'' are added in their place, and the words ''the specifically approved stockyard'' are removed each time they appear and the words ''the approved livestock marketing facility'' are added in their place.

§ 78.10 [Amended]

■ 18. Section 78.10 is amended as follows:

■ a. The words ''a specifically approved stockyard'' are removed each time they appear and the words ''an approved livestock marketing facility'' are added in their place, and the words ''the specifically approved stockyard'' are removed each time they appear and the words ''the approved livestock marketing facility'' are added in their place; and

■ b. Footnote 4 is redesignated as footnote 2.

§ 78.11 [Amended]

■ 19. Section 78.11 introductory text is amended by removing the words ''a specifically approved stockyard'' and adding the words ''an approved livestock marketing facility'' in their place, and by removing the words ''the specifically approved stockyard'' both times they appear and adding the words ''the approved livestock marketing facility'' in their place.

§ 78.12 [Amended]

■ 20. Section 78.12 is amended as follows:

■ a. In paragraphs (d)(1) and (2), the words ''a specifically approved stockyard'' are removed each time they appear and the words ''an approved livestock marketing facility'' are added in their place;

■ b. In paragraph (d)(3) introductory text, the words ''specifically approved stockyard'' are removed and the words ''approved livestock marketing facility'' are added in their place; and

■ c. Footnote 5 is redesignated as footnote 3.

§ 78.22 [Amended]

■ 21. In § 78.22, in paragraph (a)(3) introductory text, the words ''a specifically approved stockyard'' are removed and the words ''an approved livestock marketing facility'' are added in their place.

§ 78.23 [Amended]

■ 22. In § 78.23, the words ''a specifically approved stockyard'' are removed each time they appear and the words ''an approved livestock marketing facility'' are added in their place.

PART 85—PSEUDORABIES

■ 23. The authority citation for part 85 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 24. Section 85.1 is amended as follows:

■ a. The definition of *Approved livestock market* is removed and a definition of *Approved livestock marketing facility* is added in alphabetic order; and

■ b. Footnotes 4 through 10 are redesignated as footnotes 2 through 8, respectively.

The addition reads as follows:

§ 85.1 Definitions.

* * * * *

Approved livestock marketing facility. A stockyard, livestock market, buying station, concentration point, or any other premises under State or Federal veterinary supervision where livestock are assembled and that has been approved under § 71.20 of this chapter.

* * * * *

§ 85.7 [Amended]

■ 25. In § 85.7, the words ''approved livestock market'' are removed each time they appear and the words ''approved livestock marketing facility'' are added in their place.

§ 85.8 [Amended]

■ 26. In § 85.8, the words ''approved livestock market'' are removed each time they appear and the words ''approved livestock marketing facility'' are added in their place.

PART 86—ANIMAL DISEASE TRACEABILITY

■ 27. The authority citation for part 86 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 28. Section 86.1 is amended as follows:

■ a. In the term *Approved livestock facility,* the word ''marketing'' is added before the word ''facility''; and

■ b. A definition of the term *Farm of origin* is added in alphabetical order.

The addition reads as follows:

§ 86.1 Definitions.

* * * * *

Farm of origin. Any farm where livestock are produced, or any farm on which they are maintained for at least 4 consecutive months prior to interstate movement.

* * * * *

■ 29. In § 86.4, paragraph (b)(1)(ii) is revised to read as follows:

§ 86.4 Official identification.

* * * * *

(b) * * *

(1) * * *

(ii) Cattle and bison may also be moved interstate without official identification if they are moved directly to a recognized slaughtering establishment or are moved directly from their farm of origin to an approved livestock marketing facility and then directly to a recognized slaughtering establishment, where they are harvested within 3 days of arrival; and

(A) They are moved interstate with a USDA-approved backtag; or

(B) A USDA-approved backtag is applied to the cattle or bison at the recognized slaughtering establishment or federally approved livestock marketing facility.

(C) If a determination to hold the cattle or bison for more than 3 days is made after the animals arrive at the slaughter establishment, the animals must be identified in accordance with paragraph (d)(4)(ii) of this section.

* * * * *

■ 30. In § 86.5, paragraph (c) is revised to read as follows:

§ 86.5 Documentation requirements for interstate movement of covered livestock.

* * * * *

(c) *Cattle and bison.* Cattle and bison moved interstate must be accompanied by an ICVI unless:

(1) They are moved directly from their farm of origin to a recognized slaughtering establishment, or directly from their farm of origin to an approved livestock marketing facility and then directly to a recognized slaughtering establishment, and they are accompanied by an owner-shipper statement.

(2) They are moved directly from their farm of origin to an approved livestock marketing facility with an owner-shipper statement and do not move interstate from the facility unless accompanied by an ICVI. A State animal health official may waive the requirement for an owner-shipper statement to accompany such cattle and bison, provided that:

(i) All the information required for the owner-shipper statement is recorded as soon as the cattle or bison are offloaded at the approved livestock marketing facility; and

(ii) This record is maintained in accordance with § 86.3(b).

(3) They are moved from the farm of origin for veterinary medical examination or treatment and returned to the farm of origin without change in ownership.

(4) They are moved directly from one State through another State and back to the original State.

(5) They are moved as a commuter herd with a copy of the commuter herd agreement or other document as agreed to by the States or Tribes involved in the movement.

(6) Additionally, cattle and bison may be moved between shipping and receiving States or Tribes with documentation other than an ICVI, *e.g.,* a brand inspection certificate, as agreed upon by animal health officials in the shipping and receiving States or Tribes.

(7) The official identification number of cattle or bison must be recorded on the ICVI or alternate documentation unless:

(i) The cattle or bison are moved from an approved livestock marketing facility directly to a recognized slaughtering establishment; or

(ii) The cattle or bison are sexually intact cattle or bison under 18 months of age or steers or spayed heifers; *Except that:* This exception does not apply to sexually intact dairy cattle of any age or to cattle or bison used for rodeo, exhibition, or recreational purposes.

* * * * *

Done in Washington, DC, this 29th day of December 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–30752 Filed 12–31–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 256

[K00103 12/13 A3A10; 134D0102DR–DS5A300000–DR.5A311.IA000113; BIA–2014–0004]

RIN 1076–AF22

Housing Improvement Program

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs is proposing to amend its regulations governing its Housing Improvement Program, which is a safety-net program that provides grants for repairing, renovating, or replacing existing housing and for providing new housing. This proposed rule is an important part of the *Tiwahe* initiative, which is designed to promote the stability and security of Indian families. The proposed rule would align the program with other Federal requirements, allow leveraging of housing funds to increase the number of families served and projects funded, and expedite processing of waiting lists for housing assistance.

DATES: Comments must be received on or before March 6, 2015. See the **SUPPLEMENTARY INFORMATION** section of this document for dates of tribal consultations. Comments on the information collections contained in this proposed regulation are separate from those on the substance of the rule. Comments on the information collection burden should be received by February 2, 2015 to ensure consideration, but must be received no later than March 6, 2015. The dates of tribal consultations are listed in the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: You may submit comments by any of the following methods:

—*Federal rulemaking portal: http://www.regulations.gov.* The rule is listed under the agency name ''Bureau of Indian Affairs.'' The rule has been assigned Docket ID: BIA–2014–0004.

—*Mail or hand delivery:* Elizabeth K. Appel, Director, Office of Regulatory Affairs & Collaborative Action, Indian Affairs, U.S. Department of the Interior, 1849 C St. NW., Mail Stop 3642–MIB, Washington, DC 20240.

Comments on the Paperwork Reduction Act information collections contained in this rule are separate from comments on the substance of the rule. Please submit comments on the information collection requirements in this rule to the Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov* or by facsimile at (202) 395–5806. Please also send a copy of your comments to *consultation@bia.gov.*

Please see the **SUPPLEMENTARY INFORMATION** section of this document for information on tribal consultation sessions.

FOR FURTHER INFORMATION CONTACT: Mr. Les Jensen, Division of Housing Assistance, Bureau of Indian Affairs at (907) 586–7397. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1 (800) 877–8339 between 8 a.m. and 4 p.m. Monday through Friday, excluding Federal holidays. You may also view the information collection request as submitted to OMB at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Housing Improvement Program (HIP) is a safety-net program that provides grants for the cost of services to repair, renovate, or replace existing housing and provide new housing for eligible members of federally recognized Indian tribes. The BIA administers the HIP under the regulations at 25 CFR part 256. The BIA distributes HIP funding based on a priority ranking derived from a point system to identify those individuals and families most in need of housing assistance. Funding is restricted to individuals and families that reside in the tribe's service area. In Fical Year (FY) 2014, the HIP will serve approximately 140 recipients. These recipients are individuals and families with extremely low incomes.

II. Changes Proposed Rule Would Make

This proposed rule would update various provisions to align the HIP with other Federal program requirements, allow leveraging of housing funds to increase the number of families served and projects funded, and provide tribes with flexibility to better address lengthy waiting lists of tribal members awaiting housing assistance.

Categories of Assistance and Funding Limits

Currently, the HIP provides funding for four categories of housing needs:

- Category A—for repair of existing homes
- Category B—for renovation of existing homes
- Category C–1—for construction of replacement homes
- Category C–2—for new housing.

For each category, there is a monetary limit on the amount of funding a recipient may receive. The proposed rule would increase the limit for Category A funding from $2,500 to $7,500 and increase the limit for Category B funding from $35,000 to $60,000. The original limits are inadequate, given the average costs of repair and renovation. These limit increases will better reflect the actual costs of repair and renovation. The proposed rule would also add a new category of housing need for down payment assistance.

Ranking Factors

Currently, priority ranking is based on total numeric value (points) received under the ranking factors. The ranking factors are based on the applicant's annual household income, whether there is an aged person living in the house, whether there is a disabled

person living in the house, and family size. There are a certain number of points available for each of the ranking factors. Each applicant receives a certain number of points under each of the ranking factors. The proposed rule would update the current ranking factors, as shown in the table below.

Ranking factor	Proposed rule change	Reason for change
Annual Household Income	Increase the income guidelines from 125 percent to 150 percent of the Federal Poverty Income Guidelines.	Those within 150 percent of the poverty level would be eligible, allowing the HIP to assist the very needy, in addition to the extremely needy.
Age	Increase the age requirement from 55 years old to 62 years old.	Align with the social security age for retirement.
Age (continued)	Add one point for every year above 62 years old, and set a maximum of 15 points (currently, there is no maximum).	To provide tribes with flexibility to better address lengthy waiting lists of tribal members awaiting housing assistance.
Disability	Reduce the number of applicants to one per household and decrease the maximum number of points available for this category to 10 points (currently, the maximum is 20 points).	To provide tribes with flexibility to better address lengthy waiting lists of tribal members awaiting housing assistance.
Family Size	To provide that one dependent gets three points, and each additional dependent gets 3 points. Increase points for 5 or more dependents to a maximum of 15 points (currently, the maximum for 6 or more dependents is 5).	To provide tribes with flexibility to better address lengthy waiting lists of tribal members awaiting housing assistance.

The proposed rule would add new ranking factors for homelessness, overcrowding, and dilapidated housing—each with a maximum of 10 points. These additional ranking factors are intended to better prioritize applicants who are homeless or in overcrowded or dilapidated housing conditions, by specifically examining whether these factors are present.

Payback Agreements

Under the HIP, the recipient may be required to enter a ''payback agreement'' which provides that the recipient will have to pay back the entire amount of funding received or a portion thereof if the recipient sells the home within a certain period of time. If the payback period expires, no payback is required and the money is considered a grant. Currently, for Category B, the payback period is 5 years. So, for example, a family that receives HIP funding for a home must repay the funding if the family sells the home within 5 years of receiving the funding. The proposed rule would lengthen the Category B payback period to 10 years. So, for example, a family that receives HIP funding for a home must repay the funding if the family sells the home within 10 years. Category C payback period remains the same, 20 years.

Four-Year Application Period

The proposed rule would also increase the time for consideration of an application to 4 years. Currently an application expires after one year, requiring an applicant who does not receive assistance under the HIP to reapply annually until assistance is received. The proposed rule would place each application in the application pool for four years, so an applicant need only apply once every 4 years until assistance is received.

Land Ownership Requirements

HIP funding applicants must provide proof of land ownership before the grant award. The proposed rule would allow the applicant to provide proof of a homesite lease or proof that the applicant can obtain the land, even by lease, rather than requiring ownership. A certificate of title is required if and when the applicant becomes the owner of the home.

Square-Footage Limits

The proposed rule would also increase square-footage limits to allow Americans with Disabilities Act (ADA) requirements to be met, when applicable, and clarify when ADA requirements apply. The following table shows the increases in square footage the proposed rule would make.

Number of bedrooms in house	Current and proposed square footages (SF)	Total increase
2 bedrooms	900 sf to 1,000 sf	100 sf.
3 bedrooms	1,050 sf to 1,200 sf.	50 sf.
4 bedrooms	1,305 sf to 1,400 sf.	95 sf.

Other Changes

The proposed rule would also make other revisions to update the regulations to address past implementation issues and better reflect current housing needs. Together, these proposed rule changes would allow for HIP assistance to families with very low income (rather than just families with extremely low income) and allow tribes to better address the large waiting lists they are experiencing. The changes would allow down-payment assistance for families that can obtain a mortgage loan from other Federal programs.

III. Tribal Consultations

The Department will be hosting consultation sessions with Indian tribes on this proposed rule; details on the times and locations will be posted at the following Web site when they become available: *http://www.bia.gov/WhoWeAre/AS-IA/ORM/HIP/index.htm.*

- Wednesday, February 4, 2015, at the National American Indian Housing Council legislative conference, at the Mayflower Renaissance Hotel, 1127 Connecticut Ave. NW., Washington, DC (please check Web site for time).
- Wednesday, February 11, 2015, in Anchorage, AK (please check Web site for details).
- Wednesday, February 18, 2015, by teleconference (please check Web site for details).
- Sunday, February 22, 2015, prior to the National Congress of American Indian Executive Council Winter Session, Capital Hilton, 1001 16th Street NW., Washington, DC (please check Web site to confirm date and for time).

IV. Procedural Matters

A. Regulatory Planning and Review (E.O. 12866)

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this rule is not significant. E.O. 13563 reaffirms the principles of E.O. 12866 while calling

for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The E.O. directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

B. Regulatory Flexibility Act

The Department certifies that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). It does not change current funding requirements or regulate small entities.

C. Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. It will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year. Nor will this rule have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. Funding for the HIP comes from the Federal Government budget.

D. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

E. Takings (E.O. 12630)

Under the criteria in Executive Order 12630, this proposed rule does not affect individual property rights protected by the Fifth Amendment nor does it involves a compensable ''taking.'' A takings implication assessment is not required.

F. Federalism (E.O. 13132)

Under the criteria in Executive Order 13132, this proposed rule has no substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. This rule updates the implementation requirements for the HIP, which is a Federal program.

G. Civil Justice Reform (E.O. 12988)

This proposed rule complies with the requirements of Executive Order 12988. Specifically, this rule has been reviewed to eliminate errors and ambiguity and written to minimize litigation; and is written in clear language and contains clear legal standards.

H. Consultation With Indian Tribes (E.O. 13175)

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments,'' Executive Order 13175 (59 FR 22951, November 6, 2000), and 512 DM 2, we have held several listening sessions with representatives of federally recognized tribes throughout the development of this proposed rule. In 2010, BIA staff implementing the HIP program opened a dialogue with Indian tribes because tribes indicated that the program as structured was not allowing them to make progress on their waiting lists of members with housing needs. The BIA has since held several listening sessions and has incorporated comments received during those listening sessions into this proposed rule. In addition, we are hosting tribal consultation sessions, as listed above, in Section III.

I. Paperwork Reduction Act

The Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* prohibits a Federal agency from conducting or sponsoring a collection of information that requires OMB approval, unless such approval has been obtained and the collection request displays a currently valid OMB control number. Nor is any person required to respond to an information collection request that has not complied with the PRA. In accordance with 44 U.S.C. 3507(d), BIA has submitted the information collection and recordkeeping requirements of this proposed rule to OMB for review and approval. The following describes the information collection requirements in each section of the proposed rule. The information collection requirements differ from those in the current rule in that applicants need only submit a full application form every four years, but applicants must provide an update (in any format) annually if any information on the application changes. The application form associated with this information collection is also being updated. The revisions result in a net decrease of 4,000 hours because a full application is now required only once every four years, and applicants must only provide annual updates.

Title: Housing Improvement Program, 25 CFR part 256.

OMB Control Number: New.

Type of Review: New.

Requested Expiration Date: Three years from the approval date.

Summary: This information collection requires individuals and families that are seeking funding assistance for repair, renovation, or replacement of existing homes or new housing, to provide certain information to establish their eligibility for the HIP administered by BIA. This information collection is currently authorized by OMB Control Number 1076–0084. This new information collection request is a placeholder to accommodate revisions to the application form. There are changes to the total annual responses, burden hours, and cost burden. If this new information collection is approved, BIA will request a transfer of the existing OMB Control Number 1076–0084 to this information collection.

Frequency of Collection: On occasion.

Description of Respondents: Indian tribal members.

Total Annual Responses: 10,000.

Total Annual Burden Hours: 4,000.

Total Annual Non-Hour Cost Burden: $20,000.

The Department invites comments on the information collection requirements of this proposed rule. You may submit comments to the OMB Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov* or by facsimile at (202) 395–5806. Please also send a copy of your comments to BIA at the location specified under the heading **ADDRESSES**.

You can receive a copy of BIA's submission to OMB, including the revised form, by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section, or by requesting the information from the Indian Affairs Information Collection Clearance Officer, Office of Regulatory Affairs & Collaborative Action, 1849 C Street NW., MS–3642, Washington, DC 20240. You may also view the information collection request as submitted to OMB at *www.reginfo.gov.*

Comments on the information collection requirements should address:

(1) Whether the collection of information is necessary for the proper performance of the HIP, including the practical utility of the information to BIA; (2) the accuracy of BIA's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

J. National Environmental Policy Act

This proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment.

K. Effects on the Energy Supply (E.O. 13211)

This proposed rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

L. Clarity of This Regulation

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use clear language rather than jargon;

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever possible.

If you believe that we have not met these requirements, send us comments by one of the methods listed in the ''COMMENTS'' section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us which sections or paragraphs are unclearly written, which sections or sentences are too long, the sections where you believe lists or tables would be useful, etc.

M. Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

N. Drafting Information

The primary authors of this document are Les Jensen, Office of Indian Services, Bureau of Indian Affairs, and Elizabeth Appel, Director, Office of Regulatory Affairs & Collaborative Action—Indian Affairs, Department of the Interior.

List of Subjects in 25 CFR Part 256

Grant programs—housing and community development, Grant programs—Indians, Housing, Indians, Reporting and recordkeeping requirements.

For the reasons given in the preamble, the Department proposes to amend 25 CFR chapter I, subchapter K, to revise part 256 to read as follows:

PART 256—HOUSING IMPROVEMENT PROGRAM (HIP)

Sec.
256.1 Purpose.
256.2 Definitions.
256.3 Policy.
256.4 Information collection.
256.5 What is the Housing Improvement Program?

Subpart A—Determining Eligibility

256.6 Am I eligible for the Housing Improvement Program?
256.7 What housing services are available?
256.8 When do I qualify for Category A assistance?
256.9 When do I qualify for Category B assistance?
256.10 When do I qualify for Category C assistance?
256.11 When do I qualify for Category D assistance?
256.12 Who administers the program?

Subpart B—Applying for Assistance

256.13 How do I apply for the Housing Improvement Program?
256.14 How is my application processed?

Subpart C—Receiving Assistance

256.15 When will I hear if I have received funding?
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Authority: 25 U.S.C. 13, 5 U.S.C. 301, 25 U.S.C. 2 and 9, and 43 U.S.C. 1457.

§ 256.1 Purpose.

The purpose of the part is to define the terms and conditions under which assistance is given to Indians under the Housing Improvement Program (HIP).

§ 256.2 Definitions.

As used in this part 256:

Agency means the current organizational unit of BIA that provides services to or with the governing body or bodies and members of one or more specified Indian tribes.

Appeal means a written request for review of an action or the inaction of an official of BIA that is claimed to adversely affect the interested party making the request, as provided in part 2 of this chapter.

Applicant means an individual(s) filing an application for services under the HIP.

BIA means the Bureau of Indian Affairs in the Department of the Interior.

Category A means the HIP funding category for minor repair not to exceed limits in § 256.7 of this part.

Category B means the HIP funding category for renovation not to exceed limits in § 256.7 of this part.

Category C–1 means the HIP funding category for an owned house that cannot be brought up to standard housing condition for $60,000 or less.

Category C–2 means the HIP funding category for owned land as defined in § 256.13(g)(1)–(5).

Category D means the HIP funding category for down payment assistance as defined in § 256.11(a)–(c).

Certificate of Title or Ownership means a document giving legal right to a house constructed with HIP funds.

Child means a person under the age of 18 or such other age of majority as is established for purposes of parental support by tribal or state law (if any) applicable to the person at his or her residence, except that no person who has been emancipated by marriage can be deemed a child.

Cost effective means the cost of the project is within the cost limits for the category of assistance and adds sufficient years of service to the house to satisfy the recipient's housing needs.

Dilapidated housing means a house which in its present condition endangers the life, health, or safety of the residents.

Disabled means having a physical or intellectual impairment that

substantially limits one or more major life activities.

Family means one or more persons living within a household.

Homeless means being without a home.

House means a building for human habitation that serves as living quarters for one or more families.

Household means persons living with the head of household who may be related or unrelated to the head of household and who function as members of a family.

Independent trades person means any person licensed to perform work in a particular vocation pertaining to building construction.

Indian means any person who is a member of any federally recognized Indian tribe.

Indian tribe means an Indian or Alaska Native tribe, band, nation, pueblo, village or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to Public Law 103–454, 108 Stat. 4791.

Overcrowding means a number of occupants per house that exceed limits identified in § 256.11.

Permanent members of household means adults living in the household who intend to live there continuously and any children who meet the definition of *child* in this part.

Regional Director means the officer in charge of a BIA regional office or his/her authorized delegate.

Secretary means the Secretary of the Interior.

Service area means any of the following within a geographical area designated by the tribe and approved by the Regional Director to which services can be delivered:

(1) Reservations (former reservations in Oklahoma);

(2) Allotments;

(3) Restricted lands; and

(4) Indian-owned lands (including lands owned by corporations established pursuant to the Alaska Native Claims Settlement Act).

Servicing housing office means the tribal housing office or bureau housing office administering the HIP.

Standard housing means a house that meets the definition of *standard housing condition* in this part.

Standard housing condition means meets applicable building codes within that region and meets each of the following conditions:

(1) General construction conforms to applicable tribal, county, State, or national codes and to appropriate building standards for the region.

(2) The heating system has the capacity to maintain a minimum temperature of 70 degrees in the house during the coldest weather in the area and be safe to operate and maintain and deliver a uniform heat distribution.

(3) The plumbing system includes a properly installed system of piping and fixtures certified by a licensed plumbing contractor.

(4) The electrical system includes wiring and equipment properly installed to safely supply electrical energy for lighting and appliance operation certified by a licensed electrician according to the applicable electrical code.

(5) The number of occupants per house does not exceed these limits:

(i) Two bedroom house: Up to four persons; and

(ii) Three-bedroom house: Up to seven persons.

(6) The first bedroom has at least 120 sq. ft. of floor space and additional bedrooms have at least 100 sq. ft. of floor space each.

(7) The house site provides economical access to utilities and is easy to enter and leave.

(8) The house has access to school bus routes, if the household includes children who rely on school buses.

Substandard housing means any house that does not meet the definition of *standard housing condition* in this part.

Superintendent means the BIA official in charge of an agency office.

§ 256.3 Policy.

(a) The BIA housing policy is that every American Indian and Alaska Native should have the opportunity for a decent home and suitable living environment, which is consistent with the national housing policy. The HIP will serve the neediest of the needy Indian families who have no other resource for standard housing.

(b) Every American Indian or Alaska Native who meets the basic eligibility criteria defined in § 256.6 may participate in the HIP.

(c) The BIA encourages tribal participation in administering the HIP. Tribal involvement is necessary to ensure that the services provided under the program respond to the needs of tribes and program participants.

(d) The BIA encourages partnerships and leveraging with other complementary programs to increase basic benefits derived from the HIP, such as an agreement with:

(1) The Indian Health Service to provide water and sanitation facilities;

(2) The United States Department of Agriculture, Rural Development to leverage downpayment assistance for a new unit; or

(3) Any other program and resource.

(e) The servicing housing office will issue a Certificate of Title or Ownership in accordance with these regulations.

§ 256.4 Information collection.

The information collection requirements contained in this part have been approved by the Office of Management and Budget under 44 U.S.C. 3507 *et seq.* and assigned control number 1076–0084. The information is collected to determine applicant eligibility for services and eligibility to participate in the program. Response is required to obtain a benefit.

§ 256.5 What is the Housing Improvement Program?

The HIP is a safety-net program that provides grants for the cost of services to repair, renovate, or replace existing housing, and/or provide housing. The program provides grants to the neediest of the needy Indian families who:

(a) Live in substandard housing or are homeless; and

(b) Have no other resource for assistance.

Subpart A—Determining Eligibility

§ 256.6 Am I eligible for the Housing Improvement Program?

You are eligible for the HIP if you meet all of the following criteria:

(a) You are a member of a federally recognized Indian tribe;

(b) You live in an approved tribal service area;

(c) Your annual income is 150 percent or less of the Department of Health and Human Services poverty income guidelines, which are available from your servicing housing office or the Department of the Interior Web site at *www.bia.gov;*

(d) Your present housing is substandard as defined in § 256.2;

(e) You meet the ownership requirements for the assistance needed, as defined in § 256.8, § 256.9, or § 256.10;

(f) You have no other resource for housing assistance;

(g) You have not previously received assistance relating to categories as defined in § 256.9 and § 256.10; § 256.11; and

(h) You did not acquire your present housing through participation in a Federal government-sponsored housing program.

§ 256.7 What housing services are available?

Four categories of assistance are available under the HIP, as outlined in the following table.

Type of assistance	What it provides	Where to find information
Category A	Up to $7,500 in safety or sanitation repairs to the house in which you live, which will remain substandard. Can be provided more than once, but not for more than one house and the total assistance cannot exceed $7,500. (For Alaska, freight cost not to exceed 100 percent of the cost of materials can be added to the cost of the project.).	§ 256.8
Category B	Up to $60,000 in renovation, which will bring your house to standard housing condition, as defined in § 256.2 of this part. Can only be provided once. (For Alaska, freight cost not to exceed 100 percent of the cost of materials can be added to the cost of the project.).	§ 256.9
Category C	A modest house that meets the criteria in § 256.10 of this part and the definition of standard housing in § 256.2 of this part and whose costs are determined by and limited to the criteria in § 256.19(b) and (c) of this part. Can only be provided once. (For Alaska, freight cost not to exceed 100 percent of the cost of materials can be added to the cost of the project.).	§ 256.10
Category D	A down payment toward the purchase of a modest house that meets the definition of standard housing in § 256.2.	§ 256.11

§ 256.8 When do I qualify for Category A assistance?

You qualify for interim improvement assistance under Category A if it is not cost effective to repair the house in which you live and if either of the following is true:

(a) Other resources to meet your housing needs exist but are not immediately available; or

(b) You qualify for replacement housing under Category C, but there are no HIP funds available to replace your house.

§ 256.9 When do I qualify for Category B assistance?

You qualify for renovation assistance under Category B if you meet all of the following criteria:

(a) Your servicing housing office determines that it is cost effective to renovate the house.

(b) You occupy and own the house.

(c) Your servicing housing office determines that the renovation will bring the house to standard housing condition according to all applicable building codes.

(d) You sign a written agreement stating that, if you sell the house within 10 years of the completion of repairs and renovation:

(1) The grant under this part will be voided; and

(2) At the time of settlement of the sale of the house, you will repay BIA the full cost of all renovations made under this part.

§ 256.10 When do I qualify for Category C assistance?

(a) You qualify for replacement housing assistance under Category C if you meet one of the three sets of requirements in the following table.

You qualify for Category C assistance if . . .	And . . .	And . . .
(1) You own the house in which you are living as defined in § 256.14(g)(1)–(5).	The house cannot be brought up to applicable building code standards and to standard housing condition for $60,000 or less. (For Alaska, freight cost not to exceed 100 percent of the cost of materials can be added to the cost of the project).	[No additional requirement].
(2) You do not own a house	You own land that is suitable for housing	The land has adequate ingress and egress rights and reasonable access to utilities.
(3) You do not own a house	You have a leasehold or the ability to acquire a leasehold on land that is suitable for housing and the leasehold is undivided and for not less than 25 years at the time you receive assistance.	The land has adequate ingress and egress rights and reasonable access to utilities.

(b) If you qualify for assistance under paragraph (a) of this section, you must sign a written grant agreement stating that, if you sell the house within 10 years of assuming ownership:

(1) The grant under this part will be voided; and

(2) At the time of settlement of the sale of the house, you will repay BIA the full cost of the house.

(c) If you sell the house more than 10 years after you assume ownership, the following conditions apply:

(1) You may retain 10 percent of the original cost of the house per year, beginning with the eleventh year.

(2) If you sell the house after 20 years, you will not have to repay BIA.

(d) A modest house provided with Category C assistance must meet the standards in the following table.

Number of occupants	Number of bedrooms [1]	Total square footage [1] (maximum)
Up to 4 persons	2	1000
Up to 7 persons	3	1200
Over 7 persons	4	1400

[1] Determined by the servicing housing office, based on composition of family. Total living space must comply with applicable American Disabilities Act requirements.

§ 256.11 When do I qualify for Category D assistance?

(a) You qualify for grant assistance under Category D if you apply for financing from tribal, Federal, or other sources of credit and have inadequate income or limited financial resources to meet the lender requirements for home ownership.

(b) The grant must not exceed the amount necessary to secure the loan and may be used for down-payment assistance, closing costs, education in financial literacy, and home ownership counseling. Participation in other complementary housing programs is encouraged.

(c) The method of awarding the grant must ensure that the funds are used for the purpose intended.

§ 256.12 Who administers the program?

The HIP is administered by a servicing housing office operated by either a tribe (under a Pub. L. 93–638 contract or a self-governance annual funding agreement) or BIA.

Subpart B—Applying for Assistance

§ 256.13 How do I apply for the Housing Improvement Program?

(a) First, obtain an application, BIA Form 6407, from your servicing housing office or the BIA Web site.

(b) Second, complete and sign BIA Form 6407.

(c) Third, submit your completed and signed application to your servicing housing office.

(d) Fourth, furnish to the servicing housing office documentation proving your tribal membership. Examples of acceptable documentation include a copy of your Certificate of Degree of Indian Blood (CDIB) or a copy of your tribal membership card.

(e) Fifth, provide proof of income from all permanent members of your household.

(1) Submit signed copies of current 1040 tax returns from all permanent members of the household, including W–2s and all other attachments. Submit the social security number of the applicant only.

(2) Provide proof of all other income from all permanent members of the household. This includes unearned income such as social security, general assistance, retirement, and unemployment benefits.

(3) If you or other household members did not file a tax return, submit a signed notarized statement explaining why you did not.

(f) Sixth, furnish a copy of your annual trust income statement for your Individual Indian Money (IIM) account from your home agency. If you do not have an IIM account, furnish a statement from your home agency to that effect.

(g) Seventh, provide proof of ownership of the residence and land or potential leasehold interest:

(1) For fee property, provide a copy of a fully executed deed, which is available at your local county or parish court house;

(2) For trust property, provide certification of ownership from your home agency;

(3) For tribally owned land, provide a copy of a properly executed tribal assignment, certified by the tribe;

(4) For multi-owner property, provide a copy of a properly executed lease;

(5) For a potential lease, provide proof of ability to acquire an undivided leasehold (that is, you will be the only lessee) for a minimum of 25 years from the date of service; or

(6) For down-payment assistance, provide a description and the location of the house to be purchased, verification of your intent to purchase, and the sale price of the house.

(h) Eighth, if you seek down payment assistance provide a letter from the institution where you have applied for mortgage financing that specifies:

(1) The down-payment amount; and

(2) The closing costs required for you to qualify for the loan.

§ 256.14 How is my application processed?

(a) The servicing housing office will review your application. If your application is incomplete, the office will notify you, in writing, of what is needed to complete your application and of the date by which it must be submitted. If you do not return your application by the deadline date, you will not be considered for assistance in that program year.

(b) The servicing housing office will use your completed application to determine if you are eligible for the HIP.

(1) If you are found ineligible for the program, the servicing housing office will advise you in writing within 45 days of receipt of your completed application.

(2) If you are found eligible for the program, the servicing housing office will assess your application for need, according to the factors and numeric values shown in the following table.

Factor	Ranking factor and definition	Ranking description	Point value
1	Annual household income: Must include income of all persons counted in Factors 2, 3, 4. Income includes earned income, royalties, and one-time income. A household with an income 151 percent of more of the Federal poverty guidelines is ineligible for HIP.	Income as a percentage of the Federal poverty guidelines: 0–25 26–50 51–75 76–100 101–125 126–150	Points: 25 20 15 10 5 0
2	Aged person: Person age 62 or older and must be living in the house. *Maximum points awarded under this factor is 15, regardless of the number of years over age 62. Thus, a resident that is 78 or older will add 15 points to the score.*	Years of age: Less than 62 62 and older	Points: 0 1 point per year over age 62
3	Disabled individual: One or more disabled persons living in the house. Must fit under established definition of "disabled as in § 256.2." *Maximum points awarded under this factor is 10, regardless of the number of disabled residents.*	If a there is a disabled resident	10
4	Dependent Children: Must be under the age of 18 or such other age established for purposes of parental support by tribal or state law (if any). Must live in the house and not be married. *Maximum points awarded under this factor is 15.*	Number of dependent children: 1 2 3 4 5 or more	Points: 3 6 9 12 15
5	Other conditions: • Homeless • Overcrowded conditions • Dilapidated house (must meet definition of dilapidated as defined in § 256.2) *Maximum points awarded under this factor is 10, regardless of whether more than one condition is present*	If any of the three conditions is present	10

Factor	Ranking factor and definition	Ranking description	Point value
6	Applicants with an approved financing package	If applicant has approved financing	30

(c) The servicing housing office will develop a list of the applications received and considered for the HIP for the current program year. The list will include, at a minimum, all of the following:

(1) The number of applications received and, of those, the number considered.

(2) The rank assigned to applicants in order of need, from highest to lowest, in accordance with tribal approval and knowledge of need, based on the total numeric value assigned using the factors in paragraph (b) of this section. (In case of a tie, the family with the lower income per household member will be listed first.)

(3) The estimated allowable costs of the improvements, renovations, and replacement projects for each applicant and for the entire priority list. This data must identify which applicants will be served based on the amount of available funding, starting with the neediest applicant and continuing until the available funding is depleted.

(4) A list of the applicants not ranked, with an explanation of why they weren't ranked (such as the reason for ineligibility or the reason for incomplete application).

(d) The servicing housing office submits to the regional office an annual fiscal year report that includes all of the following:

(1) Number of eligible applicants;

(2) Number of applicants that received service;

(3) Names of applicants that received service; and

(4) All of the following for each applicant that received service:

(i) Date of construction start;

(ii) Date of construction completion;

(iii) Cost; and

(iv) HIP category.

Subpart C—Receiving Assistance

§ 256.15 When will I hear if I have received funding?

Your servicing housing office will inform you whether you will receive funds in writing within 45 days after it completes the list required by § 256.14(c).

(a) If funding is available, the office will send you complete information on how to obtain HIP services.

(b) If funding is not available, the office will send you instructions on how to update your application for funding for the next available program year.

§ 256.16 What if I don't receive funding?

If you don't receive funding, your servicing housing office will retain and consider your application for 4 years. During this 4-year period, you must ensure that the information on your application is still accurate and provide an annual written update if any information has changed.

§ 256.17 How long will I have to wait for work on my house?

How long it takes to do work on your house depends on:

(a) Whether funds are available;

(b) The type of work to be done;

(c) The climate and seasonal conditions where your house is located;

(d) The availability of a contractor;

(e) Your position on the priority list; and

(f) Other unforeseen factors.

§ 256.18 Who decides what work will be done?

The servicing housing office will determine what work is to be done on your house or whether your house will be replaced. The servicing housing office also provides the priority list annually to the Indian Health Service if the Indian Health Service is responsible for verifying availability or feasibility of water and wastewater facilities.

§ 256.19 How are work plans prepared?

(a) First, a trained and qualified representative of your servicing housing office will visit your house to identify what renovation and or replacement will be done under the HIP. The representative will ensure that flood, National Environmental Protection Act (NEPA) and earthquake requirements are met.

(b) Second, based on the list of renovations or replacement to be done, your servicing housing office will estimate the total cost of renovation to your house. Cost estimates will be based on locally available services and product costs, or other regional-based, industry-recognized cost data, such as that provided by the MEANs or Marshall Swift. If the house is located in Alaska, documented, reasonable, substantiated freight costs, in accordance with Federal Property Management Regulations (FPMR 101–40), not to exceed 100 percent of the cost of materials, can be added to the cost of the project.

(c) Third, the servicing housing office will determine which HIP category the improvements to your house meet, based on the estimated cost of renovation or replacement. If the estimated cost to renovate your house is more than $60,000, your servicing housing office will recommend your house for replacement or refer you to another source for housing. The other source does not have to be for a replacement house; it may be for government-subsidized rental units or other sources for standard housing.

(d) Fourth, your servicing housing office will develop a detailed, written report called a scope of work, that identifies what and how the renovation or construction work on your house will be accomplished. The scope of work is used to inform potential bidders of what work is to be done. When the work includes new construction, the scope of work will be supplemented with a set of construction plans and specifications. The construction plans must:

(1) Meet the occupancy and square footage criteria in § 256.10 (d); and

(2) Provide complete and detailed instructions to the builder.

§ 256.20 How will I find out what work is to be done?

The servicing housing office will notify you in writing what work is being scheduled under the HIP. You will be requested to approve the scheduled work by signing a copy of the notice and returning it to the servicing housing office. Work will start after you return the signed copy to the servicing housing office.

§ 256.21 Who does the work?

Your house will be renovated or replaced by either:

(a) A licensed and bonded independent contractor or construction company; or

(b) A tribe that operates the HIP under an Indian Self-Determination and Education Assistance Act agreement.

§ 256.22 How are construction contractors or companies selected and paid?

(a) A tribe that operates the HIP under an Indian Self-Determination and Education Assistance Act agreement may renovate or replace your house. In that case, the tribe will not select or pay another vendor for the repairs or construction.

(b) If a tribe that operates the HIP decides not to renovate or replace your house itself, your servicing housing office must follow approved procurement regulations, Federal procurement or other Bureau-approved tribal procurement policy.

(1) Your servicing housing office will:

(i) Develop a scope of work or statement of work that identifies the work to be performed;

(ii) Have the BIA or tribal procurement office use a bid specification to invite bids on the project from interested parties; and

(iii) Approve the winning bidder after:

(A) Technical review of the bids by and written recommendation from BIA or the tribal procurement office; and

(B) Determination that the bidder is qualified and capable of completing the project as advertised.

(2) [Reserved]

(c) Payments to the winning bidder are negotiated in the contract and based on specified delivery of services.

(1) Partial payments to independent contractors will not exceed 80 percent of the value of the completed and acceptable work.

(2) Recommendation for final payment will be made after final inspection and after all provisions of the contract have been met and all work has been completed.

§ 256.23 Do I have to move out while work is done?

(a) You will be notified by your servicing housing office that you must vacate your house only if:

(1) It is scheduled for major renovations requiring that all occupants vacate the house for safety reasons; or

(2) It is scheduled for replacement, which requires demolition of your current house.

(b) If you are required to vacate the premises during construction, you are responsible for:

(1) Locating other lodging;

(2) Paying all costs associated with vacating and living away from the house; and

(3) Removing all your belongings and furnishings before the scheduled beginning work date.

§ 256.24 How can I be sure that construction work meets minimum standards?

(a) At various stages of construction, a trained and qualified representative of your servicing housing office or a building inspector will review the work to ensure that it meets construction standards and building codes. Upon completion of each stage, further construction can begin only after the inspection occurs and approval is granted.

(b) Inspections of construction and renovation will occur, at a minimum, at the following stages:

(1) Upon completion of inspection footings and foundations;

(2) Upon completeion of inspection rough-in, roughwiring, and plumbing; and

(3) At final completion.

§ 256.25 How will I find out that the work is done?

Your servicing housing office will advise you, in writing, that the work has been completed in compliance with the project contract. Also, you will have a final walk-through of the house with a representative of your servicing housing office. You will be requested to verify that you received the notice of completion of the work by signing a copy of the notice and returning it to your servicing housing office.

§ 256.26 Will I need flood insurance?

You will need flood insurance if your house is located in an area identified as having special flood hazards under the Flood Disaster Protection Act of 1973 (Pub. L. 93–234, 87 Stat. 977). Your servicing housing office will advise you.

§ 256.27 Is my Federal government-assisted house eligible for services?

No. The intention of this program is to assist the neediest of the needy, who have never received services from any other Federal entity.

§ 256.28 I have a mobile home; am I eligible for help?

Yes. If you meet the eligibility criteria in § 256.6 and funding is available, you can receive any of the HIP services identified in § 256.7. If you request Category B services and your mobile home has exterior walls less than three inches thick, you must be considered for Category C services.

§ 256.29 Can HIP resources be combined with other available resources?

Yes. HIP resources may be supplemented with other available resources (*e.g.,* in-kind assistance; tribal or housing authority; and any other leveraging mechanism identified in § 256.3(d)) to increase the number of HIP recipients.

§ 256.30 Can I appeal actions taken under this part?

You may appeal action or inaction by a BIA official, in accordance with 25 CFR part 2.

Dated: December 21, 2014.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2014–30692 Filed 12–31–14; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–1029]

RIN 1625–AA09

Drawbridge Operation Regulation; Hoquiam River, Hoquiam, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to temporarily change the operating schedule that governs the Simpson Avenue Bridge on the Hoquiam River, mile 0.5, at Hoquiam, Washington. The proposed rule change is necessary to accommodate Washington State Department of Transportation's (WSDOT) extensive maintenance and restoration efforts on that bridge. The bridge is currently scheduled to open on signal if at least one hour of notice is given. From April 1, 2015 to November 30, 2015, the Coast Guard proposes to only open half of the bascule, a single leaf, of the bridge when at least two hours of notice is given.

DATES: Comments and related material must reach the Coast Guard on or before February 2, 2015.

ADDRESSES: You may submit comments identified by docket number USCG–2014–1029 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments. To avoid duplication, please use only one of three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule change, call or email Steven M. Fischer, Bridge Administrator, Thirteenth Coast Guard District Bridge Program Office, telephone 206–220–7282; email *d13-pf-d13bridges@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
§ Section Symbol
U.S.C. United States Code

A. Public Participation and Request for Comments

We encourage you to participate in this proposed rulemaking by submitting comments and related materials. All comments received will be posted, without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this proposed rulemaking (USCG–2014–1029), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (*http://www.regulations.gov*), or by fax, mail or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number [USCG–2014–1029] in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period, and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number (USCG–2014–1029) in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting, but you may submit a request for a meeting that reaches the Coast Guard on or before January 20, 2015 using one of the three methods specified under **ADDRESSES**. Please explain why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Basis and Purpose

The Washington State Department of Transportation (WSDOT), who owns and operates the Simpson Avenue Bridge on the Hoquiam River in Hoquiam, Washington, has requested a temporary change to the bridge's existing operating regulations in order to facilitate the maintenance and restoration of it. The restoration project will entail painting, rust removal, and steel repairs which require a full containment system to keep paint and debris out of the Hoquiam River.

In an effort to accommodate both the needs of the waterway and highway users, WSDOT has requested a temporary rule change in order to eliminate the need to repeatedly uninstall and reinstall the containment system. As such, the Coast Guard is proposing to change the bridge's current operating regulation from April 1, 2015 to November 30, 2015. During that time the drawbridge would be maintained in the closed position except that, upon at least two hours advance notice, half of the bascule (a single leaf) would be opened.

Vessels that are able to transit under the bridge without an opening will be free to do so. However, the existing navigation clearance of the bridge will be reduced from approximately 35 feet to approximately 25 feet at mean high tide due to the required containment system.

Vessel traffic along this part of the Hoquiam River consists of vessels ranging from commercial tug and barge to small pleasure craft. WSDOT has examined bridge opening logs and contacted all waterway users that have requested bridge openings throughout the last year. The input WSDOT received from waterway users indicated that the proposed change will have no impact on users.

C. Discussion of Proposed Rule

The Coast Guard would temporarily revise the operating regulations at 33 CFR 117.1047. The regulation currently states that the Simpson Avenue Bridge shall open on signal if at least one hour notice is given. The Coast Guard proposes to temporarily change the regulation such that from 7 a.m. on April 1, 2015 to 6 p.m. on November 30, 2015, the draw of the Simpson Avenue Bridge, on the Hoquiam River at mile 0.5, at Hoquiam, Washington, shall open half of the bascule (single leaf) when at least two hours of advance notice is given. No alternate routes are available for this waterway. Vessels that can transit under the bridge without an opening may do so at any time although the existing navigation clearance of the bridge will be reduced from approximately 35 feet to approximately 25 feet at mean high tide.

D. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking.

Below we summarize our analyses based on these statutes or executive orders.

1. Regulatory Planning and Review

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. The Coast Guard has made this finding based on the fact that all requested bridge openings will be granted with advance notification and vessels that can safely transit under the bridge may do so at any time.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which might be small entities: The owners or operators of vessels needing to transit the bridge at any time of day. This rulemaking will not have a significant economic impact on a substantial number of small entities for the following reasons: The bridge will still be able to open upon advance notification. Additionally, three commercial maritime businesses use this waterway and bridge. All three have stated to WSDOT a single leaf operation will not impact their business.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rulemaking under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This proposed rule simply promulgates the operating regulations or procedures for drawbridges. This rulemaking is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical

exclusion determination are not required for this rulemaking. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Effective 7 a.m. on April 1, 2015 until 6 p.m. on November 30, 2015, suspend § 117.1047(c) and add § 117.T1047(c) to read as follows:

§ 117.T1047 Hoquiam River

* * * * *

(c) Half of the draw (single leaf) of the Simpson Avenue Bridge, mile 0.5, at Hoquiam, WA, shall open on signal if at least a two hour notice is given by telephone or VHF radio to the Washington State Department of Transportation. The opening signal is two prolonged blasts followed by one short blast.

* * * * *

Dated: December 16, 2014.

R.T. Gromlich,

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

[FR Doc. 2014–30784 Filed 12–31–14; 8:45 am]

BILLING CODE 9110–04–P

Notices

Federal Register
Vol. 80, No. 1
Friday, January 2, 2015

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. 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: National Oceanographic Data Center Send2NODC Web Application.

OMB Control Number: 0648–0024.

Form Number(s): None.

Type of Request: Regular (reinstatement with change of a previously approved information collection).

Number of Respondents: 200.

Average Hours per Response: 1 hour.

Burden Hours: 300.

Needs and Uses: This request is for reinstatement with change of a previously approved information collection. When creating a Request to Archive oceanographic data or information at the United States (U.S.) National Oceanographic Data Center (NODC), well-organized and complete metadata describing those data are needed for long term understanding and use of those data. The Send2NODC *web application* provides a web-based form for easily collecting required and optional descriptive metadata to describe oceanographic data in a way that supports Executive Order 12906 and structures those metadata to conform to the internationally used ISO19115–2 Geospatial Metadata standard. Descriptive metadata informs the suitability of data for use by future data users and should provide critical context about how data were collected, what techniques and measurements were made, and data quality characterizations. Information about the data provider or other individuals is used only by NODC to contact the data provider with questions about submitted data, about the status of the data in the archival process, and to provide appropriate scientific recognition and attribution for submitted data. Send2NODC will be used by ocean scientists, principal investigators and their data managers.

Change: Information submission is now generally web-based.

Method of Collection

Affected Public: Not-for-profit institutions; businesses or other for-profit organizations; state, local and tribal governments, federal government.

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: December 29, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–30765 Filed 12–31–14; 8:45 am]

BILLING CODE 3510–HR–P

DEPARTMENT OF COMMERCE

Office of Administration

[Docket No.: 141202999–4999–01]

Commerce Alternative Personnel System

AGENCY: Office of Administration, Office of Human Resources Management, Department of Commerce.

ACTION: Notice.

SUMMARY: This notice announces the expansion of employee coverage under the Commerce Alternative Personnel System, formerly the Department of Commerce Personnel Management Demonstration Project, published in the **Federal Register** on December 24, 1997. This coverage is extended to include employees located in the National Telecommunications and Information Administration (NTIA), employed under the First Responder Network Authority (FirstNet). FirstNet was created as an independent authority within the NTIA, Department of Commerce, to provide emergency responders with the first high-speed, nation-wide network dedicated to public safety.

This notice also serves to make changes to the plan to accommodate the expansion of and modification to the Commerce Alternative Personnel System. These changes include the addition of specific occupational series, Commerce Alternative Personnel System Board composition, and the implementation of direct-hire authority on a limited basis for certain FirstNet positions in the ZP career path at the Pay Band IV and above.

DATES: This notice expanding and modifying the Commerce Alternative Personnel System is effective January 2, 2015.

FOR FURTHER INFORMATION CONTACT: Department of Commerce—Sandra Thompson, U.S. Department of Commerce, 14th and Constitution Avenue NW., Room 51020, Washington, DC 20230, (202) 482–0056 or Valerie Smith at (202) 482–0272.

SUPPLEMENTARY INFORMATION:

1. Background

The Office of Personnel Management (OPM) approved the Department of Commerce (DoC) demonstration project for an alternative personnel management system, and published the final plan in the **Federal Register** on Wednesday, December 24, 1997 (62 FR 67434). The demonstration project was designed to simplify current classification systems for greater flexibility in classifying work and paying employees; establish a performance management and rewards system for improving individual and organizational performance; and improve recruiting and examining to attract highly-qualified candidates. The purpose of the project was to strengthen the contribution of human resources management and test whether the same innovations conducted under the National Institute of Standards and Technology alternative personnel management system would produce similarly successful results in other DoC environments. The project was implemented on March 29, 1998. The project plan has been modified seven times to clarify certain DoC

Demonstration Project authorities, and to extend and expand the project: 64 FR 52810 (September 30, 1999); 68 FR 47948 (August 12, 2003); 68 FR 54505 (September 17, 2003); 70 FR 38732 (July 5, 2005); 71 FR 25615 (May 1, 2006); 71 FR 50950 (August 28, 2006); 74 FR 22728 (May 14, 2009). With the passage of the Consolidated Appropriations Act, 2008, Public Law 110–161, on December 26, 2007, the project was made permanent (extended indefinitely) and renamed the Commerce Alternative Personnel System (CAPS).

CAPS provides for modifications to be made as experience is gained, results are analyzed, and conclusions are reached on how the system is working. This notice announces that the DoC expands CAPS to include NTIA FirstNet, in all duty locations, as a participating organization; and implements FirstNet's use of direct-hire authority under 5 U.S.C. 3304(a)(3) to fill specific scientific and engineering positions announced through this register in the ZP career path. This notice also serves to announce that the DoC modifies CAPS to add the following occupational series: 0089—Emergency Management series; 0306—Government Information series; 1109—Grants Management series; and 0905—General Attorney series. The addition of the 0905—General Attorney series is for specific use by FirstNet only. Only Attorneys employed under the FirstNet organization will be covered under CAPS.

The DoC will follow the CAPS plan as published in the **Federal Register** on December 24, 1997, and subsequent modifications as listed in the Background Section of this notice.

Kevin E. Mahoney,

Director for Human Resources Management and Chief Human Capital Officer.

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I. Executive Summary

CAPS is designed to (1) improve hiring and allow DoC to compete more effectively for high-quality candidates through direct hiring, selective use of higher entry salaries, and selective use of recruitment incentives; (2) motivate and retain staff through higher pay potential, pay-for-performance, more responsive personnel systems, and selective use of retention incentives; (3) strengthen the manager's role in personnel management through delegation of personnel authorities; and (4) increase the efficiency of personnel systems through the installation of a simpler and more flexible classification system based on pay banding through reduction of guidelines, steps, and paperwork in classification, hiring, and other personnel systems, and through automation.

The current participating organizations include 7 offices of the Chief Financial Officer/Assistant Secretary for Administration in the Office of the Secretary; the Bureau of Economic Analysis; the Institute for Telecommunications Sciences—National Telecommunications and Information Administration; and 11 units of the National Oceanic and Atmospheric Administration: Office of Oceanic and Atmospheric Research, National Marine Fisheries Service, the National Environmental Satellite, Data, and Information Service, National Weather Service—Space Environment Center, National Ocean Service, Program Planning and Integration Office, Office of the Under Secretary, Marine and Aviation Operations, Office of the Chief Administrative Officer, Office of the Chief Financial Officer, and the Workforce Management Office.

This amendment modifies the December 24, 1997, **Federal Register** notice. Specifically, it expands DoC CAPS to include NTIA, FirstNet as a participating organization and enables FirstNet to hire, after public notice is given, any qualified applicants in the ZP career path series as defined in the Basis for CAPS Expansion section without regard to 5 U.S.C. 3309–3318, 5 CFR part 211, or 5 CFR part 337, subpart A on a limited basis; it also adds additional occupational series as defined in the Background section.

II. Basis for CAPS Expansion

A. Purpose

CAPS is designed to provide managers at the lowest organizational level the authority, control, and flexibility to recruit, retain, develop, recognize, and motivate its workforce, while ensuring adequate accountability and oversight.

The expansion of coverage to include NTIA, FirstNet, along with the implementation of direct-hire authority, should improve FirstNet's ability to recruit and compete more effectively for high-quality personnel. Section 3304(a)(3) of Title 5, United States Code, provides agencies with the authority to appoint candidates directly to jobs for which the Office of Personnel Management (OPM) determines that there is a severe shortage of candidates or a critical hiring need.

OPM's direct-hire authority enables agencies to hire, after public notice is given, any qualified applicant without regard to 5 U.S.C. 3309–3318, 5 CFR part 211, or 5 CFR part 337, subpart A. This notice implements FirstNet's use of direct-hire authority to fill up to 21 positions in the ZP career path in the following series: 0850—Electrical Engineering; 0855—Electronics Engineering; 0854—Computer Engineering; or 1550—Computer Science; and up to 56 positions in the ZP—0089, Emergency Management series. The use of direct-hire authority to fill these positions will not exceed 77 positions in the ZP career path at any one time. NTIA, FirstNet will track the number of hires made under direct-hire authority, ensuring numbers specified for the occupational series are not exceeded.

In 1997, with the approval of the DoC's Demonstration Project (62 FR 67434), OPM concurred that some occupations in the ZP career path at the Pay Band III and above constitute a shortage category, and some occupations for which there is a special rate under the General Schedule pay system constitute a shortage category. Past recruitment efforts have demonstrated a critical shortage of candidates possessing specialized technical expertise in 4G Long Term Evaluation (LTE) technologies and mobile systems, as well as expertise in public safety organizational operations and infrastructure capabilities. FirstNet will use direct-hire authority to recruit Electronics Engineers, Electrical Engineers, Computer Engineers, and Computer Scientists in the ZP career path, Pay Band IV or higher, with efforts focused on recruiting individuals with technical expertise in 4G LTE technologies and development of mobile systems. This expertise is critical in order to test, evaluate, deploy, and operate a nation-wide public safety broadband network.

DoC FirstNet will use direct-hire authority to fill 0089—Emergency Management Specialist (Public Safety) positions in the ZP career path, Pay Band IV or higher, with efforts focused on formulation, development, and engagement of public safety officials in planning and implementing the nation-wide public safety broadband network. FirstNet will implement direct-hire authority to hire individuals with public safety experience in preventing, protecting, responding, or mitigating emergency events. It is imperative for the success of public safety to foster cooperation among various State, local, and tribal public safety officials to ensure requirements are captured for the development of the public safety network. To achieve FirstNet's statutory

requirements and program goals, it is critical to recruit and retain individuals with public safety sector knowledge and experience in order to provide technical advice on preparedness and response activities associated with natural and/or man-made disasters and the organizational and infrastructure challenges faced responding to and recovering from emergency incidents.

DoC's CAPS allows for modifications of procedures if no new waiver from law or regulation is added. Given that this expansion and modification is in accordance with existing law and regulation and CAPS is a permanent alternative personnel system, the DoC is authorized to make the changes described in this notice.

B. Participating Employees

Employee notification of this expansion will be accomplished by providing a full set of briefings to employees and managers and providing them electronic access to all CAPS policies and procedures, including the seven previous **Federal Register** Notices. Employees will also be provided a copy of this **Federal Register** notice upon approval. Subsequent supervisor training and informational briefings for all employees will be accomplished prior to the implementation date of the expansion.

III. Changes to the Project Plan

The CAPS at DoC, published in the **Federal Register** on December 24, 1997 (62 FR 67434), is amended as follows:

1. The following organization will be added to the project plan, Section II D—Participating Organizations:

National Telecommunications and Information Administration (NTIA), First Responder Network Authority (FirstNet)

2. The following series are added to Table 2:

Administrative (ZA) Career Path
0306, Government Information Series
1109, Grants Management Series
0905, General Attorney Series (Authorized use by FirstNet only)
Scientific and Engineering (ZP) Career Path
0089, Emergency Management Series

3. Section III Personnel System Changes, (B) Staffing: Add a new subsection titled: ''Direct-Hire Authority: Critical Shortage Occupations'' and the information under this subsection is as follows: DoC FirstNet uses direct-hire procedures for categories of occupations that require skills that are in short supply. The following occupations constitute a shortage category, at the Pay Band IV and above in the ZP Career Path: Electronics Engineers, Electrical Engineers, Computer Engineers, Computer Scientists, and Emergency Management Specialists (Public Safety). Any positions in these categories may be filled by FirstNet through direct-hire procedures in accordance with 5 U.S.C. 3304(a)(3). DoC FirstNet advertises the availability of job opportunities in direct-hire occupations by posting on the OPM USAJOBS Web site. DoC FirstNet will follow internal direct-hire procedures for accepting applications.

4. A new subsection titled: ''Referral Procedures for Direct-Hire'' is added and the information under this subsection is as follows: After public notice is given, a qualified candidate may be referred without regard to 5 U.S.C. 3309–3318, 5 CFR part 211, or 5 CFR part 337, subpart A.

5. Section VII Project Management: The Commerce Alternative Personnel System Board will expand to include additional board members representing the major operating units included in CAPS.

[FR Doc. 2014–30754 Filed 12–31–14; 8:45 am]

BILLING CODE 3510–EA–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

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

FOR FURTHER INFORMATION CONTACT: Brenda E. Waters, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (''the Act''), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (''the Department'') conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (''APO'') to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

If the Department limits the number of respondents selected for individual examination in the administrative review of the antidumping duty order on Wooden Bedroom Furniture from the People's Republic of China (A–570–890), it intends to select respondents based on volume data contained in responses to quantity and value questionnaires. Further, due to the unique circumstances present in administering this order, for the purposes of this segment of the proceeding, *i.e.,* the 2013 review period, the Department has decided to require that all parties filing separate rate applications or certifications respond to the Q&V questionnaire and certain additional questions. The Q&V questionnaire, the additional questions, and the Separate Rate Application and Separate Rate Certification will be included in a document package that will be available on the Department's Web site. Responses to the additional questions and to the Separate Rate Application and Separate Rate Certification are due unless otherwise noted by the Department.

In the event the Department decides it is necessary to limit individual examination of respondents and

conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department finds that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where the Department considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that, with regard to reviews requested on the basis of anniversary months on or after January 2015, the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

The Department is providing this notice on its Web site, as well as in its ''Opportunity to Request Administrative Review'' notices, so that interested parties will be aware of the manner in which the Department intends to exercise its discretion in the future.

Opportunity to Request a Review: Not later than the last day of January 2015,[1] interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in January for the following periods:

	Period of review
Antidumping Duty Proceedings	
BRAZIL: Prestressed Concrete Steel Wire Strand A–351–837	1/1/14–12/31/14
INDIA: Prestressed Concrete Steel Wire Strand A–533–828	1/1/14–12/31/14
MEXICO: Prestressed Concrete Steel Wire Strand A–201–831	1/1/14–12/31/14
REPUBLIC OF KOREA: Prestressed Concrete Steel Wire Strand A–580–852	1/1/14–12/31/14
SOUTH AFRICA: Ferrovanadium A–791–815	1/1/14–12/31/14
THAILAND: Prestressed Concrete Steel Wire Strand A–549–820	1/1/14–12/31/14
THE PEOPLE'S REPUBLIC OF CHINA:	
Crepe Paper Products A–570–895	1/1/14–12/31/14
Ferrovanadium A–570–873	1/1/14–12/31/14
Folding Gift Boxes A–570–866	1/1/14–12/31/14
Potassium Permanganate A–570–001	1/1/14–12/31/14
Wooden Bedroom Furniture A–570–890	1/1/14–12/31/14
Countervailing Duty Proceedings	
THE PEOPLE'S REPUBLIC OF CHINA:	
Certain Oil Country Tubular Goods C–570–944	1/1/14–12/31/14
Circular Welded Carbon Quality Steel Line Pipe C–570–936	1/1/14–12/31/14
Suspension Agreements	
RUSSIA: Certain Cut-to-Length Carbon Steel A–821–808	1/1/14–12/31/14

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

[1] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.

Note that, for any party the Department was unable to locate in prior segments, the Department will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011) the Department clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.[2]

Further, as explained in *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013), the Department clarified its practice with regard to the conditional review of the non-market economy (NME) entity in administrative reviews of antidumping duty orders. The Department will no longer consider the NME entity as an exporter conditionally subject to administrative reviews. Accordingly, the NME entity will not be under review unless the Department specifically receives a request for, or self-initiates, a review of the NME entity.[3] In administrative reviews of antidumping duty orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, the Department will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity).

Following initiation of an antidumping administrative review when there is no review requested of the NME entity, the Department will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS'') on the IA ACCESS Web site at *http://iaaccess.trade.gov.*[4] Further, in accordance with 19 CFR 351.303(f)(l)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of January 2015. If the Department does not receive, by the last day of January 2015, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: December 23, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–30759 Filed 12–31–14; 8:45 am]

BILLING CODE 3510–DS–P

[2] *See also* the Enforcement and Compliance Web site at *http://trade.gov/enforcement/.*

[3] In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

[4] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Open Meeting of the Information Security and Privacy Advisory Board

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The Information Security and Privacy Advisory Board (ISPAB) will meet Wednesday, February 11, 2015, from 8:30 a.m. until 5 p.m. Eastern Time, Thursday, February 12, 2015, from 8:30 a.m. until 5 p.m. Eastern Time, and Friday, February 13, 2015, from 8:30 a.m. until 12 p.m. Eastern Time. All sessions will be open to the public.

DATES: The meeting will be held on Wednesday, February 11, 2015, from 8:30 a.m. until 5 p.m. Eastern Time, Thursday, February 12, 2015, from 8:30 a.m. until 5 p.m. Eastern Time, and Friday, February 13, 2015, from 8:30 a.m. until 12 p.m. Eastern Time.

ADDRESSES: The meeting will take place at the United States Access Board Conference Room, 1331 F Street NW., Suite 800, Washington, DC, 20004.

FOR FURTHER INFORMATION CONTACT: Annie Sokol, Information Technology Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8930, Gaithersburg, MD 20899–8930, telephone: (301) 975–2006, or by email at: *annie.sokol@nist.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the Information Security and Privacy Advisory Board (ISPAB) will meet Wednesday, February 11, 2015, from 8:30 a.m. until 5 p.m. Eastern Time, Thursday, February 12, 2015, from 8:30 a.m. until 5 p.m. Eastern Time, and Friday, February 13, 2015, from 8:30 a.m. until 12 p.m. Eastern Time. All sessions will be open to the public. The ISPAB is authorized by 15 U.S.C. 278g–4, as amended, and advises the National Institute of Standards and Technology (NIST), and the Director of the Office of Management and Budget (OMB) on information security and privacy issues pertaining to Federal government information systems, including

thorough review of proposed standards and guidelines developed by NIST. Details regarding the ISPAB's activities are available at *http://csrc.nist.gov/groups/SMA/ispab/index.html.*

The agenda is expected to include the following items:

- Updates on OMB Circular No. A–130 Revised, Management of Federal Information Resources,
- Updates from the U.S. Digital Service Team,
- Discussion on Continuous Monitoring and Continuous Diagnostics and Mitigation (CDM),
- Discussion and Presentation on drones and privacy,
- Updates on NIST Privacy Engineering Objectives and Risk Model Discussion draft,
- Updates on Cybersecurity Framework—Improving Critical Infrastructure Cybersecurity, Executive Order 13636,
- Updates on Legislation, Federal Information Security Management Act,
- Presentation from U.S. Department of Justice Cybersecurity Unit,
- Presentation from National Security Agency (NSA) Privacy Officer,
- Updates from U.S. Chief Technology Officer,
- Updates on NIST Cryptographic Standards and Guidelines Development Process, and
- Updates on NIST Computer Security Division.

Note that agenda items may change without notice. The final agenda will be posted on the Web site indicated above. Seating will be available for the public and media. No registration is required to attend this meeting.

Public Participation: The ISPAB agenda will include a period of time, not to exceed thirty minutes, for oral comments from the public (Friday, February 13, 2015, between 10 a.m. and 10:30 a.m.). Speakers will be selected on a first-come, first-served basis. Each speaker will be limited to five minutes. Questions from the public will not be considered during this period. Members of the public who are interested in speaking are requested to contact Annie Sokol at the contact information indicated in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements. In addition, written statements are invited and may be submitted to the ISPAB at any time. All written statements should be directed to the ISPAB Secretariat, Information Technology Laboratory, 100 Bureau Drive, Stop 8930, National Institute of Standards and Technology, Gaithersburg, MD 20899–8930.

Dated: December 23, 2014.

Willie E. May,

Acting Director.

[FR Doc. 2014–30780 Filed 12–31–14; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD625

Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Application for an Exempted Fishing Permit

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

ACTION: Notice; receipt of EFP applications; request for comments.

SUMMARY: NMFS announces the receipt of exempted fishing permit (EFP) applications, and is considering issuance of EFPs for vessels participating in the EFP fisheries. The EFPs are necessary to allow activities that are otherwise prohibited by Federal regulations. The EFPs will be effective no earlier than April 1, 2015, and will be for a minimum duration of two years unless there is a need to extend the EFP to collect more information or the need for the EFP no longer exists because appropriate regulations have been implemented. These EFPs can be terminated earlier under terms and conditions of the EFPs and other applicable laws.

DATES: Comments must be received no later than 5 p.m., local time on January 17, 2014.

ADDRESSES: You may submit comments, identified by 0648–XD625, by any one of the following methods:

- *Email: GroundfishEMEFP@noaa.gov.*
- *FAX:* 206–526–6736, Attn: Steve Freese.
- *Mail:* William W. Stelle, Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070, Attn: Steve Freese.

FOR FURTHER INFORMATION CONTACT: To view copies of the Electronic Monitoring EFP applications, visit the Pacific Council Web site at *www.pcouncil.org* and browse the ''June 2014 Briefing Book'' and the ''Trawl Catch Share Program Electronic Monitoring''; or contact Steve Freese (West Coast Region, NMFS), phone 206–526–6113, fax: 206–526–6736.

SUPPLEMENTARY INFORMATION: This action is authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP) and the Magnuson-Stevens Fishery Conservation and Management Act provisions at 50 CFR 600.745, which states that EFPs may be used to authorize fishing activities that would otherwise be prohibited. At the June 2014 Pacific Fishery Management Council (Council) meeting in Garden Grove, California, the Council considered applications for four revised EFPs from: (1) The California Risk Pool; (2) Michele Longo Eder; (3) Peter Leipzig; and (4) Heather Mann and Brent Paine. An opportunity for public testimony was provided during the June 2014 Council meeting. For more details on these EFP applications and to view copies of the applications, see the Pacific Council's Web site at *www.pcouncil.org* and browse the ''June 2014 Briefing Book''. The Council recommended that NMFS consider issuing the following EFPs, and that those EFPs be used to test EM in the fisheries in a limited capacity with some additional permit conditions for possible use in 2015 and beyond.

California Risk Pool EFP

The California Risk Pool (which includes the Fort Bragg Groundfish Association, the Half Moon Bay Groundfish Marketing Association, and the Central California Seafood Marketing Association) submitted an application for an EFP, along with their collaborators: The Environmental Defense Fund (EDF); and The Nature Conservancy. Seven vessels will participate in this EFP: Three from the fixed gear sector and four from the trawl sector. Sarah McTee of the Environmental Defense Fund and Lisa Damrosch of the Half Moon Bay Groundfish Marketing Association are the points of contact for this EFP.

Fixed Gear EFP

The applicants participating in this EFP are trawl-permitted, fixed gear fishermen (Bob Eder, John Corbin and Burton C. Parker, Sr.) using pots or longlines. The primary purpose of the EFP is to test monitoring catch and discard via an EM system without 100 percent observers coverage as currently required by law. Michele Longo Eder is the point of contact for this EFP.

Peter Leipzig EFP

The fishermen that would participate in this EFP are bottom trawl fishermen.

The primary purpose of the EFP is to test the use of EM equipment in lieu of an observer and to evaluate components of an overall EM program before implementation of a comprehensive regulatory program. Peter Leipzig of the Fishermen's Marketing Association is the point of contact for this EFP.

Heather Mann and Brent Paine EFP

The vessels participating in this EFP are mid-water trawls that fish in the shoreside and mothership whiting fishery. The primary purpose of the EFP is to determine whether utilizing cameras in lieu of human observers proves both cost effective and operationally effecting while still providing 100 percent monitoring of catch and discards. Heather Mann of the Midwater Trawlers Cooperative and Brent Paine of the United Catcher Boats are the points of contact for this EFP.

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

Dated: December 29, 2014.

James P. Burgess,

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

[FR Doc. 2014–30781 Filed 12–31–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) 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: United States Patent and Trademark Office (USPTO).

Title: Summer Teacher Institute.

Agency Approval Number: 0651–0077.

Type of Request: Revision of a currently approved collection.

Burden: 292 hours annually.

Number of Respondents: 900 responses per year.

Avg. Hours per Response: The USPTO estimates that it will take the public approximately 5 minute (0.08 hours) to 30 minutes (0.5 hours) to prepare the appropriate form or documents and submit to the USPTO.

Needs and Uses: As part of the Maker Fair Initiative, a program entitled ''National Teachers' Summer Institute'' is sponsored by USPTO. This program accepts applicants for a summer teaching workshop. The program receives applications from individuals, requesting to participate in the Institute, who certify that they are educators with at least 3 years' experience. These applicants are also required to (1) have taught in STEM related fields last year, (2) plan to teach in a STEM related field this upcoming year, and (3) to acknowledge their commitment to incorporate the learnings from the Teacher Summer Institute into their curriculum, where applicable, and cooperate with sharing lessons and outcomes with teachers and PTO.

The USPTO may various host webinars in conjunction with the Summer Institute. USPTO plans to conduct surveys of both the Institute and the webinars in order to gain useful feedback from program participants.

Affected Public: Businesses or other for-profit organizations.

Frequency: Annually.

Respondent's Obligation: Required to obtain benefits.

OMB Desk Officer: Nicholas A. Fraser, email: *Nicholas_A._Fraser@omb.eop.gov*.

Once submitted, the request will be publicly available in electronic format through the Information Collection Review page at *www.reginfo.gov*.

Paper copies can be obtained by:

- Email: *InformationCollection@uspto.gov*. Include ''0651–0012 copy request'' in the subject line of the message.
- Mail: Marcie Lovett, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Written comments and recommendations for the proposed information collection should be sent on or before February 2, 2015 to Nicholas A. Fraser, OMB Desk Officer, via email to *Nicholas_A._Fraser@omb.eop.gov*, or by fax to 202–395–5167, marked to the attention of Nicholas A. Fraser.

Margaret McElrath,

Deputy Director, Office of Information Management Services, Department of Commerce—USPTO.

[FR Doc. 2014–30680 Filed 12–31–14; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submission for OMB Review; Comment Request: Applications for Trademark Registration

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: United States Patent and Trademark Office, Commerce.

Title: Applications for Trademark Registration.

OMB Control Number: 0651–0009.

Form Number(s):

- PTO–1478
- PTO–1479
- PTO–1480
- PTO–1481
- PTO–1482

Type of Request: Regular.

Number of Respondents: 387,981.

Average Minutes per Response: 30.

Burden Hours: 149,267.

Cost Burden: $103,000,869.42.

Needs and Uses: The United States Patent and Trademark Office (USPTO) administers the Trademark Act, 15 U.S.C. 1051 *et seq.*, which provides for the Federal registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks. Individuals and businesses who use their marks, or intend to use their marks, in commerce regulable by Congress, may file an application with the USPTO to register their marks. Registered marks remain on the register indefinitely, so long as the owner of the registration files the necessary maintenance documents. The rules implementing the Trademark Act are set forth in 37 CFR part 2.

The Act and rules mandate that each certificate of registration include the mark, the particular goods and/or services for which the mark is registered, the owner's name, dates of use of the mark in commerce, and certain other information. The USPTO also provides similar information to the public concerning pending applications. Individuals or businesses may determine the availability of a mark by accessing the register through the USPTO's Web site. Accessing and reviewing the USPTO's publicly available information may reduce the possibility of initiating use of a mark previously registered or adopted by another. Thus, the Federal trademark registration process reduces unnecessary litigation and its associated costs and burdens. The information in this collection is available to the public.

Trademarks can be registered on either the Principal or Supplemental Register. Registrations on the Principal Register confer all of the benefits of registration provided under the Trademark Act. Certain marks that are not eligible for registration on the Principal Register, but are capable of

functioning as a trademark, may be registered on the Supplemental Register. Registrations on the Supplemental Register do not have all of the benefits of marks on the Principal Register. Registrations on the Supplemental Register cannot be transferred to the Principal Register, but owners of registrations on the Supplemental Register may apply for registration of their marks on the Principal Register.

The information in this collection can be submitted in paper format or electronically through the Trademark Electronic Application System (TEAS). Applicants that file applications using the TEAS RF or TEAS Plus forms pay a reduced filing fee if they agree to file certain communications regarding the application through TEAS and to receive communications concerning the application by email. TEAS Plus applicants are also subject to the additional requirement to file a complete application. TEAS Plus applications are only available for trademark/service mark applications. There are no TEAS Plus application forms available for the certification marks, collective marks, collective membership marks, and applications for registration on the Supplemental Register at this time.

Affected Public: Businesses or other for-profits; not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

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 may be submitted by any of the following methods:

- *Email: InformationCollection@uspto.gov*. Include ''0651–0009 Applications for Trademark Registration'' in the subject line of the message.
- *Mail:* Marcie Lovett, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.
- *Federal Rulemaking Portal: http://www.regulations.gov*.

Margaret McElrath,

Deputy Director, Office of Information Management Services, Department of Commerce—USPTO.

[FR Doc. 2014–30678 Filed 12–31–14; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Public Key Infrastructure Certificate Action Form

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before March 3, 2015.

ADDRESSES: You may submit comments by any of the following methods:

- Email: *InformationCollection@uspto.gov.* Include ''0651–0045 comment'' in the subject line of the message.
- Mail: Marcie Lovett, Records Management Division Director, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.
- Federal Rulemaking Portal: *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: John Pardun, Cybersecurity Division, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–4349; or by email to *John.Pardun@uspto.gov.* Additional information about this collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION

I. Abstract

The United States Patent and Trademark Office (USPTO) uses Public Key Infrastructure (PKI) technology to support electronic commerce between the USPTO and its customers. PKI is a set of hardware, software, policies, and procedures that provide important security services for the electronic business activities of the USPTO, including protecting the confidentiality of unpublished patent applications in accordance with 35 U.S.C. 122 and 37 CFR 1.14, as well as protecting international patent applications in accordance with Article 30 of the Patent Cooperation Treaty.

In order to provide the necessary security for its electronic commerce systems, the USPTO uses PKI technology to protect the integrity and confidentiality of information submitted to the USPTO. PKI employs public and private encryption keys to authenticate the customer's identity and support secure electronic communication between the customer and the USPTO. Customers may submit a request to the USPTO for a digital certificate, which enables the customer to create the encryption keys necessary for electronic identity verification and secure transactions with the USPTO. This digital certificate is required in order to access any secure online systems USPTO provides; including the systems for electronic filing of patent applications and viewing confidential information about unpublished patent applications.

This information collection includes the Certificate Action Form (PTO–2042), which is used by the public to request a new digital certificate, the revocation of a current certificate, or the recovery of a lost or corrupted certificate. Customers may also change the name listed on the certificate or associate the certificate with one or more Customer Numbers. A certificate request must include a notarized signature in order to verify the identity of the applicant. The Certificate Action Form has an accompanying subscriber agreement to ensure that customers understand their obligations regarding the use of the digital certificates and cryptographic software. When generating a new certificate, customers register to get a set of seven codes that will enable customers to recover a lost certificate online without having to contact USPTO support staff.

II. Method of Collection

The Certificate Action Form must be notarized and may be mailed or hand delivered to the USPTO.

III. Data

OMB Number: 0651–0045.

Form Number(s): PTO–2042.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households; businesses or other for-profits; and not-for-profit institutions.

Estimated Number of Respondents: 1,857 responses per year.

Estimated Time per Response: The USPTO estimates that it will take the public approximately 30 minutes (0.5 hours) to read the instructions and subscriber agreement, gather the necessary information, prepare the Certificate Action Form, and submit the completed request.

Estimated Total Annual Respondent Burden Hours: 929 hours.

Estimated Total Annual Respondent Cost Burden: $129,131. The USPTO expects that 70% of the submissions for this collection will be prepared by paraprofessionals, 15% by attorneys, and 15% by independent inventors. Using those proportions and the estimated rates of $122 per hour for paraprofessionals, $325 per hour for attorneys in private firms, and $30 per hour for independent inventors, the USPTO estimates that the average rate for those respondents will be approximately $139 per hour. Therefore, the estimated total respondent cost burden for this collection will be approximately $129,131 per year.

Item	Estimated time for response (minutes)	Estimated annual responses	Estimated annual burden hours
Certificate Action Form (including Subscriber Agreement) (PTO–2042)	30	1,857	929
Totals		1,857	929

Estimated Total Annual Non-hour Respondent Cost Burden: $4,531. There are no capital start-up costs, maintenance costs, or fees associated with this information collection. However, this collection does have annual (non-hour) cost burden associated with the Certificate Action Form.

This collection has costs due to the notarization requirement for authenticating the signatures on the Certificate Action Form. The USPTO estimates that the average fee for having a signature notarized is $2 and that 1,857 responses for these forms will be submitted annually, for a total cost of $3,714 per year.

This collection also has postage costs for submitting the Certificate Action Form to the USPTO by mail. The form cannot be faxed or submitted electronically because it requires an original notarized signature. The USPTO estimates that the first class postage cost for these forms will be 44 cents and that it will receive 1,857 mailed responses annually, for a total postage cost of approximately $817 per year.

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, *e.g.,* the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Margaret McElrath,

Deputy Director, Office of Information Management Services, Department of Commerce—USPTO.

[FR Doc. 2014–30682 Filed 12–31–14; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase from People Who are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds products to the Procurement List that will be furnished by the nonprofit agency employing persons who are blind or have other severe disabilities.

DATES: *Effective* February 2, 2015.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 11/28/2015 (79 FR 70856–70857), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agency to provide the products and impact of the additions on the current or most recent contractors, the Committee has determined that the products listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organization that will furnish the products to the Government.

2. The action will result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products are added to the Procurement List:

Products:

NSN: MR 10666—Thermos, 25 oz, Licensed
NSN: MR 10667—Tumbler, Drinking, 16 oz, Licensed
NSN: MR 10668—Jar, Drinking, 19 oz, Licensed
NSN: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: Defense Commissary Agency, Fort Lee, VA
Coverage: C-List for the requirements of military commissaries and exchanges as aggregated by the Defense Commissary Agency, Fort Lee, VA.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2014–30745 Filed 12–31–14; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase from People Who are Blind or Severely Disabled.

ACTION: Proposed additions to the procurement list.

SUMMARY: The Committee is proposing to add product and service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Comments must be received on or before* 2/2/2015.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the product and service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following product and service are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Product

NSN: MR 1078—Broom, Corn Whisk.
NPA: Alphapointe, Kansas City, MO.
Contracting Activity: Navy Exchange Service Command (NEXCOM), Virginia Beach, VA.
Coverage: C-List for the requirements of Navy Exchanges as aggregated by the Navy Exchange Service Command (NEXCOM), Virginia Beach, VA.

Service

Service Type/Location: Janitorial Service, GSA PBS Region 5, Enterprise Computing Center, 985 Michigan Avenue, Detroit, MI.
NPA: Jewish Vocational Service and Community Workshop, Southfield, MI
Contracting Activity: General Services Administration, Public Buildings Service, Acquisition Management Division, Dearborn, MI.

Barry S. Lineback,
Director, Business Operations.

[FR Doc. 2014–30746 Filed 12–31–14; 8:45 am]
BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–HA–0162]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Office of the Assistant Secretary of Defense for Health Affairs announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by March 3, 2014.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- Mail: Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Assistant Secretary of Defense for Health Affairs (OASD), Defense Health Headquarters (DHA), Analytics Division, ATTN: Richard Bannick, Ph.D., 7700 Arlington Blvd., Falls Church, VA 22042–5101, or call 703–681–3636.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Surveys on Viability of TRICARE Standard and TRICARE Extra; OMB Control Number 0720–0031.

Needs and Uses: The information collection requirement is necessary to determine how many providers are aware of the TRICARE health benefits program, and specifically accept new TRICARE Standard patients in each market area. Surveys will be conducted in a number of locations in the United States each fiscal year from 2012 to 2015. The locations surveyed will include areas where the TRICARE Prime benefit is offered (known as TRICARE PRIME Service Areas) and geographic areas where TRICARE Prime is not offered. These congressionally mandated surveys of civilian health care providers and beneficiaries who use TRICARE will be completed in TRICARE market areas within the United States.

Affected Public: Individuals or households.

Annual Burden Hours: 4,167.

Number of Respondents: 50,000.

Responses per Respondent: 1.

Average Burden per Response: 5 minutes.

Frequency: Annually.

Under the authority of the Office of the Assistant Secretary of Defense (Health Affairs), (OASD(HA)), Defense Health Agency (DHA) will continue to evaluate DoD's TRICARE Standard health care option. This evaluation includes collecting and analyzing survey-based data that are necessary to meet the requirements outlined originally in Section 711, National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2008, Public Law 110–181 and reaffirmed in Section 721, National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2012,

Public Law 112–81. The Department will extend the evaluation consistent with proposed legislation extending the period from 2015 to 2018.

Activities include the collection and analyses of data obtained confidentially from civilian physicians (M.D.s & D.O.s) and non-physician behavioral health providers (to include clinical psychologists, clinical social workers and other TRICARE authorized behavioral health providers) within U.S. geographic areas. Specifically, mail surveys with telephone follow-up of civilian providers will be conducted in the TRICARE market areas to determine how many health care providers are accepting new patients under TRICARE Standard in each market area. The surveys will be conducted in several TRICARE geographic areas in the United States each fiscal year from fiscal year 2012 through and including fiscal year 2016 to complete the 2015 survey. Representatives of TRICARE beneficiaries and selected provider groups will be consulted to identify potential locations. In addition, Section 721 of the FY 2012 National Defense Authorization Act (NDAA) requires the Department to conduct annual surveys of beneficiary access experience and the availability to access civilian providers under TRICARE Standard and Extra program through the same period. These issues address the interests of Congress in reconciliation of responses of providers and beneficiaries who use TRICARE. Surveys of civilian health care providers (M.D.s, D.O.s and non-physician behavioral health providers) and beneficiaries eligible for TRICARE Standard/Extra care will be conducted in areas where TRICARE Prime is offered and where it is not offered each year. The objective of this effort is to determine if TRICARE beneficiaries have difficulty in finding health care providers willing to provide services under Standard or Extra, and the extent to which providers in the area participate in Standard/Extra.

Dated: December 29, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–30753 Filed 12–31–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2014–0049]

Proposed Collection; Comment Request

AGENCY: Army & Air Force Exchange Service (Exchange), DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Army & Air Force Exchange Service announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by March 3, 2015.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Army and Air Force Exchange Service, Office of the General Counsel, Compliance Division, Attn: Teresa Schreurs, 3911 South Walton Walker Blvd., Dallas, TX 75236–1598 or call the Exchange Compliance Division at 800–967–6067.

SUPPLEMENTARY INFORMATION: *Title; Associated Form; and OMB Number:* Exchange Personnel Management and Payroll Systems; Exchange Form 1450–001 ''Retirement Processing Checklist'', Exchange Form 1700–110 ''Group Health Benefits Continuation Application'', Exchange Form 1100–012 ''Promissory Note'', Exchange Form 1200–006 ''Pre-Employment Screening Applicant Consent Form'', Exchange Form 1700–117 ''Conversion of Group Term Life Insurance''; OMB Control Number: 0702–XXXX.

Needs And Uses: The information collection requirement is necessary to provide a basis for computing civilian pay entitlements, maintaining a record of the history of pay transactions, and to provide health and retirement benefits to the appropriate individual. Information is collected through new employment orientation which may include the name of the individual (*i.e.* family member or dependent) SSN, home address, phone number, marital status, sex, security clearance, military status, pay status and rank, tax exemptions authorized deductions, and choices of retirement and health insurance. Additional information is obtained from court ordered documents such as Qualifying Domestic Relations Orders which require the Exchange to pay retirement benefits to ex-spouse or other dependents. This collection is necessary to accurately accrue civilian's correct leave, benefits, retirement and pay, issue bonds, pay taxes, and to keep the Exchange compliant with court orders and the ability to answer any inquires to process such claims. In addition, the information is used to produce reports and statistical analyses of the civilian workforce to verify employment, provide data in support of Equal Employment Opportunity Programs, provide the Exchange with emergency contact information, responses to union requests, establish training requirements, provide projected staffing requirements, provide data for retirement processing, corrective actions, grievances and appeals, provide incentive awards, fill positions, determinations of medical qualifications, counsel employees on career development, plan dependent

services in overseas areas, determine validity of individual claims related to pay adjustments and for other managerial and statistical studies, records and reports.

Affected Public: Employee family members, former spouses and other employee dependents.

Annual Burden Hours: 208,000 Hours.

Number of Respondents: 260,000.

Responses per Respondent: 3.2.

Average Burden per Response: 15 minutes.

Frequency: Daily.

Respondents are dependents, including ex-spouses and/or Exchange personnel who are terminated or retired. Information is obtained from the Exchange personnel either prior to being employed, during active duty or after they have ended employment with the Exchange. Information is submitted to the Exchange primarily through electronic means so the Exchange may pay appropriately for time and accurately provide individuals with health and retirement benefits.

Dated: December 29, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–30732 Filed 12–31–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2014–0024]

Proposed Collection; Comment Request

AGENCY: Office of Human Resources, DON, DOD.

ACTION: Notice.

In compliance with the *Paperwork Reduction Act of 1995,* the Office of Human Resources announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by March 3, 2015.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Mail: Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Department of the Navy, Office of Equal Employment Opportunity (EEO) and Diversity Management, 614 Sicard Street SE., Suite 100, Washington Navy Yard, DC 20374, or call the Office of EEO and Diversity Management at (202) 685–6230.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Department of the Navy (DON) Reasonable Accommodations (RA) Tracker; SECNAV 12306/1T Confirmation of Reasonable Accommodation Request; OMB Control Number 0703–XXXX.

Needs And Uses: The information collection requirement is necessary to track, monitor, review, and process requests for reasonable accommodations for employees, contractors, and applicants for employment. This information will be collected by DON EEO personnel involved in the Reasonable Accommodation process and data input into the Reasonable Accommodation Tracker (electronic information system) pursuant to Executive Order 13163. Official Reasonable Accommodation case files are secured with access granted on a strictly limited basis.

Affected Public: Individuals or households; contractors and applicants for employment.

Annual Burden Hours: 33.

Number of Respondents: 100.

Responses per Respondent: 1.

Average Burden per Response: 20 minutes (0.33 Hours).

Frequency: On occasion.

The Department of the Navy Reasonable Accommodation Tracker will maintain employment information, contact information, and information related to the disabilities and reasonable accommodations/potential reasonable accommodations for employees, contractors, and applicants for employment who request reasonable accommodations. Reasonable accommodations applicants complete SECNAV 12306/1T Form-Confirmation of Reasonable Accommodation Request, information from the form will be input into the Reasonable Accommodation Tracker. Contact information of deciding officials and health care providers will also be maintained in the system. Data collected is required for DON EEO officials and employees to track, monitor, review, and process requests for reasonable accommodations. Individuals involved in the reasonable accommodation process would not be able to perform their official duties of processing or deciding on cases if the subject information is not collected and maintained by DON EEO personnel. Official Reasonable Accommodation case files are secured with access granted on a strictly limited basis. Case files will be retained for the duration of that individual's employment with the Department of the Navy. Case files maintained will be retained and disposed of in accordance with the provisions of the OPM Government wide Systems of Records, 65 CFR 27432.

Dated: December 29, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–30757 Filed 12–31–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0168]

Agency Information Collection Activities; Comment Request; An Examination of Trends in Algebra II Enrollment and Completion in Texas Public High Schools

AGENCY: Institute of Education Sciences/National Center for Education Statistics (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before March 3, 2015.

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–0168 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 2E103, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Christopher Boccanfuso, (202) 219–1674.

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: An Examination of Trends in Algebra II Enrollment and Completion in Texas Public High Schools.

OMB Control Number: 1850–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 343.

Total Estimated Number of Annual Burden Hours: 102.

Abstract: District administration staff from all Texas public school districts (one staff member per district) will be asked to complete a short, online survey regarding changes districts may have made in response to the new high school graduation requirements implemented under Texas House Bill 5. Participation in the survey of district administration staff is voluntary. Data collected by the survey will be used to describe changes that districts have made with regard to student diploma plan placement, mathematics course offerings, and information distribution to parents in response to Texas House Bill 5. This study will also provide the Texas Education Agency and the Texas Higher Education Coordination Board with information on the level of Texas students' college preparation in mathematics. The findings will be reported in a printed report available to the public.

Dated: December 29, 2014.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–30729 Filed 12–31–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Privacy Act of 1974; Computer Matching Program

AGENCY: Department of Education.

ACTION: Notice.

SUMMARY: This document provides notice of the continuation of the computer matching program between the Departments of Education (ED) and Defense (DoD). The continuation is effective on the date described in paragraph 5 of this notice.

SUPPLEMENTARY INFORMATION: Section 473(b) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1087mm(b)), requires the Secretary of Defense to provide the Secretary of Education with information to identify children whose parent or guardian was a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001. Beginning with the 2009–2010 Award Year, these children (referred to as qualifying students) may be eligible for a greater amount of title IV, HEA program assistance. A qualifying student must have been age 24 or younger at the time of the parent or guardian's death, or, if older than 24, enrolled part-time or full-time in an institution of higher education at the time of the parent or guardian's death. Beginning July 1, 2010, students who are otherwise qualified children of deceased U.S. military who meet the requirements of section 420R of the HEA (20 U.S.C. 1070h) may also be eligible for higher amounts of title IV, HEA program assistance.

To ensure that eligible students receive the maximum allowable amount of title IV, HEA program assistance, DoD and ED created a computer matching program.

The purpose of this notice is to announce the continuation of the computer matching program, and to provide certain required information concerning the computer matching program.

We provide this notice in accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended and the Office of Management and Budget (OMB) Guidance Interpreting the Computer Matching and Privacy Protection Act of 1988 (54 FR 25818, June 19, 1989), and OMB Circular A–130, the Department of Education (ED) is transmitting, in duplicate the following: (1) A copy of a computer matching agreement (CMA) between ED and the Department of Defense (DoD); and (2) a copy of the **Federal Register** notice announcing, for

public comment, the continuation of the computer matching program.

1. Names of Participating Agencies

The Department of Education (recipient agency) and the Department of Defense (source agency).

2. Purpose of the Match

The purpose of this matching program is to ensure that the requirements of sections 420R and 473(b) of the HEA (20 U.S.C. 1070h and 20 U.S.C. 1087mm(b)) are fulfilled.

DoD (source agency) is the lead contact agency for information related to benefits for military service dependents and, as such, provides these data to ED. ED (recipient agency) seeks access to the information contained in the DoD Defense Manpower Data Center (DMDC) system and the Defense Enrollment Eligibility Reporting System (DEERS).

3. Authority for Conducting the Matching Program

Under sections 420R and 473(b) of the HEA (20 U.S.C. 1070h and 20 U.S.C. 1087mm(b)), ED must identify the children of military personnel who have died as a result of their military service in Iraq or Afghanistan after September 11, 2001, to determine if the child is eligible for increased amounts of title IV, HEA program assistance.

DoD and ED have determined that using DoD data provided to ED for matching against ED's Federal Student Aid Application File (18–11–01) is the only practical method that the agencies can use to meet the statutory requirements of the HEA.

4. Categories of Records and Individuals Covered by the Match

DoD will submit for verification records from its DMDC and DEERS data bases to ED's Central Processing System files (Federal Student Aid Application File (18–11–01)), the Social Security number (SSN) and other identifying information for each qualifying dependent record. ED will use the SSN, date of birth, and the first two letters of an applicant's last name to match with the Federal Student Aid Application File.

The DoD DMDC and DEERS systems contain the names, SSNs, dates of birth, and other identifying information about dependents of service personnel who died as a result of performing their military service in Iraq or Afghanistan after September 11, 2001. This system of records also contains the dates on which the service members died.

5. Effective Dates of the Matching Program

The matching program will be effective on the last of the following dates: (1) February 2, 2015; (2) 30 days after notice of the matching program has been published in the **Federal Register**; or (3) 40 days after a report concerning the matching program has been transmitted to OMB and transmitted to the Congress along with a copy of this agreement, unless OMB waives 10 days of this 40-day period for compelling reasons shown, in which case, 30 days after transmission of the report to OMB and Congress.

The matching program will continue for 18 months after the effective date of the computer matching agreement and may be extended for an additional 12 months thereafter, if the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

6. Address for Receipt of Public Comments or Inquiries

Marya Dennis, Management and Program Analyst, U.S. Department of Education, Federal Student Aid, Union Center Plaza, Room 63G2, 830 First Street NE., Washington, DC 20202–5454. Telephone: (202) 377–3385. 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.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the contact person listed in the preceding paragraph.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available 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 the Department of Education 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 of Education published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.*

Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Authority: 5 U.S.C. 552a.

Dated: December 29, 2014.

James W. Runcie,

Chief Operating Officer Federal Student Aid.

[FR Doc. 2014–30741 Filed 12–31–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Proposed Agency Information Collection

AGENCY: U.S. Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency information collection activities: Proposed information collection; notice and request for comments.

SUMMARY: The EIA invites public comment on a proposed collection of information that EIA is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995. The EIA is soliciting comments on the proposed reinstatement of the Forms EIA–457A, C, D, E, F, and G, ''2015 Residential Energy Consumption Survey.'' Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before March 3, 2015. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** below as soon as possible.

ADDRESSES: Send comments to James ''Chip'' Berry. To ensure receipt of the comments by the due date, submission by email is recommended (*james.berry@eia.gov*). Comments may also be submitted by mail to James Berry, Survey Manager, EI–22, Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Alternatively, Mr. Berry may be contacted by telephone at (202) 586–5543.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Mr. Berry at the contact information given above. To view the forms online please go to: *http://www.eia.gov/survey/#eia-457.*

SUPPLEMENTARY INFORMATION: The Federal Energy Administration Act of 1974 (Pub. L. 93–275, 15 U.S.C. 761 *et seq.*) and the DOE Organization Act (Pub. L. 95–91, 42 U.S.C. 7101 *et seq.*) requires EIA to carry out a centralized, comprehensive, and unified energy information program. This program collects, evaluates, assembles, analyzes, and disseminates information on energy resource reserves, production, demand, technology, and related economic and statistical information. This information is used to assess the adequacy of energy resources to meet near and longer-term domestic demands.

EIA, as part of its effort to comply with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 35), provides the general public and other Federal agencies with opportunities to comment on collections of energy information conducted by or in conjunction with EIA. Any comments received help EIA to prepare data requests that maximize the utility of the information collected, and to assess the impact of collection requirements on the public. Also, EIA will later seek approval by the Office of Management and Budget (OMB) under section 3507(a) of the Paperwork Reduction Act of 1995.

The Residential Energy Consumption Survey (RECS) is a periodic series of surveys of households and their energy suppliers with the purpose of collecting and reporting energy characteristics, consumption, and expenditures data of homes in the United States. The data are widely used throughout the government and the private sector for policy analysis and are made available to the public via data tables, public-use data files, and analysis articles. The most recent survey, the 2009 RECS, was the 13th iteration of the program. Data, reports, survey forms, and documentation from the 2009 RECS are available at EIA's Residential Consumption homepage at *http://www.eia.gov/consumption/residential/.* Results and documentation from earlier surveys are also available at this Web site. Please refer to the survey Web site for more detailed information about the purpose of the RECS and discussions of survey and data collection methodologies.

EIA administers the RECS to a nationally representative sample of households. A follow-on survey of rental agents (*e.g.* apartment managers or landlords) is also conducted to collect more accurate structural and equipment information for household respondents living in apartments. Specially trained interviewers collect energy characteristics on the housing unit, usage patterns, and household demographics. The household and rental agent data collections are conducted on a voluntary basis and in-person with each respondent. This information is combined with data from energy suppliers to these homes to estimate energy costs and usage for heating, cooling, appliances and other end uses. The energy supplier surveys are collected primarily via a secure Web site and response is mandatory. Similar designs and methods are planned for the next iteration of the RECS, the 2015 RECS.

This information collection contains:

(1) *OMB No.:* 1905–0092.

(2) *Information Collection Request Title:* EIA–457A C, D, E, F, G, ''Residential Energy Consumption Survey''.

(3) *Type of Request:* Reinstatement with change of a previously approved collection for which approval has discontinued.

(4) *Purpose:* Need for and proposed use of the information: The RECS is used to collect data on energy characteristics, consumption, and expenditures of U.S. homes. These data collections fulfill planning, analyses and decision-making needs of DOE, other Federal agencies, State governments, and the private sector. Respondents are householders of selected housing units and their energy suppliers. Response obligations are Voluntary (households) and Mandatory (energy suppliers).

This will be a proposed reinstatement of a previously approved collection and three-year clearance request to OMB. The content of the 2015 RECS will be largely unchanged from the 2009 RECS. Sampling will incorporate key definitions and elements from previous RECS. Housing units will be selected via a multi-stage area probability sample design and will be statistically representative of U.S. occupied housing units, as well as selected sub-national geographies.

The EIA proposes the following changes to the RECS:

a. The sample size for the 2015 RECS will be smaller than the 2009 RECS. The sample size and publishable results for the 2015 RECS will be comparable to the 2001 and 2005 surveys.

b. The content of the household questionnaire will remain relatively unchanged from the 2009 RECS. Detailed information about the following characteristics of the home and data items that support the energy supplier collection will continue to be collected:

- Structural characteristics, including square footage
- Appliances
- Entertainment devices and miscellaneous electric loads
- Primary and secondary heating
- Cooling
- Water heating
- Household demographics
- Energy supplier and payment information

Minor updates will be made to items in these areas in the interest of respondent clarity or to adjust to changes in technology. For example, EIA will collect information about tablet usage, revise refrigerator size categories to align with current stock, collect information on the use of wood pellets, and capture the penetration of ground-source heat pumps. Some items are also planned for removal, including residential transportation items.

c. The scope of the supplemental RECS form EIA 457–C, ''Rental Agent Survey'' will be expanded to include all responding households living in apartments. In previous RECS only those responding households who paid some or all of their energy bills through rent or condo fees were selected for the follow-on Rental Agent Survey. Analysis of the 2009 RECS indicates that the data quality for all apartment unit respondents would be significantly improved by asking critical questions of associated apartment rental agents (*e.g.* leasing agents, property managers, or landlords.)

(5) *Annual Estimated Number of Respondents:* 1,933.

a. Household Survey: 1,500.

b. Rental Agent Survey: 183.

c. Energy Supplier Surveys: 250.

(6) *Annual Estimated Number of Total Responses:* 4,334.

a. Household Survey: 1,500.

b. Rental Agent Survey: 367.

c. Energy Supplier Surveys: 2,467.

(7) *Annual Estimated Number of Burden Hours:* 1,959.

a. Household Survey: 1,250.

b. Rental Agent Survey: 92.

c. Energy Supplier Surveys: 617.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* EIA estimates that there are no capital and start-up costs associated with this data collection. The information is maintained in the normal course of business. For household respondents no additional record keeping or other burden is required outside the interview

process. The cost of burden hours to all household, rental agent, and energy supplier respondents is estimated to be $135,817 (1,959 annual burden hours times $69.33 per hour.) Therefore, other than the cost of burden hours, EIA estimates that there are no additional costs for generating, maintaining and providing the information.

Statutory Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, codified at 15 U.S.C. 772(b).

Issued in Washington, DC, December 24, 2014.

Lawrence Stroud,

Acting Director, Office of Survey Development and Statistical Integration, U.S. Energy Information Administration.

[FR Doc. 2014–30744 Filed 12–31–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL00–95–248]

San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator Corporation and the California Power Exchange; Notice of Filing

Take notice that on December 10, 2014, the California Parties [1] filed proposed data templates for compliance filings and proposed procedures for implementing the Commission's Opinion No. 536,[2] as more fully explained in the California Parties' filing.

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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

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 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.

Comment Date: 5:00 p.m. Eastern Time on December 31, 2014.

Dated: December 23, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–30747 Filed 12–31–14; 8:45 am]

BILLING CODE 6717–01–P

[1] California Parties means collectively, the People of the State of California *ex rel.* Kamala D. Harris, Attorney General, the Public Utilities Commission of the State of California, Pacific Gas and Electric Company, and Southern California Edison Company.

[2] *San Diego Gas & Elec. Co.* v. *Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator and the California Power Exchange,* 149 FERC ¶ 61,116 (2014) (Opinion No. 536).

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0479; FRL–9916–07]

Agency Information Collection Activities; Proposed Collection; Comment Request Reporting in the FIFRA Cooperative Agreement Work Plan and Report Template OMB Control No. 2070–NEW

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces that EPA is planning to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB). The ICR, entitled ''Reporting in the FIFRA Cooperative Agreement Work Plan and Report Template'' and identified by EPA ICR No. 2511.01 and OMB Control No. 2070–NEW, represents a new request. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection that is summarized in this document. The ICR and accompanying material are available in the docket for public review and comment.

DATES: Comments must be received on or before March 3, 2014.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2014–0479, 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: Cameo Smoot, Field and External Affairs Division (7605P) 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.*

SUPPLEMENTARY INFORMATION:

I. What information is EPA particularly interested in?

Pursuant to PRA section 3506(c)(2)(A) (44 U.S.C. 3506(c)(2)(A)), EPA specifically solicits comments and information to enable it to:

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 estimates 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.
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. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What information collection activity or ICR does this action apply to?

Title: Reporting in the FIFRA Cooperative Agreement Work Plan and Report Template.

ICR number: EPA ICR No. 2511.01.

OMB control number: OMB Control No. 2070–NEW.

ICR status: This is a new information collection activity. 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 title 40 of the Code of Federal Regulations (CFR), after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This ICR describes the burden activities for the collection of information for the pre-award burden activity for creating a work plan and the post-award and after-the-grant award activities related to reporting accomplishments to implement EPA's Federal Insecticide Fungicide and Rodenticide Act State and Tribal Assistance Grant (STAG) program (7 U.S.C. 136u). The ICR augments another ICR that is currently approved under OMB control number 2030–0020 and that accounts for the current PRA burden for the minimum management requirements for all recipients of EPA grants or cooperative agreements (assistance agreements). The new ICR describes the paperwork activities associated specifically with the FIFRA program specific activities, including the use of a standardized electronic reporting template that was developed in conjunction with the States and EPA Regions for the collection of this information. Responses to this collection of information are mandatory (40 CFR parts 30 and 31).

Burden statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 39 hours per response. Burden is defined in 5 CFR 1320.3(b). The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Respondents/Affected Entities: State, local governments, tribes and U.S. territories. Entities potentially affected by this ICR are grantees of Federal funds participating in the FIFRA and STAG program (7 U.S.C. 136u).

Estimated total number of potential respondents: 81

Frequency of response: On occasion

Estimated total average number of responses for each respondent: 2

Estimated total annual burden hours: 6,318 hours.

Estimated total annual costs: $233,280. No capital investment or maintenance and operational costs are related to this action.

III. What is the next step in the process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** document pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

Authority: 44 U.S.C. 3501 *et. seq.*

Dated: December 22, 2014.

James Jones,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2014–30685 Filed 12–31–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9018–7]

Environmental Impact Statements; Notice of Availability

AGENCY: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements

Filed 12/22/2014 through 12/24/2014

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

EIS No. 20140380, Draft EIS, USACE, CA, Sacramento River Bank Protection Project, Comment Period Ends: 02/27/2015, Contact: Brian Mulvey 916–557–7660.

EIS No. 20140381, Draft Supplement, BLM, WA, Vantage to Pomona Heights 230 kV Transmission Line Project, Comment Period Ends: 02/17/2015, Contact: Roberta Estes 541–416–6728.

EIS No. 20140382, Final EIS, USACE, LA, West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction, Review Period Ends: 02/02/2015, Contact: Sandra Stiles 504–862–1583.

EIS No. 20140383, Draft EIS, NRC, IL, Plant-Specific Supplement 54, License Renewal of Nuclear Plants Regarding Byron Station, Units 1 and 2, Comment Period Ends: 02/20/2015, Contact: Lois M. James 301–415–3306.

Amended Notices

EIS No. 20140326, Draft EIS, FHWA, WI, I–94 East-West Corridor, Comment Period Ends: 01/27/2015, Contact: George Poirier 608–829–7500 Revision to FR Notice Published 11/14/2014; Extending Comment Period from 01/13/2015 to 01/27/2015.

EIS No. 20140328, Draft Supplement, USFS, NM, North Fork Wells of Eagle Creek, Comment Period Ends: 01/28/2015, Contact: David M. Warnack 575–257–4095.

Revision to FR Notice Published 12/12/2014; Extending Comment Period from 01/13/2015 to 01/28/2015.

Dated: December 29, 2014.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2014–30782 Filed 12–31–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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: Center for Scientific Review Special Emphasis Panel Member Conflict: AIDS and AIDS Related Research.

Date: January 9–10, 2015.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mary Clare Walker, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5208, MSC 7852, Bethesda, MD 20892, (301) 435–1165, *walkermc@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: December 29, 2014.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–30762 Filed 12–31–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging: Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Nathan Shock Center.

Date: January 26, 2015.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Bita Nakhai, Ph.D., Scientific Review Branch National Institute on Aging Gateway Bldg. 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20814, 301–402–7701, *nakhaib@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: December 29, 2014.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–30760 Filed 12–31–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Chemosensory Neuroscience.

Date: January 29–30, 2015.

Time: 8:00 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: John Bishop, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7844, Bethesda, MD 20892, (301) 408–9664, *bishopj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 13–137: Neurotechnology and Low Vision Technology Bioengineering Research Grants.

Date: February 2, 2015.

Time: 3:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: JW Marriott New Orleans, 614 Canal Street, New Orleans, LA 70130.

Contact Person: Robert C Elliott, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3130, MSC 7850, Bethesda, MD 20892, 301–435–3009, *elliotro@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Cognition and Perception Study Section.

Date: February 5–6, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Long Beach Hotel, 111 East Ocean Blvd., Long Beach, CA 90802.

Contact Person: Dana Jeffrey Plude, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3176, MSC 7848, Bethesda, MD 20892, (301) 435–2309, *pluded@csr.nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Gene and Drug Delivery Systems Study Section.

Date: February 5–6, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Amy L Rubinstein, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5152, MSC 7844, Bethesda, MD 20892, 301–408–9754, *rubinsteinal@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neuroendocrinology, Neuroimmunology, Rhythms and Sleep Study Section.

Date: February 5–6, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: JW Marriott New Orleans, 614 Canal Street, New Orleans, LA 70130.

Contact Person: Michael Selmanoff, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5164, MSC 7844, Bethesda, MD 20892, 301–435–1119, *mselmanoff@csr.nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Social Psychology, Personality and Interpersonal Processes Study Section.

Date: February 5–6, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Le Meridien Delfina Santa Monica, 530 Pico Boulevard, Santa Monica, CA 90405.

Contact Person: Marc Boulay, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110, MSC 7808, Bethesda, MD 20892, (301) 300–6541, *boulaymg@csr.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group;

Skeletal Muscle and Exercise Physiology Study Section.

Date: February 5–6, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications

Place: The Torrance Marriott South Bay, 3635 Fashion Way, Torrance, CA 90503.

Contact Person: Richard Ingraham, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7814, Bethesda, MD 20892, 301–496–8551, *ingrahamrh@mail.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Clinical Neuroplasticity and Neurotransmitters Study Section.

Date: February 5–6, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Nikko San Francisco, 222 Mason Street, San Francisco, CA 94102.

Contact Person: Suzan Nadi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217B, MSC 7846, Bethesda, MD 20892, 301–435–1259, *nadis@csr.nih.gov*.

Name of Committee: Emerging Technologies and Training Neurosciences Integrated Review Group; Molecular Neurogenetics Study Section.

Date: February 5–6, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Eugene Carstea, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 408–9756, *carsteae@csr.nih.gov*.

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Psychosocial Development, Risk and Prevention Study Section.

Date: February 5–6, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Mayflower Hotel, 1127 Connecticut Avenue NW., Washington, DC 20036.

*Contact Person:*Anna L Riley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7759, Bethesda, MD 20892, (301) 435–2889, *rileyann@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurobiology of Motivated Behavior Study Section.

Date: February 5, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Washington DC, Dupont Circle, 1143 New Hampshire Avenue NW., Washington, DC 20037.

Contact Person: Nicholas Gaiano, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5178, MSC 7844, Bethesda, MD 20892–7844, 301–435–1033, *gaianonr@csr.nih.gov.*

Name of Committee: Immunology Integrated Review Group; Transplantation, Tolerance, and Tumor Immunology Study Section.

Date: February 5–6, 2015.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Jin Huang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4199, MSC 7812, Bethesda, MD 20892, 301–435–1230, *jh377p@nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function C Study Section.

Date: February 5–6, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Palomar Hotel, 2121 P Street, NW., Washington, DC 20037.

Contact Person: William A Greenberg, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4168, MSC 7806, Bethesda, MD 20892, (301) 435–1726, *greenbergwa@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Neural Basis of Psychopathology, Addictions and Sleep Disorders Study Section.

Date: February 5–6, 2015.

Time: 8:30 a.m. to 5:00 a.m.

Agenda: To review and evaluate grant applications.

Place: Best Western Tuscan Inn, 425 North Point Street, San Francisco, CA 94133.

Contact Person: Julius Cinque, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7846, Bethesda, MD 20892, *cinquej@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: December 29, 2014.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–30763 Filed 12–31–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review: Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Cell Biology Integrated Review Group, Nuclear and Cytoplasmic Structure/Function and Dynamics Study Section, January 29, 2015, 8 a.m. to January 30, 2015, 5 p.m., Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015 which was published in the **Federal Register** on December 29, 2014, 79 FR 78095.

The meeting will be held on January 29, 2015. The meeting time and location remain the same. The meeting is closed to the public.

Dated: December 29, 2014.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–30761 Filed 12–31–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). The Mandatory Guidelines were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); and on April 30, 2010 (75 FR 22809).

A notice listing all currently HHS-certified laboratories and IITFs is published in the **Federal Register** during the first week of each month. If any laboratory or IITF certification is

suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the Internet at *http://beta.samhsa.gov/workplace.*

FOR FURTHER INFORMATION CONTACT: Giselle Hersh, Division of Workplace Programs, SAMHSA/CSAP, Room 7–1051, One Choke Cherry Road, Rockville, Maryland 20857; 240–276–2600 (voice), 240–276–2610 (fax).

SUPPLEMENTARY INFORMATION: The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Pub. L. 100–71. The ''Mandatory Guidelines for Federal Workplace Drug Testing Programs,'' as amended in the revisions listed above, requires strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on urine specimens for federal agencies.

To become certified, an applicant laboratory or IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines. A HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that it has met minimum standards.

In accordance with the Mandatory Guidelines dated November 25, 2008 (73 FR 71858), the following HHS-certified laboratories and IITFs meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

HHS-Certified Instrumented Initial Testing Facilities: Gamma-Dynacare Medical Laboratories, 6628 50th Street NW., Edmonton, AB Canada T6B 2N7, 780–784–1190

HHS-Certified Laboratories: ACM Medical Laboratory, Inc., 160 Elmgrove Park, Rochester, NY 14624, 585–429–2264

Aegis Analytical Laboratories, Inc., 345 Hill Ave., Nashville, TN 37210, 615–255–2400, (Formerly: Aegis Sciences Corporation, Aegis Analytical Laboratories, Inc., Aegis Analytical Laboratories)

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823, (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.)

Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804–378 –9130, (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.)

Baptist Medical Center-Toxicology Laboratory, 11401 I–30, Little Rock, AR 72209–7056, 501–202–2783, (Formerly: Forensic Toxicology Laboratory Baptist Medical Center)

Clinical Reference Lab, 8433 Quivira Road, Lenexa, KS 66215–2802, 800–445–6917

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800–235–4890

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662–236–2609

Fortes Laboratories, Inc., 25749 SW., Canyon Creek Road, Suite 600, Wilsonville, OR 97070, 503–486–1023

Gamma-Dynacare Medical Laboratories*, A Division of the Gamma-Dynacare Laboratory Partnership, 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519–679–1630

Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400/800–437–4986, (Formerly: Roche Biomedical Laboratories, Inc.)

Laboratory Corporation of America Holdings, 1904 Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984, (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group)

Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866–827–8042/800–233–6339, (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center)

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–873–8845, (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.)

MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 651–636–7466/800–832–3244

MetroLab-Legacy Laboratory Services, 1225 NE 2nd Ave., Portland, OR 97232, 503–413–5295/800–950–5295

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612–725–2088

National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661–322–4250/800–350–3515

One Source Toxicology Laboratory, Inc., 1213 Genoa-Red Bluff, Pasadena, TX 77504, 888–747–3774, (Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory)

Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800–328–6942, (Formerly: Centinela Hospital Airport Toxicology Laboratory)

Pathology Associates Medical Laboratories, 110 West Cliff Dr., Spokane, WA 99204, 509–755–8991/800–541–7891x7

Phamatech, Inc., 10151 Barnes Canyon Road, San Diego, CA 92121, 858–643–5555

Quest Diagnostics Incorporated, 1777 Montreal Circle, Tucker, GA 30084, 800–729–6432, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated, 400 Egypt Road, Norristown, PA 19403, 610–631–4600/877–642–2216, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated, 8401 Fallbrook Ave., West Hills, CA 91304, 818–737–6370, (Formerly: SmithKline Beecham Clinical Laboratories)

Redwood Toxicology Laboratory, 3700650 Westwind Blvd., Santa Rosa, CA 95403, 800–255–2159

Southwest Laboratories, 4625 E. Cotton Center Boulevard, Suite 177, Phoenix, AZ 85040, 602–438–8507/800–279–0027

STERLING Reference Laboratories, 2617 East L Street, Tacoma, Washington 98421, 800–442–0438

US Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755–5235, 301–677–7085

*The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA)

effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (**Federal Register**, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the **Federal Register** on April 30, 2010 (75 FR 22809). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program.

Janine Denis Cook,

Chemist, Division of Workplace Programs, Center for Substance Abuse Prevention, SAMHSA.

[FR Doc. 2014–30750 Filed 12–31–14; 8:45 am]

BILLING CODE 4160–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2014–0763; OMB Control Number 1625–0109]

Collection of Information Under Review by Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding Information Collection Requests (ICRs), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of an extension to the following collection of information: 1625–0109, Drawbridge Operation Regulations. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before February 2, 2015.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2014–0763] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT) and/or to OIRA. To avoid duplicate submissions, please use only one of the following means:

(1) Online: (a) To Coast Guard docket at *http://www.regulations.gov.* (b) To OIRA by email via: *OIRA-submission@omb.eop.gov* .

(2) Mail: (a) DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. (b) To OIRA, 725 17th Street NW., Washington, DC 20503, attention Desk Officer for the Coast Guard.

(3) Hand Delivery: To DMF address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) Fax: (a) To DMF, 202–493–2251. (b) To OIRA at 202–395–6566. To ensure your comments are received in a timely manner, mark the fax, attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICRs are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–612), ATTN: PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR. AVE. SE., STOP 7710, WASHINGTON DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532 or fax 202–372–8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICRs referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG 2014–0763], and must be received by February 2, 2015. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number [USCG–2014–0763]; indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (via *http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or

mail your comment, it will be considered as having been received by the Coast Guard when it is received at the DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**, but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov,* and type ''USCG–2014–0763'' in the ''Search'' box. 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 will address them accordingly.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Search'' box insert ''USCG–2014–0763'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF 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., Monday through Friday, except Federal holidays.

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Numbers: 1625–0109.

Privacy Act

Anyone can search the electronic form of comments received in dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (79 FR 60481, October 7, 2014) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments.

Information Collection Request

1. *Title:* Drawbridge Operation Regulations.

OMB Control Number: 1625–0109.

Type of Request: Extension of a currently approved collection.

Respondents: The public and private owners of bridges over navigable waters of the United States.

Abstract: The U.S. Coast Guard, Office of Bridge Programs requires information from the bridge owners detailing any requested change to the operating requirements of drawbridges so that they can evaluate the impact to navigation and provide notice to the public.

Forms: None.

Burden Estimate: The estimated burden remains at 150 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: December 23, 2014.

Thomas P. Michelli,

U.S. Coast Guard, Chief Information Officer, Acting.

[FR Doc. 2014–30783 Filed 12–31–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2014–0992; OMB Control Numbers 1625–(0013, 0094, 0096, 0097, 0101)]

Information Collection Request to Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICRs) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of a revision to the following collections of information: 1625–0013, Plan Approval and Records for Load Lines—Title 46 CFR Subchapter E; 1625–0094, Ships Carrying Bulk Hazardous Liquids; 1625–0096, Report of Oil or Hazardous Substance Discharge and Report of Suspicious Maritime Activity; 1625–0097, Plan Approval and Records for Marine Engineering Systems—Title 46 CFR Subchapter F; and 1625–0101, Periodic Gauging and Engineering Analyses for Certain Tank Vessels over 30 Year Old. Our ICRs describe the information we seek to collect from the public. Before submitting these ICRs to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before March 3, 2014.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2014–0992] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT). To avoid duplicate submissions, please use only one of the following means:

(1) Online: *http://www.regulations.gov.*

(2) Mail: DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(3) Hand delivery: Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) Fax: 202–493–2251. To ensure your comments are received in a timely manner, mark the fax, to attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICRs are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–612), ATTN: PAPERWORK REDUCTION ACT MANAGER, US COAST GUARD, 2703 MARTIN LUTHER KING JR AVE SE STOP 7710, WASHINGTON DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collections; (2) the accuracy of the estimated burden of the Collections; (3) ways to enhance the quality, utility, and clarity of information subject to the Collections; and (4) ways to minimize the burden of the Collections on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise these ICRs or decide not to seek approval of revisions of the Collections. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2014–0992], and must be received by March 3, 2014. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number [USCG–2014–0992], indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (*via http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov,* and type ''USCG–2014–0992'' in the ''Search'' box. 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 will address them accordingly.

Viewing comments and documents: To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Search'' box insert ''USCG–2014–0992'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF 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., Monday through Friday, except Federal holidays.

Privacy Act

Anyone can search the electronic form of comments received in dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Information Collection Request.

1. *Title:* Plan Approval and Records for Load Lines—Title 46 CFR Subchapter E.

OMB Control Number: 1625–0013.

Summary: This information collection is required to ensure that certain vessels are not overloaded—as evidenced by the submerging of their assigned load line. In general, vessels over 150 gross tons or 24 meters (79 feet) in length engaged in commerce on international or coastwise voyages by sea are required to obtain a Load Line Certificate.

Need: Title 46 U.S.C. 5101 to 5116 provides the Coast Guard with the authority to enforce provisions of the International Load Line Convention, 1966. Title 46 CFR chapter I, Subchapter E—Load Lines, contain the relevant regulations.

Forms: Not applicable.

Respondents: Owners and operators of vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden has decreased from 1,761 hours to 907 hours a year due to a decrease in the estimated annual number of respondents.

2. *Title:* Ships Carrying Bulk Hazardous Liquids.

OMB Control Number: 1625–0094.

Summary: This information collection is needed to ensure the safe transport of bulk hazardous liquids on chemical tank vessels and to protect the environment from pollution.

Need: Under 46 U.S.C. 3703, the Coast Guard is authorized to prescribe regulations for protection against hazards to life, property, navigation and vessel safety, and protection of the marine environment. The regulations for the safe transport by vessel of certain bulk dangerous cargoes are contained in 46 CFR part 153.

Forms: CG–4602B, CG–5148, CG–5148A, CG–5148B, and CG–5461.

Respondents: Owners and operators of chemical tank vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden has increased from 5,291 hours to 5,539 hours a year due to an increase in the estimated annual number of respondents.

3. *Title:* Report of Oil or Hazardous Substance Discharge and Report of Suspicious Maritime Activity.

OMB Control Number: 1625–0096.

Summary: Any discharge of oil or a hazardous substance must be reported to the National Response Center (NRC) so that the pre-designated on-scene coordinator can be informed and appropriate spill mitigation action carried out. The NRC also receives suspicious activity reports from the public and disseminates this information to appropriate entities.

Need: Titles 33 CFR 153.203, 40 CFR 263.30 and 264.56, and 49 CFR 171.15 mandate that the NRC be the central place for the public to report all pollution spills. Title 33 CFR 101.305 mandates that owners or operators of those vessels or facilities are required to have security plans, report activities

that may result in a Transportation Security Incident (TSI) or breaches of security to the NRC. Voluntary reports are also accepted.

Forms: Not applicable.

Respondents: Persons-in-charge of a vessel or onshore/offshore facility, owners or operators of vessels or facilities required to have security plans, and the public.

Frequency: On occasion.

Burden Estimate: The estimated burden has decreased from 12,098 hours to 3,275 hours a year due to a decrease in the estimated annual number of responses.

4. *Title:* Plan Approval and Records for Marine Engineering Systems—46 CFR Subchapter F.

OMB Control Number: 1625–0097.

Summary: This collection of information requires an owner or builder of a commercial vessel to submit to the U.S. Coast Guard for review and approval, plans pertaining to marine engineering systems to ensure that the vessel will meet regulatory standards.

Need: Under 46 U.S.C. 3306, the Coast Guard is authorized to prescribe vessel safety regulations including those related to marine engineering systems. Title 46 CFR Subchapter F prescribes those requirements. The rules provide the specifications, standards and requirements for strength and adequacy of design, construction, installation, inspection, and choice of materials for machinery, boilers, pressure vessels, safety valves, and piping systems upon which safety of life is dependent.

Forms: Not applicable.

Respondents: Owners and builders of commercial vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden has increased from 3,695 hours to 5,512 hours a year due to an increase in the estimated annual number of responses.

5. *Title:* Periodic Gauging and Engineering Analyses for Certain Tank Vessels over 30 Years Old.

OMB Control Number: 1625–0101.

Summary: The Oil Pollution Act of 1990 required the issuance of regulations related to the structural integrity of tank vessels, including periodic gauging of the plating thickness of tank vessels over 30 years old. This collection of information is used to verify the structural integrity of older tank vessels.

Need: Title 46 U.S.C. 3703 authorizes the Coast Guard to prescribe regulations related to tank vessels, including design, construction, alteration, repair, and maintenance. Title 46 CFR 31.10–21a prescribe the regulations related to periodic gauging and engineering analyses of certain tank vessels over 30 years old.

Forms: Not applicable.

Respondents: Owners and operators of certain tank vessels.

Frequency: Every five years.

Burden Estimate: The estimated burden has decreased from 7,946 hours to 5,278 hours a year due to a decrease in the estimated annual number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: December 23, 2014.

Thomas P. Michelli,

U.S. Coast Guard, Chief Information Officer, Acting.

[FR Doc. 2014–30771 Filed 12–31–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2014–0996; OMB Control Number 1625–0037]

Information Collection Request to Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICRs) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of an extension of a currently approved collection: 1625–0037, Certificates of Compliance, Boiler/Pressure Vessel Repairs, Cargo Gear Records and Shipping Papers. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before March 3, 2015.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2014–0996] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT). To avoid duplicate submissions, please use only one of the following means:

(1) Online: *http://www.regulations.gov.*

(2) Mail: DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(3) Hand delivery: Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) Fax: 202–493–2251. To ensure your comments are received in a timely manner, mark the fax, to attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICR(s) are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–612), ATTN PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR AVE. SE., STOP 7710, WASHINGTON DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the

Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise these ICRs or decide not to seek approval of revisions of the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2014–0996], and must be received by March 3, 2015. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number [USCG–2014–0996], indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (via *http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov,* and type ''USCG–2014–0996'' in the ''Search'' box. 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 will address them accordingly.

Viewing comments and documents: To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Search'' box insert ''USCG–2014–0996'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF 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., Monday through Friday, except Federal holidays.

Privacy Act

Anyone can search the electronic form of comments received in dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Information Collection Request

1. *Title:* Certificates of Compliance, Boiler/Pressure Vessel Repairs, Cargo Gear Records and Shipping Papers.

OMB Control Number: 1625–0037.

Summary: This information collection is needed to enable the Coast Guard to fulfill its responsibilities for maritime safety under title 46, U.S. Code.

Need: Title 46 U.S. Code 3301, 3305, 3306, 3702, 3703, 3711, and 3714 authorizes the Coast Guard to establish marine safety regulations to protect life, property, and the environment. These regulations are prescribed in title 46 Code of Federal Regulations.

Forms: CG–3585, CG–5437A and CG–5437B.

Respondents: Owners and operators of vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden remains at 14,725 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. 35, as amended.

Dated: December 23, 2014.

Thomas P. Michelli,

Acting Chief Information Officer, U.S. Coast Guard.

[FR Doc. 2014–30772 Filed 12–31–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5828–N–01]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, and suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where

property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Ritta, Ms. Theresa M. Ritta, Chief Real Property Branch, the Department of Health and Human Services, Room 5B–17, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–6672 (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *COE:* Ms. Brenda John-Turner, Army Corps of Engineers, Real Estate, HQUSACE/CEMP–CR, 441 G Street NW., Washington, DC 20314; (202) 761–5222 (This is not a toll-free number).

Dated: December 18, 2014.

Brian P. Fitzmaurice,

Director, Division of Community Assistance, Office of Special Needs Assistance Programs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 01/02/2015

Suitable/Available Properties

Building

Virginia

Comfort Stations, Property ID# PHL–17771
1058 Philpott Dam Rd
Bassett VA 24055
Landholding Agency: COE
Property Number: 31201440010
Status: Unutilized
Comments: off-site removal only; 189 sq. ft.; difficult to remove due to structure type; no future agency need; contact COE for more information.

[FR Doc. 2014–30344 Filed 12–31–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORW00000 L51010000.ER0000 LVRWH09H0570 14XL5017AP; HAG–14–0191]

WAOR65753; Notice of Availability of the Supplemental Draft Environmental Impact Statement for the Proposed Vantage to Pomona Heights 230 kV Transmission Line Project in Benton, Grant, Kittitas, and Yakima Counties, Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, the Bureau of Land Management (BLM) has prepared a Supplemental Draft Environmental Impact Statement (EIS) for the Vantage to Pomona Heights 230 kV Transmission Line Project and, by this notice, is announcing the opening of the comment period.

DATES: To ensure that comments will be considered, the BLM must receive written comments on the Supplemental Draft EIS for the Vantage to Pomona Heights 230 kV Transmission Line Project within 45 days following the date the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**. The BLM will announce future meetings or hearings and any other public involvement activities at least 15 days in advance through public notices, media releases, and/or mailings.

ADDRESSES: You may submit comments related to the Vantage to Pomona Heights 230 kV Transmission Line Project by any of the following methods:

- Web site: *http://www.blm.gov/or/districts/spokane/plans/vph230.php.*
- Email: *blm_or_vantage_pomona@blm.gov* (please reference Vantage to Pomona Heights Supplemental Draft EIS in the subject line).
- Fax: 509–536–1275 Attn: Vantage to Pomona Heights Supplemental Draft EIS Project Manager.
- Mail to: Spokane District, Records Manager, 1103 North Fancher Road, Spokane, Washington 99212, Attn: Vantage to Pomona Heights Supplemental Draft EIS.
- Hand-deliver to: BLM Wenatchee Field Office, Attn: Vantage to Pomona Heights Supplemental Draft EIS, 915 Walla Walla Avenue, Wenatchee, Washington 98801–1521, between 8:00 a.m. and 4:00 p.m. Monday through Friday, excluding Federal holidays.

Copies of the Supplemental Draft EIS for the Vantage to Pomona Heights 230 kV Transmission Line Project, as well as copies of the January 2013 DEIS, are available in the BLM Wenatchee Field Office at the above address and electronically at the following Web site: *http://www.blm.gov/or/districts/spokane/plans/vph230.php.*

FOR FURTHER INFORMATION CONTACT: Vantage to Pomona Heights Supplemental Draft EIS Project Manager; telephone, 509–665–2100; address, BLM Wenatchee Field Office, 915 Walla Walla Avenue, Wenatchee, Washington 98801–1521; email, *blm_or_vantage_pomona@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The project proponent, Pacific Power, filed Federal applications for rights-of-way with the BLM, the U.S. Department of Defense Joint Base Lewis McChord Yakima Training Center (JBLM YTC), and the U.S. Bureau of Reclamation (Reclamation) for construction, operation, and maintenance of a 230-kilovolt (kV) transmission line from Pacific Power's Pomona Heights Substation located east of Selah, Washington, in Yakima County to the

Bonneville Power Administration (BPA) Vantage Substation located just east of the Wanapum Dam in Grant County, Washington. The project proponent's interest in the new line is to enhance overall operating flexibility and security of the regional transmission grid and to improve system reliability in the Yakima Valley.

On January 4, 2013, the BLM released a Draft EIS for public review and comment. As a result of the comments received at public meetings and submitted in writing during the Draft EIS comment period, the BLM, Pacific Power, and the JBLM YTC met and identified a New Northern Route Alternative that is located largely on JBLM YTC land. The BLM therefore decided to prepare a Supplemental Draft EIS to fully describe the New Northern Route Alternative, analyze the direct, indirect, and cumulative impacts associated with this alternative, and describe mitigation measures that could avoid, minimize, or reduce impacts. The Supplemental Draft EIS focuses the analysis on the New Northern Route Alternative as well as any significant new circumstances or information that has become available since the January 2013 publication of the Draft EIS. New information that has been incorporated into the Supplemental Draft EIS is primarily related to Greater Sage-Grouse, a Candidate species under the Endangered Species Act. Following publication of the Draft EIS, the U.S. Fish and Wildlife Service (USFWS) Conservation Objectives Team (COT) published the Greater Sage-grouse Conservation Objectives: Final Report (COT Report). A key component of the COT Report is the identification of Priority Areas of Conservation (PACs), which are considered key habitats essential for Greater Sage-Grouse conservation. The COT Report identifies four PACs within the state of Washington, two of which have extant populations, Moses Coulee and Yakima Training Center. With the exception of a small portion of the New Northern Route Alternative, the Project is located entirely within the Yakima Training Center PAC. The impact analysis for Sage-Grouse was expanded in the Supplemental Draft EIS to address USFWS and Washington Department of Fish and Wildlife (WDFW) concerns regarding sage-grouse and to incorporate information from the COT Report and the Yakima Training Center PAC. In addition, the Supplemental Draft EIS analyzed two identified areas (approximately 10 miles in total length) with both an Overhead and an Underground Design Option to address wildlife agency concerns regarding impacts to sage-grouse.

The BLM remains the lead Federal agency and, along with the Cooperating Agencies, is responsible for analyzing the effects of Pacific Power's right-of-way applications to construct, operate, and maintain a 230 kV transmission line, associated access roads, and other ancillary facilities. The JBLM YTC, Reclamation, BPA, Federal Highway Administration (FHWA), USFWS, Washington Department of Natural Resources (DNR), Washington Department of Transportation (WSDOT), and Kittitas and Yakima Counties are Cooperating Agencies and assisted with the preparation of the Supplemental Draft EIS.

As preliminarily designed by Pacific Power and analyzed in the Draft EIS and the Supplemental DEIS, most of the proposed transmission line would be constructed on H-frame wood pole structures between 65 and 90 feet tall and spaced approximately 650 to 1,000 feet apart, depending on terrain. In developed or agricultural areas, single wood or steel monopole structures would be used. The single pole structures would be between 80 and 110 feet tall and spaced approximately 400 to 700 feet apart. The right-of-way width for the H-frame structure type would be between 125 to 150 feet and, for the single pole structure type, between 75 to 100 feet. For the Columbia River crossing, steel lattice structures approximately 200 feet tall would be used to safely span the up to 2,800-foot crossing.

The Supplemental Draft EIS considers three alternatives: No Action, New Northern Route Alternative, and the Draft EIS Agency Preferred Alternative. The New Northern Route Alternative is 41 miles in length and includes one potential subroute section and analyzes two identified areas (approximately 10 miles in total length) with both an Overhead and an Underground Design Option to address wildlife agency concerns regarding impacts to sage-grouse. The New Northern Route Alternative crosses Federal land managed by the BLM, the JBLM YTC, and Reclamation; State land managed by the WSDOT and the WDNR; and Yakima, Kittitas, and Grant Counties. The Supplemental Draft EIS also identifies mitigation measures to avoid, minimize, or reduce impacts for the New Northern Route Alternative. To minimize the amount and significance of impacts from the proposed Project to sage-grouse, a Framework for the Development of a Sage-grouse Habitat Mitigation Plan is currently being developed by the project's Sage-grouse Subgroup which is comprised of wildlife biologists representing the USFWS, WDFW, JBLM YTC, and BLM. This framework will provide the basis for the project proponent to prepare a Sage-grouse Habitat Mitigation Plan which will provide an overview of impacts and proposed sage-grouse compensatory mitigation actions for the project. The draft ''Vantage to Pomona Heights 230 kV Transmission Line Project Framework for Development of a Sage-Grouse Habitat Mitigation Plan'' is included as an appendix to the Supplemental Draft EIS.

The BLM will continue to use the National Environmental Policy Act (NEPA) public participation requirements to assist the agency in satisfying the public involvement requirements under Section 106 of the National Preservation Act (NHPA) (16 U.S.C. 470(f)) pursuant to 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed Vantage to Pomona Heights 230 kV Transmission Line Project will continue to assist BLM in identifying and evaluating impacts to such resources in the context of both NEPA and Section 106 of the NHPA.

The BLM will continue to consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts to trust assets and potential impacts to cultural resources, will be given due consideration. Federal, state, and local agencies, along with tribes and other stakeholders that may be interested in or affected by the proposed Vantage to Pomona Heights 230 kV Transmission Line Project were invited to participate in the scoping process and comment on the Draft EIS.

The BLM has consulted with the federally recognized Yakama Nation and the Colville Confederated Tribes and with the non-federally recognized Wanapum Band of Indians. BLM continues to work with the state and federal agencies and consulting tribes regarding development of a Programmatic Agreement (PA) that outlines how the federal agencies will comply with Section 106 for this undertaking, the draft PA is included as an appendix to the Supplemental Draft EIS.

Major issues brought forward during the scoping process that were addressed in the Draft EIS and carried forward in the Supplemental Draft EIS include:

- Land use conflicts and effects on agricultural operations and property values

- Effects on wildlife habitat, plants, and animals including threatened, endangered, and sensitive species (especially sage-grouse)
- Potential effects to JBLM YTC military training operations
- Effects to visual resources and existing view sheds
- Effects to cultural resources
- Effects to soils and water from surface-disturbing activities
- Social and economic effects
- Management and control of invasive plant species
- Public health and safety

The Supplemental Draft EIS analysis identified several advantages associated with the New Northern Route Alternative and they include:

- Reduced overall transmission line length; approximately 22-miles shorter than the DEIS Agency Preferred Alternative. The reduced transmission line length provides reduced resource impacts for several issues compared to the original DEIS Agency Preferred Alternative.
- Reduced overall transmission line length across non-federal lands; The New Northern Route Alternative occurs primarily on federal lands and therefore has less impacts on land use, public health and safety, and other issues compared to the DEIS Agency Preferred Alternative.
- Reduced overall disturbance footprint; the New Northern Route Alternative is consolidated in an existing transmission line corridor (approximately 200-foot centerline-to-centerline separation) for the majority of the proposed routing. The reduced disturbance foot-print thus reduced resource impacts such as impacts to wildlife habitat (especially Sage-Grouse), military training, soils, water resources, invasive species spread, and others issues compared to the DEIS Agency Preferred Alternative.

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. Please note that public comments and information submitted, including names, street addresses, and email addresses of persons who submit comments, will be available for public review and disclosure at the above address during regular business hours (8 a.m. to 4 p.m.), Monday through Friday, except holidays.

Authority: 40 CFR 1506.6, 40 CFR 1506.10.

Daniel C. Picard,

Spokane District Manager.

[FR Doc. 2014–30597 Filed 12–31–14; 8:45 am]

BILLING CODE 4310–33–P

DEPARMENT OF THE INTERIOR

Bureau of Land Management

[14XLLAKF02000.L16100000. DQ0000.LXSS094L0000]

Notice of Availability of Additional Information on Proposed Areas of Critical Environmental Concern and Associated Resource Use Limitations Identified in the Draft Eastern Interior Resource Management Plan/Draft Environmental Impact Statement, Alaska

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of availability.

SUMMARY: On February 24, 2012, the Bureau of Land Management (BLM) published a Notice of Availability (NOA) of the Eastern Interior Draft Resource Management Plan (RMP)/ Environmental Impact Statement (EIS) for public review and comment in the **Federal Register**. BLM planning regulations require the BLM to notify the public of proposed Areas of Critical Environmental Concern (ACEC) and specify the resource use limitations which would occur if the ACECs were formally designated through approval of the Eastern Interior RMP. Based on public comment on the Draft RMP, the BLM proposes the reconfiguration of the Fortymile ACEC and proposes a new ACEC on the Mosquito Flats. These specific proposed ACEC boundaries were not noticed in the Draft RMP/EIS. Thus, the BLM is providing this notice and public comment period for these two proposed ACECs.

DATES: You may submit comments related to the new ACEC information in this notice until March 3, 2014.

ADDRESSES: You may submit comments related to the new ACEC information by any of the following methods:

- Email: *easterninterior@blm.gov.*
- Fax: 907–474–2282.
- Mail: Eastern Interior Field Office, Attention—Eastern Interior RMP, Bureau of Land Management, 1150 University Avenue, Fairbanks, Alaska 99709.

FOR FURTHER INFORMATION CONTACT: Jeanie Cole, telephone 907–474–2340 or email *j05cole@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Comments on the Draft RMP/EIS received from the public and internal BLM analyses on ACECs were reviewed and considered for incorporation into the proposed plan. As a result, the BLM now proposes the addition of the 30,000 acre Mosquito Flats ACEC and reconfiguration of the Fortymile ACEC to 685,000 acres. It is unnecessary to issue a supplement to the Draft EIS pursuant to 40 CFR 1502.9 because the proposed land management direction for these ACECs was within the spectrum of alternatives analyzed in the Draft EIS. The following description details the information for these two proposed ACECs. Maps of both ACECs are available on the BLM's Eastern Interior RMP Web site at *www.blm.gov/ ak/eirmp.*

Mosquito Flats ACEC (30,000 Acres)

During the public comment period for the Eastern Interior RMP, the BLM received two nominations for an ACEC on the Mosquito Flats. The proposed Mosquito Flats ACEC is a large wetland complex unique to BLM lands in the planning area; it consists of a wetland basin situated in the upper portion of the drainage, at relatively high elevation (~2250 ft), and surrounded by mountains. Mosquito Flats provides unique wetland and aquatic habitats and supports a variety of wildlife species.

The proposed ACEC is comprised of a complex of floating bog wetland vegetation partially surrounded by mountains. The Mosquito Fork River flows over continuous sand beds that are uncharacteristically clean, light colored, well-sorted, and low in organics. These sand beds provide unique aquatic habitat essential for maintaining diverse species within the planning area.

Mosquito Flats is an important moose calving area and summer habitat for the regional moose population. The area also supports short-eared owls and nesting trumpeter swans, both BLM-Alaska sensitive species. It may also support other BLM-sensitive species, including olive-sided flycatcher, rusty blackbird, and blackpoll warbler.

Proposed Use Limitations: Closed to locatable mineral entry and mineral leasing, subject to valid existing rights. Off-Highway Vehicle (OHV) use is

limited by season with no summer use, except by permit.

Fortymile ACEC (685,000 Acres)

The BLM proposes modifying the boundary of the Fortymile ACEC that was presented in Alternative B in the Draft RMP/EIS to improve manageability by including additional small parcels between the calving/post-calving distribution and the Fortymile National Wild and Scenic River Corridor. The Fortymile ACEC is proposed to maintain effective caribou and Dall sheep habitat and mineral licks. The Fortymile caribou herd is an important subsistence resource in interior Alaska and calving and postcalving habitats are considered the most sensitive seasonal habitats.

Proposed Use Limitations: Closed to locatable mineral entry and mineral leasing, subject to valid existing rights. Limited OHV designation: Seasonal limitation on uses within 1 mile of mineral licks.

Consistent with 43 CFR 1610.7–2, the BLM is providing this notice and public comment period for these two proposed ACECs. (Supplemental information can be found in the original Notice of Availability (NOA) published in the **Federal Register** and on the Eastern Interior RMP Web site at *www.blm.gov/ak/eirmp*).

You may submit comments related to the new ACEC information on this notice until March 3, 2014 using any of the methods listed in the **DATES** section above.

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.

Bud C. Cribley,

State Director.

Authority: 43 CFR 1610.7–2

[FR Doc. 2014–30598 Filed 12–31–14; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2014–0077]

Extension of Comment Period on the Environmental Assessment for Virginia Offshore Wind Technology Advancement Project on the Atlantic Outer Continental Shelf Offshore Virginia

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Extension of comment period.

SUMMARY: BOEM is extending the comment period on an Environmental Assessment (EA) that considers the reasonably foreseeable environmental consequences associated with approval of wind energy-related research activities offshore Virginia as proposed by the Virginia Department of Mines, Minerals and Energy (DMME). BOEM is seeking public input on the EA, including comments on the completeness and adequacy of the environmental analysis. BOEM will consider public comments on the EA in determining whether to issue a Finding of No Significant Impact (FONSI), or conduct additional analysis under the National Environmental Policy Act.

DATES: Comments on the EA will now be accepted until January 16, 2015.

FOR FURTHER INFORMATION CONTACT: Michelle Morin, BOEM Office of Renewable Energy Programs, 381 Elden Street, HM 1328, Herndon, Virginia 20170, (703) 787–1340 or *Michelle.Morin@boem.gov*.

SUPPLEMENTARY INFORMATION: Please refer to the notice published in the **Federal Register** (79 FR 71446) on December 2, 2014, for further information. The notice and the EA can be found at: *http://www.boem.gov/VOWTAP/*.

Comments: You may submit your comments by one of two methods:

1. Electronically: *http://www.regulations.gov*. In the entry entitled, ''Enter Keyword or ID,'' enter BOEM–2014–0077, and then click ''search.'' Follow the instructions to submit public comments and view supporting and related materials for this notice.

2. In written form, delivered by hand or by mail, enclosed in an envelope labeled ''Approval of the Virginia Offshore Wind Technology Advancement Project on the Atlantic Outer Continental Shelf (OCS) Offshore Virginia'' to: Program Manager, Office of Renewable Energy, Bureau of Ocean Energy Management, 381 Elden Street, HM 1328, Herndon, Virginia 20170–4817. Comments must be received or postmarked no later than January 16, 2015. All written comments received or postmarked during the comment period will be made available to the public. Comments already submitted in response to the December 2, 2014, notice do not need to be resubmitted.

Authority: This notice is published pursuant to 43 CFR 46.305.

Dated: December 22, 2014.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2014–30767 Filed 12–31–14; 8:45 am]

BILLING CODE 4310–MR–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act

AGENCY: National Science Foundation.

ACTION: Notice of permits issued Under the Antarctic Conservation of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Li Ling Hamady, ACA Permit Officer, Division of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Or by email: *ACApermits@nsf.gov*.

SUPPLEMENTARY INFORMATION: On November 25, 2014 the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on December 25, 2014 to: Ashley Perrin, Permit No. 2015–016.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2014–30730 Filed 12–31–14; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0276]

General Use of Locks in Protection and Control of Facilities and Special Nuclear Materials, Classified Matter, and Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG), DG–5027, ''General Use of Locks in Protection and Control of Facilities and Special Nuclear Materials, Classified Matter, and Safeguards Information.''

DATES: Submit comments by March 3, 2015. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0276. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: 3WFN–06–A44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Al Tardiff, Office of Nuclear Security and Incident Response, telephone: 301–287–3616, email: *Al.Tardiff@nrc.gov*, or Mekonen Bayssie, Office of Nuclear Regulatory Research, telephone: 301–251–7489, email: *Mekonen.Bayssie@nrc.gov*, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information.

Please refer to Docket ID NRC–2014–0276 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0276.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

II. Additional Information

The NRC is issuing for public comment a draft guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

The draft regulatory guide, entitled, ''General Use of Locks in Protection and Control of Facilities and Special Nuclear Materials, Classified Matter, and Safeguards Information,'' is temporarily identified by its task number, DG–5027. DG–5027 is proposed revision 1 of Regulatory Guide 5.12. It incorporates new information, lessons learned, and operating experience since the guide was originally issued in 1973, particularly new locking technologies and standards for locks and keys. In addition, references in the guide were updated and the relevant regulations were identified. This draft guide describes methods and procedures that the NRC considers acceptable for the selection, use, and control of locking devices in the protection of areas, facilities, and specific types of information (*e.g.* classified matter, National Security Information, Restricted Data, Formerly Restricted Data, Safeguards Information, and Special Nuclear Material).

III. Backfitting and Issue Finality

This draft guide, if finalized, would provide updated guidance on the methods acceptable to the NRC staff for complying with the NRC's regulations associated with the use of locks in the protection and control of facilities, special nuclear materials, classified matter, and safeguards information. The draft guide would apply to current and future applicants for, and holders of:

- Licenses issued under part 70 of Title 10 of the Code of Federal Regulations (10 CFR) to possess or use, at any site or contiguous sites subject to licensee control, a formula quantity of strategic special nuclear material, as defined in 10 CFR 70.4;
- operating licenses for nuclear power reactors under 10 CFR part 50;
- approvals issued under subparts B, C, E, and F of 10 CFR part 52;
- operating licenses for nuclear non-power reactors under 10 CFR part 50;
- licenses for industrial radiography under 10 CFR part 34;
- licenses for medical use of byproduct material under 10 CFR part 35;
- licenses for irradiators under 10 CFR part 36;
- licenses authorizing the possession of an aggregated category 1 or category 2 quantity of radioactive material listed in Appendix A to 10 CFR part 37;
- licenses for well logging under 10 CFR part 39;
- licenses, certificates, and other NRC approvals, who protect safeguards information regulated by the Commission under 10 CFR 73.21–73.23; and
- licenses, certificates, and other NRC approvals, who may protect Secret and Confidential NSI, RD, and FRD received or developed in conjunction with activities licensed, certified, or regulated by the Commission under 10 CFR part 95.

Holders of approvals under parts 34, 35, 36, 37, 39, and 95 of the NRC's regulations and holders of nonpower reactor operating licenses under 10 CFR part 50, are not protected by backfitting or issue finality provisions.

Issuance of this DG in final form would not constitute backfitting under 10 CFR part 50 or 70 and would not otherwise be inconsistent with the issue finality provisions in 10 CFR part 52. As discussed in the ''Implementation'' section of this DG, the NRC has no current intention to impose the DG, if finalized, on current holders of 10 CFR part 50 operating licenses, 10 CFR part 52, subpart B, C, E, or F approvals, or 10 CFR part 70 licenses. Moreover, the guidance in the draft guide addresses

security issues, which are matters separate from the technical requirements to operate a facility covered by backfitting and issue finality provisions. The security guidance in this regulatory guide would be the same for all entities to whom this draft regulatory guide applies; it does not distinguish between nuclear power plant licensees and certain fuel cycle facilities under part 70 (who are protected by backfitting and issue resolution provisions), and the other entities to whom this regulatory guide applies. Thus, the security-related guidance in the draft regulatory guide should not be viewed as falling within the scope of matters within the purview of backfitting and issue finality.

The DG, if finalized, could be applied to applications for 10 CFR part 50 operating licenses; 10 CFR part 52, subpart B, C, E, or F approvals; or licenses issued under part 70. Such action would not constitute backfitting as defined in 10 CFR 50.109 or 10 CFR 70.76 or be otherwise inconsistent with the applicable issue finality provision in 10 CFR part 52, inasmuch as such applicants are not within the scope of entities protected by 10 CFR 50.109, 10 CFR 70.76, or the relevant issue finality provisions in 10 CFR part 52. Backfitting restrictions were not intended to apply to every NRC action that substantially changes settled expectations, and applicants have no reasonable expectation that future requirements may change, *see* 54 FR 15372 (April 18, 1989), at 15385–86. Although the issue finality provisions in part 52 are intended to provide regulatory stability and issue finality, the matters addressed in this regulatory guide (concerning certain security requirements in part 73) are not within the scope of issues that may be resolved for design certification, design approval or a manufacturing license, and therefore are not subject to issue finality protections in part 52.

Dated at Rockville, Maryland, this 23rd day of December, 2014.

For the Nuclear Regulatory Commission.

Harriet Karagiannis,

Acting Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2014–30738 Filed 12–31–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–454 and 50–455; NRC–2013–0178]

License Renewal Application for Byron Station Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft supplemental generic environmental impact statement, issuance, public meetings, request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft plant-specific Supplement 54 to the Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants, NUREG–1437, regarding the renewal of operating license NPF–37 and NPF–66 for an additional 20 years of operation for Byron Station, Units 1 and 2 (Byron). Byron is located in Byron, Illinois. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources. The NRC staff plans to hold two public meetings during the public comment period to present an overview of the draft plant-specific supplement to the GEIS and to accept public comments on the document.

DATES: Submit comments by February 20, 2015. Comments received after this date will be considered, if it is practical to do so, but the NRC staff is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0178. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: 3WFN–06–A44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Lois James, Office of Nuclear Reactor Regulation, telephone: 301–415–3306, email to *Lois.James@nrc.gov*; U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2013–0178 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0178.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. The draft plant-specific Supplement 54 to the GEIS for License Renewal of Nuclear Plants, NUREG–1437, is available in ADAMS under Accession No. ML14357A042.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2013–0178 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

The NRC is issuing for public comment a draft plant-specific Supplement 54 to the GEIS for License Renewal of Nuclear Plants, NUREG–1437, regarding the renewal of operating license NPF–37 AND NPF–66 for an additional 20 years of operation for Byron. Supplement 54 to the GEIS includes the preliminary analysis that evaluates the environmental impacts of the proposed action and alternatives to the proposed action. The NRC's preliminary recommendation is that the adverse environmental impacts of license renewal for Byron are not great enough to deny the option of license renewal for energy-planning decisionmakers.

III. Public Meetings

The NRC staff will hold public meetings prior to the close of the public comment period to present an overview of the draft plant-specific supplement to the GEIS and to accept public comment on the document. Two meetings will be held at the Byron Forrest Preserve, 7993 North River Road, Byron, Illinois 61010, on Tuesday, February 3, 2015. The first session will convene at 2 p.m. and will continue until 4 p.m., as necessary. The second session will convene at 7 p.m. and will continue until 9 p.m., as necessary. The meetings will be transcribed and will include: (1) A presentation of the contents of the draft plant-specific supplement to the GEIS; and (2) the opportunity for interested government agencies, organizations, and individuals to provide comments on the draft report. Additionally, the NRC staff will host informal discussions one hour prior to the start of each session at the same location. No comments on the draft supplement to the GEIS will be accepted during the informal discussions. To be considered in the final supplement to the GEIS, comments must be provided either at the transcribed public meeting or submitted in writing by the comment deadline identified above. Persons may pre-register to attend or present oral comments at the meeting by contacting Mr. Lois James, the NRC project manager, at 1–800–368–5642, extension 3306, or by email at *Lois.James@nrc.gov* no later than Tuesday, January 20, 2015. Members of the public may also register to provide oral comments within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register. If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Ms. James' attention no later than Tuesday, January 20, 2015, to provide the NRC staff adequate notice to determine whether the request can be accommodated.

Dated at Rockville, Maryland, this 23 day of December, 2014.

For the Nuclear Regulatory Commission.

Elaine Keegan,

Acting Chief, Projects Branch 2, Division of License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. 2014–30756 Filed 12–31–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0227]

Operator Licensing Examination Standards for Power Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: NUREG; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing NUREG–1021, Revision 10, ''Operator Licensing Examination Standards for Power Reactors, Final Report.'' This NUREG provides policy and guidance for the development, administration, and grading of examinations used for licensing operators at nuclear power plants pursuant to the Commission's regulations.

DATES: Revision 10 of NUREG–1021 is available January 2, 2015.

ADDRESSES: Please refer to Docket ID NRC–2013–0227 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0227. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* Revision 10 of NUREG–1021 is available in ADAMS under Accession No. ML14352A297. Draft NUREG–1021, Revision 10 is available in ADAMS under Accession No. ML13325A090.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: James Kellum, Office of New Reactors, telephone: 301–415–5305, email: *Jim.Kellum@nrc.gov;* or Timothy Kolb, Office of Nuclear Reactor Regulation, telephone: 301–415–1428, email: *Timothy.Kolb@nrc.gov;* U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: Revision 10 of NUREG–1021 provides policy and guidance for the development, administration, and grading of examinations used for licensing operators at nuclear power plants pursuant to the Commission's regulations in Part 55 of Title 10 of the *Code of Federal Regulations,* ''Operator Licenses.'' This NUREG also provides guidance for maintaining operators' licenses, and for the NRC to conduct requalification examinations when necessary.

Revision 10 of NUREG–1021 replaces Revision 9, Supplement 1, of NUREG–1021. Draft NUREG–1021, Revision 10, was published in the **Federal Register** for public comment on December 9, 2013 (78 FR 73898). The NRC received 90 public comments from private citizens and industry organizations. The comments were generally in agreement with the draft revisions to the NUREG. Revision 10 of NUREG–1021 incorporates the comments received on draft NUREG–1021, Revision 10. The NRC staff's evaluation and resolution of the public comments are documented in ADAMS under Accession No. ML14345A266.

Dated at Rockville, Maryland, this 22nd day of December, 2014.

For the Nuclear Regulatory Commission.

Michael Junge,

Chief, Operator Licensing and Human Performance Branch, Division of Construction Inspection and Operational Programs, Office of New Reactors.

[FR Doc. 2014–30769 Filed 12–31–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0041]

Revision to Seismic Design Parameters

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan-final section revision; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a final revision to the following section in Chapter 3 of NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' Section 3.7.1, ''Seismic Design Parameters.''

DATES: The effective date of this Standard Review Plan (SRP) update is February 2, 2015.

ADDRESSES: Please refer to Docket ID NRC–2013–0041 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0041. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. The final revision for Standard Review Plan (SRP) Section 3.7.1, ''Seismic Design Parameters,'' is available under ADAMS Accession No. ML14198A460. A redline strikeout comparing the proposed revision to the final revision can be found in ADAMS under Accession No. ML14198A466. The responses to public comments can be found in ADAMS under Accession No. ML14198A462.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- The NRC posts its issued staff guidance on the NRC's external Web page: *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/.*

FOR FURTHER INFORMATION CONTACT: Jonathan DeGange, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6992, email: *Jonathan.DeGange@nrc.gov* or Nishka Devaser, telephone: 301–415–5196, email: *NishkaDevaser@nrc.gov,* Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555 0001.

SUPPLEMENTARY INFORMATION:

I. Background

On March 1, 2013 (78 FR 13911), the NRC published for public comment the proposed revision to this section of the SRP. The staff made changes to the proposed revision after consideration of comments received. A summary of the comments and the staff's disposition of the comments are available in a separate document, ''Response to Public Comments on Draft SRP Section 3.7.1'' (ADAMS Accession No. ML14198A462).

The changes to this SRP section reflect current staff's review methods and practices based on lessons learned from NRC reviews of design certification and combined license applications completed since the last revision of this chapter. Changes include: (1) Enhancements to guidance to the staff for evaluating the acceptability of seismic, civil, structural design, and analysis issues, (2) updates to review interfaces to improve the efficiency and consistency of staff reviews and (3) updates to references covered in the section.

The revised section has incorporated staff dispositions of all public comments received on the proposed revision. The most salient changes in response to the public comments are the rewrite of Appendix B to SRP Section 3.7.1. The new Appendix B provides further enhancement of the guidance on developing power spectral density functions associated with ground motion artificial time histories. No new SRP acceptance criteria were added as a result of this rewrite of Appendix B.

II. Backfitting and Issue Finality

Issuance of this final SRP section does not constitute backfitting as defined in § 50.109 of Title 10 of the *Code of Federal Regulations* (10 CFR) (the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52. The staff's position is based upon the following considerations:

1. The SRP positions do not constitute backfitting, inasmuch as the SRP is internal guidance directed at the NRC staff with respect to their regulatory responsibilities.

The SRP provides guidance to the staff on how to review an application for NRC regulatory approval in the form of licensing. Changes in internal staff guidance are not matters for which either nuclear power plant applicants or licensees are protected under either the Backfit Rule or the issue finality provisions of 10 CFR part 52.

2. The NRC staff has no intention to impose the SRP positions on current licensees and regulatory approvals either now or in the future.

The staff does not intend to impose or apply the positions described in the SRP to existing (already issued) licenses and regulatory approvals. Hence, the issuance of a final SRP—even if considered guidance which is within the purview of the issue finality provisions in 10 CFR part 52—need not be evaluated as if it were a backfit or as being inconsistent with issue finality provisions. If, in the future, the staff seeks to impose a position in the SRP on holders of already issued holders of licenses SRP in a manner which does not provide issue finality as described in the applicable issue finality provision, then the staff must make the showing as set forth in the Backfit Rule or address the criteria for avoiding issue finality as described applicable issue finality provision.

3. Backfitting and issue finality do not—with limited exceptions not applicable here—protect current or future applicants.

Applicants and potential applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under 10 CFR part 52. This is because neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52—with certain exclusions discussed below—were intended to apply to every NRC action which substantially changes the expectations of current and future applicants.

The exceptions to the general principle are applicable whenever an applicant references a 10 CFR part 52 license (*e.g.,* an early site permit) and/or NRC regulatory approval (*e.g.,* a design certification rule) with specified issue finality provisions. The staff does not, at this time, intend to impose the positions represented in the SRP in a manner that is inconsistent with any issue finality provisions. If, in the future, the staff seeks to impose a position in the SRP in a manner which does not provide issue finality as described in the applicable issue finality provision, then the staff must address the criteria for avoiding issue finality as described in the applicable issue finality provision.

III. Congressional Review Act

In accordance with the Congressional Review Act, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of the Office of Management and Budget.

Dated at Rockville, Maryland, this 18th day of December, 2014.

For the Nuclear Regulatory Commission.

Joseph Colaccino,

Chief, New Reactor Rulemaking and Guidance Branch, Division of Advanced Reactors and Rulemaking, Office of New Reactors.

[FR Doc. 2014–30770 Filed 12–31–14; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73945; File No. SR–NYSE–2014–72]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Extending the Operation of Its Supplemental Liquidity Providers Pilot, Until the Earlier of the Securities and Exchange Commission's Approval To Make Such Pilot Permanent or July 31, 2015

December 24, 2014.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on December 18, 2014, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the operation of its Supplemental Liquidity Providers Pilot (''SLP Pilot'' or ''Pilot'') (*see* Rule 107B), currently scheduled to expire on December 31, 2014, until the earlier of the Securities and Exchange Commission's (''Commission'') approval to make such Pilot permanent or July 31, 2015. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to extend the operation of its SLP Pilot,[4] currently scheduled to expire on December 31, 2014, until the earlier of Commission approval to make such Pilot permanent or July 31, 2015.

Background [5]

In October 2008, the NYSE implemented significant changes to its market rules, execution technology and the rights and obligations of its market participants all of which were designed to improve execution quality on the Exchange. These changes are all elements of the Exchange's enhanced market model referred to as the ''New Market Model'' (''NMM Pilot'').[6] The SLP Pilot was launched in coordination with the NMM Pilot (*see* Rule 107B).

As part of the NMM Pilot, NYSE eliminated the function of specialists on the Exchange creating a new category of market participant, the Designated Market Maker or ''DMM.'' [7] Separately, the NYSE established the SLP Pilot, which established SLPs as a new class of market participants to supplement the liquidity provided by DMMs.[8]

The SLP Pilot is scheduled to end operation on December 31, 2014 or such earlier time as the Commission may determine to make the rules permanent. The Exchange is currently preparing a rule filing seeking permission to make the SLP Pilot permanent, but does not expect that filing to be completed and approved by the Commission before December 31, 2014.[9]

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 58877 (October 29, 2008), 73 FR 65904 (November 5, 2008) (SR–NYSE–2008–108) (establishing the SLP Pilot). *See also* Securities Exchange Act Release Nos. 59869 (May 6, 2009), 74 FR 22796 (May 14, 2009) (SR–NYSE–2009–46) (extending the operation of the SLP Pilot to October 1, 2009); 60756 (October 1, 2009), 74 FR 51628 (October 7, 2009) (SR–NYSE–2009–100) (extending the operation of the NMM and the SLP Pilots to November 30, 2009); 61075 (November 30, 2009), 74 FR 64112 (December 7, 2009) (SR–NYSE–2009–119) (extending the operation of the SLP Pilot to March 30, 2010); 61840 (April 5, 2010), 75 FR 18563 (April 12, 2010) (SR–NYSE–2010–28) (extending the operation of the SLP Pilot to September 30, 2010); 62813 (September 1, 2010), 75 FR 54686 (September 8, 2010) (SR–NYSE–2010–62) (extending the operation of the SLP Pilot to January 31, 2011); 63616 (December 29, 2010), 76 FR 612 (January 5, 2011) (SR–NYSE–2010–86) (extending the operation of the SLP Pilot to August 1, 2011); 64762 (June 28, 2011), 76 FR 39145 (July 5, 2011) (SR–NYSE–2011–30) (extending the operation of the SLP Pilot to January 31, 2012); 66045 (December 23, 2011), 76 FR 82342 (December 30, 2011) (SR–NYSE–2011–66) (extending the operation of the SLP Pilot to July 31, 2012); 67493 (July 25, 2012), 77 FR 45388 (July 31, 2012) (SR–NYSE–2012–27) (extending the operation of the SLP Pilot to January 31, 2013); 68560 (January 2, 2013), 78 FR 1280 (January 8, 2013) (SR–NYSE–2012–76) (extending the operation of the SLP Pilot to July 31, 2013); 69819 (June 21, 2013), 78 FR 38764 (June 27, 2013) (SR–NYSE–2013–44) (extending the operation of the SLP Pilot to January 31, 2014); 71362 (January 21, 2014), 79 FR 4371 (January 27, 2014) (SR–NYSE–2014–03) (extending the operation of the SLP Pilot to July 31, 2014); and 72628 (July 16, 2014), 79 FR 42588 (July 22, 2014) (SR–NYSE–2014–34) (extending the operation of the SLP Pilot to December, 31, 2014).

[5] The information contained herein is a summary of the ''New Market Model'' Pilot and the SLP Pilot. *See supra* note 4 for a fuller description of those pilots.

[6] *See* Securities Exchange Act Release No. 58845 (October 24, 2008), 73 FR 64379 (October 29, 2008) (SR–NYSE–2008–46).

[7] *See* NYSE Rule 103.

[8] *See* NYSE Rule 107B. The Exchange amended the monthly volume requirements to an average daily volume (''ADV'') that is a specified percentage of NYSE consolidated ADV. *See* Securities Exchange Act Release No. 67759 (August 30, 2012), 77 FR 54939 (September 6, 2012) (SR–NYSE–2012–38).

[9] The NMM Pilot was scheduled to expire on December 31, 2014. On December 18, 2014, the Exchange filed to extend the NMM Pilot until July

Proposal To Extend the Operation of the SLP Pilot

The NYSE established the SLP Pilot to provide incentives for quoting, to enhance competition among the existing group of liquidity providers, including the DMMs, and add new competitive market participants. The Exchange believes that the SLP Pilot, in coordination with the NMM Pilot, allows the Exchange to provide its market participants with a trading venue that utilizes an enhanced market structure to encourage the addition of liquidity, facilitate the trading of larger orders more efficiently and operates to reward aggressive liquidity providers. As such, the Exchange believes that the rules governing the SLP Pilot (Rule 107B) should be made permanent.

Through this filing the Exchange seeks to extend the current operation of the SLP Pilot until July 31, 2015, in order to allow the Exchange to formally submit a filing to the Commission to convert the SLP Pilot rule to a permanent rule.[10]

The proposed change is not otherwise intended to address any other issues and the Exchange is not aware of any problems that member organizations would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Section 6(b)(5) of the Act,[12] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed rule change is designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade because it seeks to extend a pilot program that has already been approved by the Commission. The Exchange believes the proposed rule change is designed to facilitate transactions in securities and to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system because the SLP Pilot provides its market participants with a trading venue that utilizes an enhanced market structure to encourage the addition of liquidity and operates to reward aggressive liquidity providers. Moreover, requesting an extension of the SLP Pilot will permit adequate time for: (i) The Exchange to prepare and submit a filing to make the rules governing the SLP Pilot permanent; (ii) public notice and comment; and (iii) completion of the 19b–4 approval process. Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition. For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[13] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that extending the operation of the SLP Pilot will enhance competition among liquidity providers and thereby improve execution quality on the Exchange. The Exchange will continue to monitor the efficacy of the program during the proposed extended pilot period.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting the services it offers and the requirements it imposes to remain competitive with other U.S. equity exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[14] and Rule 19b–4(f)(6)[15] thereunder because the proposal does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) by its terms, become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.[16]

A proposed rule change filed under Rule 19b–4(f)(6) normally may not become operative prior to 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii)[17] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay period so that the proposal may become operative before the pilot's expiration. The Exchange stated that an immediate operative date is necessary in order to immediately implement the

31, 2015. *See* SR–NYSE–2014–71. *See also* Securities Exchange Act Release Nos. 72627 (July 16, 2014), 79 FR 42598 (July 22, 2014) (SR–NYSE–2014–33) (extending operation of NMM Pilot to December 31, 2014); 71345 (January 17, 2014), 79 FR 4221 (January 24, 2014) (SR–NYSE–2014–01) (extending operation of the NMM Pilot to July 31, 2014); 69813 (June 20, 2013), 78 FR 38753 (June 27, 2013) (SR–NYSE–2013–43) (extending the operation of the NMM Pilot to January 31, 2014); 68558 (January 2, 2013), 78 FR 1288 (January 8, 2013) (SR–NYSE–2012–75) (extending the operation of the NMM Pilot to July 31, 2013); 67494 (July 25, 2012), 77 FR 45408 (July 31, 2012) (SR–NYSE–2012–26) (extending the operation of the NMM Pilot to January 31, 2013); 66046 (December 23, 2011), 76 FR 82340 (December 30, 2011) (SR–NYSE–2011–65) (extending the operation of the NMM Pilot to July 31, 2012); 64761 (June 28, 2011) 76 FR 39147 (July 5, 2011) (SR–NYSE–2011–29) (extending the operation of the NMM Pilot to January 31, 2012); 63618 (December 29, 2010) 76 FR 617 (January 5, 2011) (SR–NYSE–2010–85) (extending the operation of the NMM Pilot to August 1, 2011); 62819 (September 1, 2010), 75 FR 54937 (September 9, 2010) (SR–NYSE–2010–61) (extending the operation of the NMM Pilot to January 31, 2011); 61724 (March 17, 2010), 75 FR 14221 (SR–NYSE–2010–25) (extending the operation of the NMM Pilot to September 30, 2010); and 61031 (November 19, 2009), 74 FR 62368 (SR–NYSE–2009–113) (extending the operation of the NMM Pilot to March 30, 2010).

[10] The NYSE MKT LLC SLP Pilot (NYSE MKT Rule 107B—Equities) is also being extended until July 31, 2015 or until the Commission approves it as permanent (*See* SR–NYSEMKT–2014–110).

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78f(b)(8).

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6).

[16] In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 17 CFR 240.19b–4(f)(6)(iii).

proposed rule change so that member organizations could continue to benefit from the pilot program without interruption after December 31, 2014.

The Commission believes that waiver of the 30-day operative delay period is consistent with the protection of investors and the public interest. Specifically, the Commission believes that the proposal would allow the pilot to continue uninterrupted, thereby avoiding any potential investor confusion that could result from the temporary interruption in the pilot program. For these reasons, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, and designates the proposed rule change to be operative on December 31, 2014.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[19]

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–2014–72 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2014–72. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of 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–2014–72 and should be submitted on or before January 26, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Brent J. Fields,

Secretary.

[FR Doc. 2014–30704 Filed 12–31–14; 8:45 am]

BILLING CODE 8011–01–P

[18] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[19] 15 U.S.C. 78s(b)(3)(C).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73946; File No. SR–NYSEMKT–2014–109]

Self-Regulatory Organizations; NYSE MKT, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Extending the Operation of Its New Market Model Pilot, Until the Earlier of Securities and Exchange Commission Approval To Make Such Pilot Permanent or July 31, 2015

December 24, 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 December 18, 2014, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the operation of its New Market Model Pilot, currently scheduled to expire on December 31, 2014, until the earlier of Securities and Exchange Commission (''Commission'') approval to make such pilot permanent or July 31, 2015. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to extend the operation of its New Market Model Pilot (''NMM Pilot'') that was adopted pursuant to its merger with the New York Stock Exchange LLC (''NYSE'').[4]

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] NYSE Euronext acquired The Amex Membership Corporation (''AMC'') pursuant to an Agreement and Plan of Merger, dated January 17, 2008 (the ''Merger''). In connection with the Merger, the Exchange's predecessor, the American Stock Exchange LLC (''Amex''), a subsidiary of AMC, became a subsidiary of NYSE Euronext called NYSE Alternext US LLC. *See* Securities Exchange Act Release No. 58673 (September 29, 2008), 73 FR 57707 (October 3, 2008) (SR–NYSE–2008–60 and SR–Amex–2008–62) (approving the Merger); *see also* Securities Exchange Act Release Nos. 58705 (Oct. 1, 2008), 73 FR 58995 (Oct. 8, 2008) (approving adoption of equities rules based on those of NYSE) and 59022 (Nov. 26, 2008), 73 FR 73683 (Dec. 3, 2008) (amending equity rules to conform to NYSE NMM Pilot rules). Subsequently, NYSE Alternext US LLC was renamed NYSE Amex LLC, which was then renamed NYSE MKT LLC and continues to operate as a national securities exchange registered under Section 6 of the Securities Exchange Act of 1934, as amended (the ''Act''). *See* Securities Exchange Act Release Nos. 59575 (March 13, 2009), 74 FR 11803 (March 19,

The NMM Pilot was approved to operate until October 1, 2009. The Exchange filed to extend the operation of the Pilot to November 30, 2009, March 30, 2010, September 30, 2010, January 31, 2011, August 1, 2011, January 31, 2012, July 31, 2012, January 31, 2013, July 31, 2013, January 31, 2014, July 31, 2014, and December 31, 2014 respectively.[5] The Exchange now seeks to extend the operation of the NMM Pilot, currently scheduled to expire on December 31, 2014, until the earlier of Commission approval to make such pilot permanent or July 31, 2015.

The Exchange notes that parallel changes are proposed to be made to the rules of NYSE.[6]

Background [7]

In December 2008, the Exchange implemented significant changes to its equities market rules, execution technology and the rights and obligations of its equities market participants all of which were designed to improve execution quality on the Exchange. These changes are all elements of the Exchange's enhanced market model that it implemented through the NMM Pilot.

As part of the NMM Pilot, the Exchange eliminated the function of equity specialists on the Exchange creating a new category of market participant, the Designated Market Maker or DMM.[8] The DMMs, like specialists, have affirmative obligations to make an orderly market, including continuous quoting requirements and obligations to re-enter the market when reaching across to execute against trading interest. Unlike specialists, DMMs have a minimum quoting requirement [9] in their assigned securities and no longer have a negative obligation. DMMs are also no longer agents for public customer orders.[10]

In addition, the Exchange implemented a system change that allowed DMMs to create a schedule of additional non-displayed liquidity at various price points where the DMM is willing to interact with interest and provide price improvement to orders in the Exchange's system. This schedule is known as the DMM Capital Commitment Schedule (''CCS'').[11] CCS provides the Display Book® [12] with the amount of shares that the DMM is willing to trade at price points outside, at and inside the Exchange Best Bid or Best Offer (''BBO''). CCS interest is separate and distinct from other DMM interest in that it serves as the interest of last resort.

The NMM Pilot further modified the logic for allocating executed shares among market participants having trading interest at a price point upon execution of incoming orders. The modified logic rewards displayed orders that establish the Exchange's BBO. During the operation of the NMM Pilot, orders or portions thereof that establish priority [13] retain that priority until the portion of the order that established priority is exhausted. Where no one order has established priority, shares are distributed among all market participants on parity.

The NMM Pilot was originally scheduled to end operation on October 1, 2009, or such earlier time as the Commission may determine to make the rules permanent. The Exchange filed to extend the operation of the Pilot on several occasions [14] in order to prepare a rule filing seeking permission to make the above described changes permanent. The Exchange is currently still preparing such formal submission but does not expect that filing to be completed and approved by the Commission before December 31, 2014.

Proposal To Extend the Operation of the NMM Pilot

The Exchange established the NMM Pilot to provide incentives for quoting, to enhance competition among the existing group of liquidity providers and to add a new competitive market participant. The Exchange believes that the NMM Pilot allows the Exchange to provide its market participants with a trading venue that utilizes an enhanced market structure to encourage the addition of liquidity, facilitate the trading of larger orders more efficiently and operates to reward aggressive liquidity providers. As such, the Exchange believes that the rules governing the NMM Pilot should be made permanent. Through this filing the Exchange seeks to extend the current operation of the NMM Pilot until July 31, 2015, in order to allow the Exchange time to formally submit a filing to the Commission to convert the pilot rules to permanent rules.

The proposed change is not otherwise intended to address any other issues and the Exchange is not aware of any problems that member organizations would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[15] in general, and furthers the objectives of Section 6(b)(5) of the Act,[16] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed rule change is designed to prevent

2009) (SR–NYSEALTR–2009–24) and 67037 (May 21, 2012), 77 FR 31415 (May 25, 2012) (SR–NYSEAmex–2012–32).

[5] *See* Securities Exchange Act Release No. 60758 (October 1, 2009), 74 FR 51639 (October 7, 2009) (SR–NYSEAmex–2009–65). *See also* Securities Exchange Act Release Nos. 61030 (November 19, 2009), 74 FR 62365 (November 27, 2009) (SR–NYSEAmex–2009–83) (extending Pilot to March 30, 2010); 61725 (March 17, 2010), 75 FR 14223 (March 24, 2010) (SR–NYSEAmex–2010–28) (extending Pilot to September 30, 2010); 62820 (September 1, 2010), 75 FR 54935 (September 9, 2010) (SR–NYSEAmex–2010–86) (extending Pilot to January 31, 2011); 63615 (December 29, 2010), 76 FR 611 (January 5, 2011) (SR–NYSEAmex–2010–123) (extending Pilot to August 1, 2011); 64773 (June 29, 2011), 76 FR 39453 (July 6, 2011) (SR–NYSEAmex–2011–43) (extending Pilot to January 31, 2012); 66042 (December 23, 2011), 76 FR 82326 (December 30, 2011) (SR–NYSEAmex–2011–102) (extending Pilot to July 31, 2012); 67495 (July 25, 2012), 77 FR 45406 (July 31, 2012) (SR–NYSEMKT–2012–21) (extending the Pilot to January 31, 2013); 68559 (January 2, 2013), 78 FR 1286 (January 8, 2013) (SR–NYSEMKT–2012–84) (extending Pilot to July 31, 2013); 69812 (June 20, 2013), 78 FR 38766 (June 27, 2013) (SR–NYSEMKT–2013–51) (extending Pilot to January 31, 2014); 71342 (January 17, 2014), 79 FR 4197 (January 24, 2014) (SR–NYSEMKT–2014–02) (extending Pilot to July 31, 2014); and 72622 (July 16, 2014), 79 FR 42600 (July 22, 2014) (SR–NYSEMKT–2014–57) (extending Pilot to December 31, 2014).

[6] *See* SR–NYSE–2014–71.

[7] The information contained herein is a summary of the NMM Pilot. *See* Securities Exchange Act Release No. 58845 (October 24, 2008), 73 FR 64379 (October 29, 2008) (SR–NYSE–2008–46) for a fuller description.

[8] *See* NYSE MKT Rule 103—Equities.

[9] *See* NYSE MKT Rule 104—Equities.

[10] *See* NYSE MKT Rule 60—Equities; *see also* NYSE MKT Rules 104—Equities and 1000—Equities.

[11] *See* NYSE MKT Rule 1000—Equities.

[12] The Display Book system is an order management and execution facility. The Display Book system receives and displays orders to the DMMs, contains the order information, and provides a mechanism to execute and report transactions and publish the results to the Consolidated Tape. The Display Book system is connected to a number of other Exchange systems for the purposes of comparison, surveillance, and reporting information to customers and other market data and national market systems.

[13] *See* NYSE MKT Rule 72(a)(ii)—Equities.

[14] *See supra* note 5.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

fraudulent and manipulative acts and practices and to promote just and equitable principles of trade because it seeks to extend a pilot program that has already been approved by the Commission. The Exchange believes the proposed rule change is designed to facilitate transactions in securities and to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system because the NMM Pilot provides its market participants with a trading venue that utilizes an enhanced market structure to encourage the addition of liquidity, facilitate the trading of larger orders more efficiently and operates to reward aggressive liquidity providers. Moreover, requesting an extension of the NMM Pilot will permit adequate time for: (i) The Exchange to prepare and submit a filing to make the rules governing the NMM Pilot permanent; (ii) public notice and comment; and (iii) completion of the 19b–4 approval process. Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition. For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[17] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that extending the operation of the NMM Pilot will enhance competition among liquidity providers and thereby improve execution quality on the Exchange. The Exchange will continue to monitor the efficacy of the program during the proposed extended pilot period.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting the services it offers and the requirements it imposes to remain competitive with other U.S. equity exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

[17] 15 U.S.C. 78f(b)(8).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [18] and Rule 19b–4(f)(6) thereunder.[19] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [20] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[21] the Commission may designate a shorter 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 proposal may become operative before the pilot's expiration. The Exchange states that an immediate operative date is necessary in order to immediately implement the proposed rule change so that member organizations could continue to benefit from the pilot program without interruption after December 31, 2014.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Specifically, the Commission believes that the proposal would allow the pilot to continue uninterrupted, thereby avoiding any potential investor confusion that could result from the temporary interruption in the pilot program. For this reason, the Commission designates the proposed rule change to be operative on December 31, 2014.[22]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

[18] 15 U.S.C. 78s(b)(3)(A)(iii).

[19] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[20] 17 CFR 240.19b–4(f)(6).

[21] 17 CFR 240.19b–4(f)(6)(iii).

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–2014–109 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–NYSEMKT–2014–109. 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

[22] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the 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–2014–109 and should be submitted on or before January 23, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Brent J. Fields,

Secretary.

[FR Doc. 2014–30705 Filed 12–31–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73940; File No. SR–EDGX–2014–35]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rules 2.11, 2.12, 11.11 and 11.14 To Replace References to ''Direct Edge ECN LLC d/b/a DE Route'' and ''DE Route'' With ''BATS Trading, Inc.''

December 24, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 22, 2014, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange filed a proposed rule change to amend Rules 2.11, 2.12, 11.11 and 11.14 to replace references to ''Direct Edge ECN LLC d/b/a DE Route'' and ''DE Route'' with ''BATS Trading, Inc.'' (''BATS Trading''). The Exchange does not propose to amend the requirements of any of these rules.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.directedge.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 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Earlier this year, the Exchange and its affiliate, EDGA Exchange, Inc. (''EDGA'') received approval to effect a merger (the ''Merger'') of the Exchange's parent company, Direct Edge Holdings LLC, with BATS Global Markets, Inc., the parent of BATS Exchange, Inc. (''BZX'') and BATS Y-Exchange, Inc. (''BYX'', together with BZX, EDGA and EDGX, the ''BGM Affiliated Exchanges'' or ''BATS Exchange'').[3] As a result, the Exchange amended Rule 2.12 to reflect that BATS Trading, Inc., the affiliated BZX and BYX routing broker dealer, would also act as the inbound router for routing orders from BYX and BZX to the Exchange. In the context of the Merger, the BGM Affiliated Exchanges are working to migrate EDGX and EDGA onto the BATS technology platform, and align certain system functionality, retaining only intended differences between the BGM Affiliated Exchanges. As a result of these efforts, the Exchange proposes to amend Rules 2.11, 2.12, 11.11 and 11.14 to replace references to ''Direct Edge ECN LLC d/b/a DE Route'' and ''DE Route'' with ''BATS Trading'' to reflect that BATS Trading, Inc. will replace DE Route at [sic] the Exchange's routing broker-dealer upon migration of the Exchange onto the BATS technology platform. Thereafter, BATS Trading will serve as the sole inbound and outbound routing broker-dealer for the Exchange. The Exchange does not propose to amend the requirements of any of these rules.

Rule 2.11, BATS Trading as Outbound Router

Pursuant to Exchange Rule 2.11, the Exchange relies on DE Route to provide outbound routing services from itself to other Trading Centers.[4] The Exchange proposes to amend Rules 2.11 to replace all references to DE Route with BATS Trading, as BATS Trading will replace DE Route as the outbound routing service for the Exchange upon migration of the Exchange onto the BATS technology platform. The Exchange does not propose to amend the requirements of this rule. Therefore, the conditions and limitations set forth in Exchange Rule 2.11 will continue to require that:

- The Exchange will regulate the BATS Trading as a facility (as defined in Section 3(a)(2) of the Act), subject to Section 6 of the Act. The Exchange will file with the Commission proposed rule changes and fees relating to the BATS Trading outbound router function and BATS Trading will be subject to the Exchange's non-discrimination requirements.
- FINRA will carry out oversight and enforcement responsibilities as the designated examining authority designated by the Commission pursuant to Rule 17d–1 of the Act with the responsibility for examining BATS Trading for compliance with applicable financial responsibility rules.
- A Member's[5] use of BATS Trading to route orders to another Trading Center will be optional.
- BATS Trading will not engage in any business other than (a) its outbound router function, (b) its inbound router function as described in Rule 2.12, (c) its usage of an error account in accordance with Exchange Rule 2.11(a)(7) and (d) any other activities it may engage in as approved by the Commission.
- The Exchange shall establish and maintain procedures and internal controls reasonably designed to adequately restrict the flow of confidential and proprietary

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[23] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 71449 (January 30, 2014), 79 FR 6961 (February 5, 2014) (SR–EDGX–2013–43; SR–EDGA–2013–34).

[4] Rule 600(b)(78) of Regulation NMS, 17 CFR 242.600(b)(78), defines a ''Trading Center'' as ''a national securities exchange or national securities association that operates an SRO trading facility, an alternative trading system, an exchange market maker, an OTC market maker, or any other broker or dealer that executes orders internally by trading as principal or crossing orders as agent.'' *See also* Exchange Rule 2.11(a).

[5] The term ''Member'' is defined as ''any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act.'' *See* Exchange Rule 1.5(n).

information between the Exchange and BATS Trading, and any other entity, including any affiliate of BATS Trading, and, if BATS Trading or any of its affiliates engage in any other business activities other than providing routing services to the Exchange, between the segment of BATS Trading or its affiliate that provides the other business activities and the routing services.

• The Exchange or BATS Trading may cancel orders as either deems to be necessary to maintain fair and orderly markets if and when systems, technical or operational issues occur at the Exchange, BATS Trading or a Trading Center. The Exchange or BATS Trading shall provide notice of the cancellation of orders to affected Members as soon as practicable.

• BATS Trading shall maintain an error account for the purpose of liquidating an error position when such position, in the judgment of the Exchange or BATS Trading, subject to the factors described in Exchange Rule 2.11, cannot be fairly and practicably assigned to one or more Members in its entirety. An error position can be acquired if it results from a systems, technical or operational issue experienced by BATS Trading, by the Exchange, or by a Trading Center to which BATS Trading directed an outbound order.

The books, records, premises, officers, agents, directors and employees of BATS Trading will be deemed to be the books, records, premises, officers, agents, directors and employees of the Exchange for purposes of, and subject to oversight pursuant to, the Act. The books and records of BATS Trading shall be subject at all times to inspection and copying by the Exchange and the Commission. Nothing in Rule 2.11 will preclude officers, agents, directors or employees of the Exchange from also serving as officers, agents, directors and employees of BATS Trading.

Rule 2.12, BATS Trading as Inbound Router

DE Route and BATS Trading provide Members of the Exchange, EDGA, BZX and BYX with optional routing services to other Trading Centers. Thus, in certain circumstances, DE Route and BATS Trading provide inbound routing from EDGA, BYX, or BZX to the Exchange. Exchange Rule 2.12 governs this inbound routing of orders by DE Route and BATS Trading to the Exchange in DE Route's and BATS Trading's capacity as a facility of the Exchange. The Exchange proposes to amend Rule 2.12 to remove all references to DE Route as BATS Trading will be the sole inbound routing service for the Exchange upon migration of the Exchange onto the BATS technology platform. The Exchange does not propose to amend the requirements of this rule. Therefore, the conditions and limitations set forth in Exchange Rule 2.12(a) will continue to require that:

• The Exchange enter into (a) a plan pursuant to Rule 17d–2 under the Act with a non-affiliated self-regulatory organization (''SRO'') to relieve the Exchange of regulatory responsibilities for BATS Trading with respect to rules that are common rules between the Exchange and the non-affiliated SRO, and (b) a regulatory services contract (''Regulatory Contract'') with a non-affiliated SRO to perform regulatory responsibilities for BATS Trading for unique Exchange rules.

• The Regulatory Contract require the Exchange to provide the non-affiliated SRO with information, in an easily accessible manner, regarding all exception reports, alerts, complaints, trading errors, cancellations, investigations, and enforcement matters (collectively ''Exceptions'') in which BATS Trading is identified as a participant that has potentially violated Exchange or Commission rules, and requires that the non-affiliated SRO provide a report, at least quarterly, to the Exchange quantifying all Exceptions in which BATS Trading is identified as a participant that has potentially violated Exchange or Commission rules.

• The Exchange, on behalf of its parent company, establish and maintain procedures and internal controls reasonably designed to ensure that BATS Trading does not develop or implement changes to its system based on non-public information obtained as a result of its affiliation with the Exchange, until such information is available generally to similarly situated Members of the Exchange.

• The Exchange furnish to BATS Trading only the same information and on the same terms as the Exchange makes available in the normal course of business to other users.[6]

In addition, Exchange Rule 2.12(b) states that, provided the conditions in Exchange Rule 2.12(a) are complied with, and provided further that DE Route operates as an outbound router on behalf of EDGA on the same terms and conditions as it does for the Exchange, and in accordance with the rules of EDGA, DE Route may provide inbound routing services to the Exchange from EDGA. BATS Trading provides members of the BGM Affiliated Exchanges (including EDGA) with optional routing services to other market centers, which may include routing from a BGM Affiliated Exchange to the Exchange. Therefore, the Exchange proposes to remove reference to EDGA as BATS Trading will be required under Exchange Rule 2.12(b) to operate as an outbound router on behalf of each BATS Exchange on the same terms and conditions as it does for the Exchange, and in accordance with the rules of each BATS Exchange, BATS Trading may provide inbound routing services to the Exchange from each BATS Exchange. The Exchange believes that Rule 2.12 will continue to adequately manage the potential for conflicts of interest that could arise from BATS Trading routing orders to the Exchange.

Rule 11.11(i), Market Access

Rule 11.11(i) states that, in addition to the Exchange Rules regarding routing to away Trading Centers, DE Route has, pursuant to Rule 15c3–5 under the Act, implemented certain tests designed to mitigate the financial and regulatory risks associated with providing the Exchange's Members access to such away Trading Centers. Pursuant to the policies and procedures developed by DE Route to comply with Rule 15c3–5, if an order or series of orders are deemed to be erroneous or duplicative, would cause the entering Member's credit exposure to exceed a preset credit threshold, or are non-compliant with applicable pre-trade regulatory requirements (as defined in Rule 15c3–5), DE Route will reject such orders prior to routing and/or seek to cancel any orders that have been routed.

The Exchange proposes to amend Rules 11.11(i) to replace all references to DE Route with BATS Trading, as BATS Trading will be the sole inbound routing service for the Exchange upon migration of the Exchange onto the BATS technology platform. The Exchange does not propose to amend the requirements of this rule. Under Rule 11.11(i) and BZX and BYX Rules 11.13(e), BATS trading has, pursuant to Rule 15c3–5 under the Act, implemented certain tests designed to mitigate the financial and regulatory risks associated with providing the Exchange's Members with access to such away Trading Centers. BATS Trading also has policies and procedures in place to comply with Rule 15c3–5, under which BATS Trading will reject such orders prior to routing and/or seek to cancel any orders that have been routed, where an order or series of orders are deemed to be erroneous or duplicative, would cause the entering Member's credit exposure to exceed a preset credit threshold, or are non-compliant with applicable pre-

[6] *See* Exchange Rule 2.12(a)(2).

trade regulatory requirements (as defined in Rule 15c3–5).

Rule 11.14, Limitation of Liability

The Exchange also proposes to amend Exchange Rule 11.14(g) to replace references to DE Route with BATS Trading. Rule 11.14(g) authorizes the Exchange, subject to express conditions and limitations, to compensate Members for losses relating to orders routed by the Exchange through DE Route to Trading Centers that the Member claims resulted directly from a malfunction of the physical equipment, devices and/or programming, or the negligent acts or omissions of the employees, of such Trading Centers (''Trading Center Systems Issue''). Rule 11.14(g) applies to Members that experience losses due to Trading Center Systems Issues after DE Route routed the Members' orders to a Trading Center that experienced such issues. Under Rule 11.14(g), as an accommodation to Members, the Exchange, via DE Route, employs reasonable efforts to submit Members' claims for compensation on such Members' behalf to a Trading Center, and pass along to such Members the full amount of compensation, if any, obtained by DE Route from such Trading Center.

Under Rule 11.14(g), the Exchange undertakes to accept claims for losses submitted by Members, which claims must contain representations from such Members as to the accuracy of the information contained therein and that any losses incurred were the direct result of a Trading Center Systems Issue.

Upon migration of the Exchange onto BATS technology, BATS Trading will be the Exchange's sole routing broker-dealer and responsible for submitting claims under Rule 11.14(g). As amended, the Exchange would continue to employ reasonable efforts to submit such claims, but via BATS Trading instead of DE Route, to the Trading Center in question. If and to the extent that BATS Trading were to receive compensation from a Trading Center in response to a claim submitted on behalf of a Member, the full amount of such compensation would be passed through to the Member.

Implementation Date

The Exchange intends to implement the proposed rule change on or about January 12, 2015, which is the anticipated date upon which the migration of the Exchange to the BATS technology platform will be complete and BATS Trading, Inc. will replace DE Route as the Exchange's routing broker-dealer.

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with Section 6(b) of the Act [7] and further the objectives of Section 6(b)(5) of the Act [8] because they are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and, in general, to protect investors and the public interest. The proposed rule change also is designed to support the principles of Section 11A(a)(1) [9] of the Act in that it seeks to assure fair competition among brokers and dealers and among exchange markets.

The Exchange does not propose to amend the requirements of any of its rules and the proposed rule changes are intended only to reflect that BATS Trading will replace DE Route as the Exchange's routing broker-dealer upon migration of the Exchange to the BATS technology platform. A consistent technology offering through the use of a single routing broker-dealer by each of the BGM Affiliated Exchange will, in turn, simplify the technology implementation, changes and maintenance by users of the Exchange that are also participants on EDGA, BZX, and BYX. The proposed rule change would provide greater harmonization between the rules of the BGM Affiliated Exchanges, resulting in greater uniformity and less burdensome and more efficient regulatory compliance. As such, 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 will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange reiterates that the proposed rule change is being proposed in the context of the technology integration of the BGM Affiliated Exchanges. Thus, the Exchange believes this proposed rule change is necessary to permit fair competition among national securities exchanges. In addition, the Exchange believes the proposed rule change will benefit Exchange participants in that it is one of several changes necessary to achieve a consistent technology offering by the BGM Affiliated Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) of the Act [10] and paragraph (f)(6) of Rule 19b–4 thereunder.[11] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[12]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [13] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [14] permits the Commission to designate a shorter 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 in order to permit the Exchange to implement the proposed rule change on January 12, 2015, which is the anticipated date upon which the migration of the Exchange to the BATS technology platform will be complete and BATS Trading will replace DE Route as the Exchange's routing broker-dealer. The Exchange states that waiver of the operative delay is consistent with the protection of investors and the public interest because it will allow the Exchange to replace DE Route with

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78k–1(a)(1).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4.

[12] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

BATS Trading as the Exchange's routing broker-dealer upon migration of the Exchange to the BATS technology platform, thereby enabling BATS Trading to act as the routing broker-dealer for each of the BGM Affiliated Exchanges in a timely manner and simplifying the technology integration for Members of the Exchange that are also participants on EDGA, BZX and BYX. In this regard, the Exchange notes that, since completion of the Merger, both Members and the BGM Affiliated Exchanges have made numerous systems changes in preparation for the technology migration occurring on January 12, 2015, the Exchange has issued frequent updates to Members informing them of the BGM Affiliated Exchange technology migration as well as its anticipated time line so that Members may make the requisite system changes, and the Exchange has conducted multiple testing opportunities for Members to ensure that both Members' and the Exchange's systems will operate in accordance with the proposed rule change on January 12, 2015. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[15]

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[16] 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–EDGX–2014–35 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–EDGX–2014–35. 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 at 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 such 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–EDGX–2014–35, and should be submitted on or January 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Brent J. Fields,

Secretary.

[FR Doc. 2014–30699 Filed 12–31–14; 8:45 am]

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[15] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 15 U.S.C. 78s(b)(2)(B).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73935; File No. SR–BATS–2014–073]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 2.12 To Remove References to ''Direct Edge ECN LLC'' and ''DE Route''

December 24, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 22, 2014, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange filed a proposed rule change to amend Rule 2.12 to remove references to ''Direct Edge ECN LLC'' and ''DE Route.'' The Exchange does not propose to amend the requirements of this rule.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.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 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 parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Earlier this year, the Exchange and its affiliate BATS Y-Exchange, Inc. (''BYX'') received approval to affect a merger (the ''Merger'') of the Exchange's parent company, BATS Global Markets, Inc., with Direct Edge Holdings LLC, the indirect parent of EDGX Exchange, Inc. (''EDGX'') and EDGA Exchange, Inc. (''EDGA,'' and together with BZX, BYX and EDGX, the ''BGM Affiliated Exchanges'').[3] As a result, the Exchange amended Rule 2.12 to reflect that DE Route, the affiliated EDGA and EDGX routing broker-dealer, would also act as the inbound router for routing orders from EDGA and EDGX to the Exchange. In the context of the Merger, the BGM Affiliated Exchanges are working to migrate EDGX and EDGA onto the BATS technology platform, and align certain system functionality, retaining only intended differences between the BGM Affiliated Exchanges. As a result of these efforts, the Exchange proposes to amend to amend [sic] Rule 2.12 to remove references to ''Direct Edge ECN LLC'' and ''DE Route'' to reflect that BATS Trading, Inc. will be the Exchange's sole routing broker-dealer as of January 12, 2015. Thereafter, BATS Trading will serve as the sole inbound routing broker-dealer for the Exchange. The Exchange does not propose to amend the requirements of the rule.

DE Route and BATS Trading provide Members of the Exchange, EDGA, EDGX and BYX with optional routing services to other market centers. Thus, in certain circumstances, DE Route and BATS Trading provides inbound routing from EDGA, EDGX, or BYX to the Exchange. Exchange Rule 2.12 governs this inbound routing of orders by DE Route and BATS Trading to the Exchange in DE Route's and BATS Trading's capacity as a facility of the Exchange. The Exchange proposes to amend Rule 2.12 to remove all references to DE Route as BATS Trading will be the sole inbound routing service for the Exchange upon migration of EDGA and EDGX onto the BATS technology platform. The Exchange does not propose to amend the requirements of this rule. Therefore, the conditions and limitations set forth in Exchange Rule 2.12(a) will continue to require that:

- The Exchange enter into (a) a plan pursuant to Rule 17d–2 under the Act with a non-affiliated self-regulatory organization (''SRO'') to relieve the Exchange of regulatory responsibilities for BATS Trading with respect to rules that are common rules between the Exchange and the non-affiliated SRO, and (b) a regulatory services contract (''Regulatory Contract'') with a non-affiliated SRO to perform regulatory responsibilities for BATS Trading for unique Exchange rules.
- The Regulatory Contract require the Exchange to provide the non-affiliated SRO with information, in an easily accessible manner, regarding all exception reports, alerts, complaints, trading errors, cancellations, investigations, and enforcement matters (collectively ''Exceptions'') in which BATS Trading is identified as a participant that has potentially violated Exchange or Commission rules, and requires that the non-affiliated SRO provide a report, at least quarterly, to the Exchange quantifying all Exceptions in which BATS Trading is identified as a participant that has potentially violated Exchange or Commission rules.
- The Exchange, on behalf of holding company indirectly owning the Exchange, establish and maintain procedures and internal controls reasonably designed to ensure that BATS Trading does not develop or implement changes to its system based on non-public information obtained as a result of its affiliation with the Exchange, until such information is available generally to similarly situated Members of the Exchange.
- The Exchange furnish to BATS Trading only the same information and on the same terms as the Exchange makes available in the normal course of business to other users.[4]

In addition, provided the conditions in Exchange Rule 2.12 are complied with, and provided further that BATS Trading operates as an outbound router on behalf of BYX on the same terms and conditions as it does for the Exchange, and in accordance with the rules of BYX, BATS Trading may provide inbound routing services to the Exchange from BYX. BATS Trading provides members of the BGM Affiliated Exchanges (including BYX) with optional routing services to other market centers, which may include routing from a BGM Affiliated Exchange to the Exchange. Therefore, the Exchange proposes to remove reference to BYX as BATS Trading will be required under Exchange Rule 2.12 to operate as an outbound router on behalf of each BATS Exchange on the same terms and conditions as it does for the Exchange, and in accordance with the rules of each BATS Exchange, BATS Trading may provide inbound routing services to the Exchange from each BATS Exchange. The Exchange believes that Rule 2.12 will continue to adequately manage the potential for conflicts of interest that could arise from BATS Trading routing orders to the Exchange.

Implementation Date

The Exchange intends to implement the proposed rule change on or about January 12, 2015, which is the anticipated date upon which the migration of the EDGA and EDGX to the BATS technology platform will be complete and BATS Trading, Inc. will act as the BGM Affiliated Exchange's sole routing broker-dealer.

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with Section 6(b) of the Act[5] and further the objectives of Section 6(b)(5) of the Act[6] because they are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and, in general, to protect investors and the public interest. The proposed rule change also is designed to support the principles of Section 11A(a)(1)[7] of the Act in that it seeks to assure fair competition among brokers and dealers and among exchange markets. The Exchange does not propose to amend the requirements of the rule and the proposed rule change is intended only to reflect that BATS Trading will be the Exchange's sole routing broker-dealer upon migration of the EDGA and EDGX to the BATS technology platform. A consistent technology offering through the use of a single routing broker-dealer by each of the BGM Affiliated Exchange will, in turn, simplify the technology implementation, changes and maintenance by users of the Exchange that are also participants on BYX, EDGA, and EDGX. As such, 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.

[3] *See* Securities Exchange Act Release No. 71375 (January 23, 2014), 79 FR 4771 (January 29, 2014) (SR–BATS–2013–059; SR–BYX–2013–039).

[4] *See* Exchange Rule 2.12(a)(2).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78k–1(a)(1).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange reiterates that the proposed rule change is being proposed in the context of the technology integration of the BGM Affiliated Exchanges. Thus, the Exchange believes this proposed rule change is necessary to permit fair competition among national securities exchanges. In addition, the Exchange believes the proposed rule change will benefit Exchange participants in that it is one of several changes necessary to achieve a consistent technology offering by the BGM Affiliated Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) of the Act [8] and paragraph (f)(6) of Rule 19b–4 thereunder.[9] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[10]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [11] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [12] permits the Commission to designate a shorter 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 in order to permit the Exchange to implement the proposed rule change on January 12, 2015, which is the anticipated date upon which the migration of EDGA and EDGX to the BATS technology platform will be complete and BATS Trading will serve as the Exchange's sole routing broker-dealer. The Exchange states that waiver of the operative delay is consistent with the protection of investors and the public interest because it will allow BATS Trading to act as the BGM Affiliated Exchanges' sole routing broker-dealer upon migration of EDGX and EDGA to the BATS technology platform, thereby simplifying the technology integration for Members of the Exchange that are also participants on EDGX, EDGA, and BYX. In this regard, the Exchange notes that, since completion of the Merger, both Members and the BGM Affiliated Exchanges have made numerous systems changes in preparation for the technology migration occurring on January 12, 2015, the Exchange has issued frequent updates to Members informing them of the BGM Affiliated Exchange technology migration as well as its anticipated time line so that Members may make the requisite system changes, and the Exchange has conducted multiple testing opportunities for Members to ensure that both Members' and the Exchange's systems will operate in accordance with the proposed rule change on January 12, 2015. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change 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–BATS–2014–073 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–2014–073. 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 at 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 such 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–2014–073, and should be submitted on or before January 23, 2015.

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4.

[10] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 15 U.S.C. 78s(b)(2)(B).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Brent J. Fields,

Secretary.

[FR Doc. 2014–30694 Filed 12–31–14; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73943; File No. SR–NASDAQ–2014–123]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Rules 4751(h) and 4754(b) Relating to the Closing Process

December 24, 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 December 16, 2014, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to make changes to Rules 4751(h) and 4754(b) relating to the closing process.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.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 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 is proposing to adopt changes related to the close of Regular Market Session[3] on NASDAQ, which are designed to bring consistency and stability to the processing of securities in the NASDAQ Closing Cross.[4] Each trading day, NASDAQ accepts orders designated to participate in the Closing Cross.[5] The Closing Cross is the process by which NASDAQ determines the price at which orders will be executed at market close. Beginning at 3:50 p.m. Eastern Time, NASDAQ disseminates an Order Imbalance Indicator[6] every five seconds until market close, which allows market participants to see the nature of interest in a security and make investment decisions accordingly. The NASDAQ closing process is initiated at 4:00 p.m. Eastern Time.[7] During the brief period between the initiation of the closing process and the conclusion of the last Closing Cross,[8] the continuous order book is open to accept orders and cancellations in a security until the Closing Cross for that security is complete. These orders can affect the ultimate closing price of the security. Although accepting orders and cancellations through the completion of a security's Closing Cross allows the greatest interest to participate in the Closing Cross, the Exchange has observed that in cases where there is aberrant volatility in a security due to an error,[9] accepting such order activity may also significantly alter the closing price. In normal trading, NASDAQ has observed that allowing order entry and cancellation in a security up to the completion of a security's Closing Cross provides little additional price discovery to offset the greater risk in allowing such order activity. Accordingly, NASDAQ is proposing to close the order book for participation in the Closing Cross once the closing process is initiated at 4:00 p.m. Eastern Time (the ''Lockdown Period''). As a consequence of closing the order book, orders entered for participation in the continuous market after the Lockdown Period has begun, but prior to completion of the Closing Cross, will not be accepted by the System.

Under the proposed process, at 4:00 p.m. Eastern Time, when the closing process is initiated, the Lockdown Period is triggered at which point the order book will no longer accept new orders for execution, and will cease to process order cancellation requests for resting orders. New orders received for participation in the Closing Cross after initiation of the Lockdown Period will be cancelled back to the member firm, and cancellations of resting orders will be processed after the Closing Cross is complete.[10] NASDAQ notes that the processing and calculation of the Closing Cross will remain unchanged.[11] Moreover, in proposing the Lockdown Period, NASDAQ is not altering how orders are processed prior to the Closing Cross, and after it is completed. Rather, NASDAQ is merely providing a precise time at which orders will not participate in the Closing Cross, in lieu of the uncertain, albeit brief, time under the current process. In addition to amending Rule 4754(b) to reflect the changes discussed above, NASDAQ is making a clarifying change to the rule text to make it clear that the Closing Cross begins at 4:00:00 *p.m.*. [sic]

In a related change, the Exchange is also proposing to harmonize the processing of Market Hours Day (''MDAY'') orders[12] in the Closing Cross. MDAY is a time-in-force characteristic of orders, which allows the order to be executed during the Regular Market Session. Under NASDAQ rules, MDAY-designated orders are available from 4:00 a.m. to 4:00 p.m. Eastern Time.[13] Currently, an order designated as MDAY entered after completion of the Closing Cross in a particular security may be rejected, cancelled, or modified to an order with a time-in-force of Immediate or Cancel,

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] As defined by Rule 4120(b)(4)(D).

[4] *See* Rule 4754.

[5] *See* Rule 4754(a)(1) for a description of quotes and orders eligible for participation in the Closing Cross.

[6] The Order Imbalance Indicator provides information about orders eligible to participate in the Closing Cross and the price at which those orders would execute at the time of dissemination.

[7] Once the closing process is initiated, the System will execute crosses in each individual security traded on NASDAQ one by one. The order in which each security is processed is random and differs day by day.

[8] This brief period is normally well under one second.

[9] For example, a member firm that enters an order that is erroneous in price and/or size may cause significant order imbalances, which may cause the closing price of the security to be significantly different from what is anticipated.

[10] A member firm that sends a cancellation request during the Lockdown Period will receive an execution message for that order if it is executed in the Closing Cross.

[11] The closing process will still be initiated at 4:00 p.m. Eastern Time, and the order in which securities enter into their individual Closing Crosses will continue to be random.

[12] *See* Rule 4751(h)(6).

[13] *Id.*

depending on the means of entry. Member firms may enter MDAY-designated orders through OUCH, FLITE, RASH, INET FIX, QIX or SUMO FIX ports.[14] These various means of connecting to the Exchange for order entry provide member firms with differing functionality. The Exchange notes that a MDAY-designated order entered after the conclusion of the Regular Market Session through an OUCH, FLITE or RASH port will be modified to an order with a time-in-force of Immediate or Cancel. A MDAY-designated order entered after the conclusion of Regular Market Session through an INET FIX port will be modified to a System Hours Day order.[15] Lastly, a MDAY-designated order entered after the conclusion of the Regular Market Session through a QIX or SUMO FIX port will be rejected. The Exchange notes that the vast majority of such orders are [sic] entered near the end of the Regular Market Session by member firms seeking to execute prior to the conclusion of the session. In an effort to simplify the treatment of order handling on the Exchange, NASDAQ is proposing to harmonize how MDAY orders entered after the closing cross is initiated are handled. Specifically, NASDAQ is proposing to no longer accept orders with a time-in-force of MDAY that are entered after initiation of the Lockdown Period. The Exchange notes that not accepting orders after the Closing Cross is initiated will simplify market participant processing and avoid confusion concerning how such orders are handled upon conclusion of the Regular Market Session. Lastly, with the proposed implementation of the Lockdown Period, such simplification will also aid NASDAQ in operating the Closing Cross by reducing the logical steps necessary to process MDAY-designated orders. As a consequence, NASDAQ is adding language to the rule to reflect that such orders will not be accepted after 4:00 p.m.

Similarly, NASDAQ is proposing to modify the processing of Good-til-market close orders (''GTMC'').[16] GTMC is a time-in-force characteristic of orders, which allows the order to be executed from 4:00 a.m. to 8:00 p.m. Eastern Time. GTMC orders entered after the Closing Cross are converted to a time-in-force of System Hours Immediate or Cancel. In lieu of converting such orders, NASDAQ is proposing to no longer accept GTMC orders after initiation of the Lockdown Period at 4:00 p.m. Eastern Time. As a consequence, NASDAQ is amending language in the rule concerning acceptance of GTMC orders up to 8:00 p.m. Eastern Time to reflect that such orders will not be accepted after 4:00 p.m., and is deleting text concerning conversion of the order. NASDAQ is also making a technical change to the rule text to harmonize the terminology used under the other time-in-force designations under Rule 4751(h). Specifically, NASDAQ is replacing the word ''and'' with ''until.''

The Exchange plans on implementing the proposed changes in mid-February 2015, and will provide at least 30 days prior notice of the implementation date and testing opportunities for member firms via an Equity Trader Alert.

2. Statutory Basis

The Exchange believes that the proposed rule changes [sic] are consistent with Section 6 of the Act, in general, and further the objectives of Section 6(b)(5) of the Act, in particular, in that they are 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; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Specifically, the proposed changes promote just and equitable principles of trade and perfect the mechanisms of a free and open market and the national market system by providing greater clarity concerning the System's operation during the closing process and how orders with certain time-in-force characteristics are processed at the market close. In addition, the proposed changes will contribute to the protection of investors and the public interest by making the Exchange's rules easier to understand. The proposed change to implement the Lockdown Period is designed to promote a stable closing process and avoid the impact of erroneous order activity on the market close process. Closing the order book to new orders and cancellations during the very brief period between the initiation of the closing process at 4:00 p.m. Eastern Time and the completion of the last Closing Cross will ensure that the System is able to cross all securities without impact from erroneous order activity in a single security. Accordingly, the proposed change promotes a fair and orderly market during the closing process, and thereby further perfects the mechanism of a free and open market. The proposed changes to the processing of MDAY-designated orders further these objectives because they simplify processing of orders, thereby avoiding any market participant confusion on how such orders are treated when entered after the Regular Market Session has ended. Uniformly rejecting such orders, which are designed to execute during Regular Market Session, is consistent with a market participant's intent to execute during Regular Market Session and will remove complication in the handling of such orders. To the extent a member firm would like to participate in post-market hours trading, it may enter a new order eligible to participate in post-market trading. Likewise, the proposed changes to the processing of GTMC-designated orders further these objectives because the changes simplify processing of such orders when entered after the Closing Cross process has begun. Rather than converting GTMC-designated orders to an order with a different time-in-force if entered after the market close, NASDAQ will no longer accept them once the Closing Cross has been initiated, which is consistent with a market participant's intent to execute during the period from 4:00 a.m. and 4:00 p.m. As noted above, to the extent a member firm would like to participate in post-market hours trading, it may enter a new order eligible to participate in post-market trading. Moreover, simplifying the processing of both MDAY- and GTMC-designated orders will remove complication in the handling of such orders, thereby further improving the operation of the market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. Specifically, the changes are designed to promote consistency and stability in the closing process and in the handling of orders after the Regular Market Session has ended. Such changes do not place a burden on competition between market participants as the changes are applied consistently to all participants. Moreover, the proposed changes do not

[14] *See http://www.nasdaqtrader.com/Trader.aspx?id=TradingSpecs* for a description of the various order entry port specifications.

[15] A System Hours Day order remains available for potential display and/or execution from 4:00 a.m. until 8:00 p.m. Eastern Time on the day it was submitted unless cancelled by the entering party. *See* Rule 4751(h)(2).

[16] *See* Rule 4751(h)(8).

impose a burden on competition among exchanges as they are done for regulatory purposes and are therefore irrelevant to competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [17] and subparagraph (f)(6) of Rule 19b–4 thereunder.[18] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2014–123 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.

All submissions should refer to File Number SR–NASDAQ–2014–123. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2014–123 and should be submitted on or before January 2, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Brent J. Fields,

Secretary.

[FR Doc. 2014–30702 Filed 12–31–14; 8:45 am]

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[17] 15 U.S.C. 78s(b)(3)(a)(ii).

[18] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73942; File No. SR–MIAX–2014–66]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Amend the MIAX Options Fee Schedule

December 24, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 19, 2014, Miami International Securities Exchange LLC (''MIAX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule.

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 MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, 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 those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to increase the monthly fee for Internal Distributors and External Distributors of MIAX Top of Market (''ToM'') and Administrative Information Subscriber (''AIS''). Specifically, the Exchange proposes to: (i) Increase the fee charged to Internal Distributors of ToM and AIS from $1,000 to $1,250 per month; and (ii) increase the fee charged to External Distributors of ToM and AIS from $1,500 to $1,750 per month.

The Exchange charges monthly fees to Distributors of the ToM and AIS market data products that receive a feed of data either directly from MIAX or indirectly through another entity and then

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

distributes it either internally (within that entity) or externally (outside that entity). The monthly Distributor Fee charged depends on whether the Distributor is an ''Internal Distributor'' [3] or an ''External Distributor.'' [4] The Exchange notes that all Distributors are required to execute a MIAX Distributor Agreement.

ToM provides Distributors with a direct data feed that includes the Exchange's best bid and offer, with aggregate size, and last sale information based on displayable order and quoting interest on the Exchange, and the Post-Halt Notification. The ToM data feed includes data that is identical to the data sent to the processor for the Options Price Regulatory Authority (''OPRA''). The ToM and OPRA data leave the MIAX system at the same time, as required under Section 5.2(c)(iii)(B) of the Limited Liability Company Agreement of the Options Price Reporting Authority LLC (the ''OPRA Plan''), which prohibits the dissemination of proprietary information on any more timely basis than the same information is furnished to the OPRA System for inclusion in OPRA's consolidated dissemination of options information.[5] The AIS data feed includes secondary administrative information and liquidity seeking event related information. The Exchange notes that the monthly fee for Internal Distributors and External Distributors of AIS is waived if they also subscribe to the ToM market data product.

The Exchange proposes to increase the fee charged to Internal Distributors of ToM and AIS from $1,000 to $1,250 per month and increase the fee charged to External Distributors of ToM and AIS from $1,500 to $1,750 per month in order to increase the Exchange's non-transaction fee revenues. The proposed fees for the ToM data feed are in the range of similar fees found on another exchange; however the fees are slightly lower in order to increase the intermarket competition for these types of data service.[6]

The Exchange proposes to implement the new market data fees beginning January 1, 2015.

2. Statutory Basis

The Exchange believes that its proposal to amend its fee schedule is consistent with Section 6(b) of the Act [7] in general, and furthers the objectives of Section 6(b)(4) of the Act [8] in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members.

The Exchange believes the proposed fees are a reasonable allocation of its costs and expenses among its Members and other persons using its facilities since it is recovering not only the costs of the data distribution infrastructure, but also the costs of designing, maintaining, and operating the exchange's transaction execution platform and the cost of regulating the exchange to ensure its fair operation and maintain investor confidence. Access to the Exchange is provided on fair and non-discriminatory terms. The proposed fees for ToM are reasonable since they are in the range of similar fees charged by another exchange; however, the proposed fees are slightly lower in order to increase the intermarket competition for this type of data service. The Exchange believes the proposed fees are equitable and not unfairly discriminatory because the new fee level results in a reasonable and equitable allocation of fees amongst External Distributors and Internal Distributors for similar services. Moreover, the decision as to whether or not to subscribe to ToM or AIS is entirely optional to all parties. Potential subscribers are not required to purchase the ToM or AIS market data feed, and the Exchange is not required to make the ToM or AIS market data feeds available. Subscribers can discontinue their use at any time and for any reason, including due to their assessment of the reasonableness of fees charged. The allocation of fees among subscribers is fair and reasonable because, if the market deems the proposed fees to be unfair or inequitable, firms can diminish or discontinue their use of this data.

In adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data:

> ''[E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data.'' [9]

By removing ''unnecessary regulatory restrictions'' on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history. If the free market should determine whether proprietary data is sold to broker-dealers at all, it follows that the price at which such data is sold should be set by the market as well.

In July, 2010, Congress adopted H.R. 4173, the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (''Dodd-Frank Act''), which amended Section 19 of the Act. Among other things, Section 916 of the Dodd-Frank Act amended paragraph (A) of Section 19(b)(3) of the Act by inserting the phrase ''on any person, whether or not the person is a member of the self-regulatory organization'' after ''due, fee or other charge imposed by the self-regulatory organization.'' As a result, all SRO rule proposals establishing or changing dues, fees or other charges are immediately effective upon filing regardless of whether such dues, fees or other charges are imposed on members of the SRO, non-members, or both. Section 916 further amended paragraph (C) of Section 19(b)(3) of the Act to read, in pertinent part, ''At any time within the 60-day period beginning on the date of filing of such a proposed rule change in accordance with the provisions of paragraph (1) [of Section 19(b)], the Commission summarily may temporarily suspend the change in the rules of the self-regulatory organization made thereby, 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 this title. If the Commission takes such action, the Commission shall institute proceedings under paragraph (2)(B) [of Section 19(b)] to determine whether the proposed rule should be approved or disapproved.''

The Exchange believes that these amendments to Section 19 of the Act reflect Congress's intent to allow the Commission to rely upon the forces of competition to ensure that fees for

[3] An Internal Distributor is an organization that subscribes to the Exchange for the use of ToM, and is permitted by agreement with the Exchange to provide ToM data to internal users (*i.e.,* users within their own organization).

[4] An External Distributor is an organization that subscribes to the Exchange for the use of ToM, and is permitted by agreement with the Exchange to provide ToM data to both internal users and to external users (*i.e.,* users outside of their own organization).

[5] The Exchange previously filed to adopt the ToM market data product, including a detailed description of ToM. *See* Securities Exchange Act Release No. 69007 (February 28, 2013), 78 FR 14617 (March 6, 2013) (SR–MIAX–2013–05).

[6] *See* NASDAQ OMX PHLX LLC Pricing Schedule, Section IX.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4).

[9] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

market data are reasonable and equitably allocated. Although Section 19(b) had formerly authorized immediate effectiveness for a ''due, fee or other charge imposed by the self-regulatory organization,'' the Commission adopted a policy and subsequently a rule stating that fees for data and other products available to persons that are not members of the self-regulatory organization must be approved by the Commission after first being published for comment. At the time, the Commission supported the adoption of the policy and the rule by pointing out that unlike members, whose representation in self-regulatory organization governance was mandated by the Act, non-members should be given the opportunity to comment on fees before being required to pay them, and that the Commission should specifically approve all such fees. The Exchange believes that the amendment to Section 19 reflects Congress's conclusion that the evolution of self-regulatory organization governance and competitive market structure have rendered the Commission's prior policy on non-member fees obsolete. Specifically, many exchanges have evolved from member-owned, not-for-profit corporations into for-profit, investor-owned corporations (or subsidiaries of investor-owned corporations). Accordingly, exchanges no longer have narrow incentives to manage their affairs for the exclusive benefit of their members, but rather have incentives to maximize the appeal of their products to all customers, whether members or non-members, so as to broaden distribution and grow revenues. Moreover, the Exchange believes that the change also reflects an endorsement of the Commission's determinations that reliance on competitive markets is an appropriate means to ensure equitable and reasonable prices. Simply put, the change reflects a presumption that all fee changes should be permitted to take effect immediately, since the level of all fees are constrained by competitive forces. The Exchange therefore believes that the fees for ToM are properly assessed on non-member Distributors.

The decision of the United States Court of Appeals for the District of Columbia Circuit in *NetCoaliton* v. *SEC,* No. 09–1042 (D.C. Cir. 2010), although reviewing a Commission decision made prior to the effective date of the Dodd-Frank Act, upheld the Commission's reliance upon competitive markets to set reasonable and equitably allocated fees for market data:

''In fact, the legislative history indicates that the Congress intended that the market system 'evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed' and that the SEC wield its regulatory power 'in those situations where competition may not be sufficient,' such as in the creation of a 'consolidated transactional reporting system.' '' [10]

The court's conclusions about Congressional intent are therefore reinforced by the Dodd-Frank Act amendments, which create a presumption that exchange fees, including market data fees, may take effect immediately, without prior Commission approval, and that the Commission should take action to suspend a fee change and institute a proceeding to determine whether the fee change should be approved or disapproved only where the Commission has concerns that the change may not be consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Notwithstanding its determination that the Commission may rely upon competition to establish fair and equitably allocated fees for market data, the *NetCoalition* Court found that the Commission had not, in that case, compiled a record that adequately supported its conclusion that the market for the data at issue in the case was competitive. The Exchange believes that a record may readily be established to demonstrate the competitive nature of the market in question.

There is intense competition between trading platforms that provide transaction execution and routing services and proprietary data products. Transaction execution and proprietary data products are complementary in that market data is both an input and a byproduct of the execution service. In fact, market data and trade execution are a representative example of joint products with joint costs. The decision whether and on which platform to post an order will depend on the attributes of the platform where the order can be posted, including the execution fees, data quality and price and distribution of its data products. Without the prospect of a taking order seeing and reacting to a posted order on a particular platform, the posting of the order would accomplish little.

Without trade executions, exchange data products cannot exist. Data products are valuable to many end subscribers only insofar as they provide information that end subscribers expect will assist them or their customers in making trading decisions. The costs of producing market data include not only the costs of the data distribution infrastructure, but also the costs of designing, maintaining, and operating the exchange's transaction execution platform and the cost of regulating the exchange to ensure its fair operation and maintain investor confidence. The total return that a trading platform earns reflects the revenues it receives from both products and the joint costs it incurs. Moreover, an exchange's customers view the costs of transaction executions and of data as a unified cost of doing business with the exchange. A broker-dealer will direct orders to a particular exchange only if the expected revenues from executing trades on the exchange exceed net transaction execution costs and the cost of data that the broker-dealer chooses to buy to support its trading decisions (or those of its customers). The choice of data products is, in turn, a product of the value of the products in making profitable trading decisions. If the cost of the product exceeds its expected value, the broker-dealer will choose not to buy it.

Moreover, as a broker-dealer chooses to direct fewer orders to a particular exchange, the value of the product to the broker-dealer decreases, for two reasons. First, the product will contain less information, because executions of the broker-dealer's orders will not be reflected in it. Second, and perhaps more important, the product will be less valuable to that broker-dealer because it does not provide information about the venue to which it is directing its orders. Data from the competing venue to which the broker-dealer is directing orders will become correspondingly more valuable.

Thus, a super-competitive increase in the fees charged for either transactions or data has the potential to impair revenues from both products. ''No one disputes that competition for order flow is 'fierce'.'' [11] However, the existence of fierce competition for order flow implies a high degree of price sensitivity on the part of broker-dealers with order flow, since they may readily reduce costs by directing orders toward the lowest-cost trading venues. A broker-dealer that shifted its order flow from

[10] *NetCoaltion,* at 15 (quoting H.R. Rep. No. 94–229, at 92 (1975), as reprinted in 1975 U.S.C.C.A.N. 321, 323).

[11] *NetCoalition* at 24.

one platform to another in response to order execution price differentials would both reduce the value of that platform's market data and reduce its own need to consume data from the disfavored platform. Similarly, if a platform increases its market data fees, the change will affect the overall cost of doing business with the platform, and affected broker-dealers will assess whether they can lower their trading costs by directing orders elsewhere and thereby lessening the need for the more expensive data.

Analyzing the cost of market data distribution in isolation from the cost of all of the inputs supporting the creation of market data will inevitably underestimate the cost of the data. Thus, because it is impossible to create data without a fast, technologically robust, and well-regulated execution system, system costs and regulatory costs affect the price of market data. It would be equally misleading, however, to attribute all of the exchange's costs to the market data portion of an exchange's joint product. Rather, all of the exchange's costs are incurred for the unified purposes of attracting order flow, executing and/or routing orders, and generating and selling data about market activity. The total return that an exchange earns reflects the revenues it receives from the joint products and the total costs of the joint products.

Competition among trading platforms can be expected to constrain the aggregate return each platform earns from the sale of its joint products, but different platforms may choose from a range of possible, and equally reasonable, pricing strategies as the means of recovering total costs. For example, some platforms may choose to pay rebates to attract orders, charge relatively low prices for market information (or provide information free of charge) and charge relatively high prices for accessing posted liquidity. Other platforms may choose a strategy of paying lower rebates (or no rebates) to attract orders, setting relatively high prices for market information, and setting relatively low prices for accessing posted liquidity. In this environment, there is no economic basis for regulating maximum prices for one of the joint products in an industry in which suppliers face competitive constraints with regard to the joint offering. This would be akin to strictly regulating the price that an automobile manufacturer can charge for car sound systems despite the existence of a highly competitive market for cars and the availability of aftermarket alternatives to the manufacturer-supplied system.

The market for market data products is competitive and inherently contestable because there is fierce competition for the inputs necessary to the creation of proprietary data and strict pricing discipline for the proprietary products themselves. Numerous exchanges compete with each other for listings, trades, and market data itself, providing virtually limitless opportunities for entrepreneurs who wish to produce and distribute their own market data. This proprietary data is produced by each individual exchange, as well as other entities, in a vigorously competitive market.

Broker-dealers currently have numerous alternative venues for their order flow, including eleven existing options markets. Each SRO market competes to produce transaction reports via trade executions. Competitive markets for order flow, executions, and transaction reports provide pricing discipline for the inputs of proprietary data products. The large number of SROs that currently produce proprietary data or are currently capable of producing it provides further pricing discipline for proprietary data products. Each SRO is currently permitted to produce proprietary data products, and many in addition to MIAX currently do, including NASDAQ, CBOE, ISE, NYSE Amex, and NYSEArca. Additionally, order routers and market data vendors can facilitate single or multiple broker-dealers' production of proprietary data products. The potential sources of proprietary products are virtually limitless.

Market data vendors provide another form of price discipline for proprietary data products because they control the primary means of access to end subscribers. Vendors impose price restraints based upon their business models. For example, vendors such as Bloomberg and Thomson Reuters that assess a surcharge on data they sell may refuse to offer proprietary products that end subscribers will not purchase in sufficient numbers. Internet portals, such as Google, impose a discipline by providing only data that will enable them to attract ''eyeballs'' that contribute to their advertising revenue. Retail broker-dealers, such as Schwab and Fidelity, offer their customers proprietary data only if it promotes trading and generates sufficient commission revenue. Although the business models may differ, these vendors' pricing discipline is the same: They can simply refuse to purchase any proprietary data product that fails to provide sufficient value. The Exchange and other producers of proprietary data products must understand and respond to these varying business models and pricing disciplines in order to market proprietary data products successfully.

In addition to the competition and price discipline described above, the market for proprietary data products is also highly contestable because market entry is rapid, inexpensive, and profitable. The history of electronic trading is replete with examples of entrants that swiftly grew into some of the largest electronic trading platforms and proprietary data producers: Archipelago, BATS Trading and Direct Edge. Regulation NMS, by deregulating the market for proprietary data, has increased the contestability of that market. While broker-dealers have previously published their proprietary data individually, Regulation NMS encourages market data vendors and broker-dealers to produce proprietary products cooperatively in a manner never before possible. Multiple market data vendors already have the capability to aggregate data and disseminate it on a profitable scale, including Bloomberg, and Thomson Reuters.

The Court in *NetCoalition* concluded that the Commission had failed to demonstrate that the market for market data was competitive based on the reasoning of the Commission's *NetCoalition* order because, in the Court's view, the Commission had not adequately demonstrated that the proprietary data at issue in the case is used to attract order flow. The Exchange believes, however, that evidence not then before the court clearly demonstrates that availability of data attracts order flow. Due to competition among platforms, the Exchange intends to improve its platform data offerings on a continuing basis, and to respond promptly to customers' data needs.

The intensity of competition for proprietary information is significant and the Exchange believes that this proposal itself clearly evidences such competition. The Exchange is offering ToM in order to keep pace with changes in the industry and evolving customer needs. It is entirely optional and is geared towards attracting new Member Applicants and customers. MIAX competitors continue to create new market data products and innovative pricing in this space. The Exchange expects to see firms challenge its pricing on the basis of the Exchange's explicit fees being higher than the zero-priced fees from other competitors such as BATS. In all cases, the Exchange expects firms to make decisions on how much and what types of data to consume on the basis of the total cost of interacting with MIAX or other exchanges. Of course, the explicit data

fees are only one factor in a total platform analysis. Some competitors have lower transactions fees and higher data fees, and others are vice versa. The market for this proprietary information is highly competitive and continually evolves as products develop and change.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [12] and paragraph (f)(2) of Rule 19b–4 thereunder.[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.

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–2014–66 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–MIAX–2014–66. 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 MIAX. 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–2014–66 and should be submitted on or before January 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Brent J. Fields,

Secretary.

[FR Doc. 2014–30701 Filed 12–31–14; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(A)(ii).

[13] 17 CFR 240.19b–4(f)(2).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73941; File No. SR–ICC–2014–21]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change To Provide for the Clearance of Additional Standard Western European Sovereign Single Names

December 24, 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 December 16, 2014, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by ICC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to adopt rules that will provide the basis for ICC to clear additional credit default swap (''CDS'') contracts. Specifically, ICC is proposing to amend Section 26I of its Rules to provide for the clearance of additional Standard Western European Sovereign CDS contracts (collectively, ''SWES Contracts''). ICC has been approved to clear four SWES Contracts: The Republic of Ireland, the Italian Republic, the Portuguese Republic, and the Kingdom of Spain.[3] The proposed changes to the ICC Rules would provide for the clearance of additional SWES Contracts, specifically the Kingdom of Belgium and the Republic of Austria.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ICC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to adopt rules that will provide the basis for ICC to clear additional credit default swap contracts. ICC has been approved to clear four SWES Contracts: The Republic of Ireland, the Italian Republic, the Portuguese Republic, and the Kingdom of Spain.[4] ICC proposes amending Subchapter 26I of its Rules to provide for the clearance of two additional SWES Contracts, specifically the Kingdom of Belgium and the Republic of Austria. These two additional SWES Contracts will be offered on the 2003 and 2014 ISDA Credit Derivatives Definitions. The addition of these SWES Contracts will benefit the market for credit default swaps on Western European by providing market

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 34–72941 (Nov. 5, 2014), 79 FR 67213 (Nov. 12, 2014) (File No. SR–ICC–2014–14) (order approving rule change to clear other Western European sovereign CDS contracts) (the ''Prior WES Order'').

[4] *Id.*

participants the benefits of clearing, including reduction in counterparty risk and safeguarding of margin assets pursuant to clearing house rules. Clearing of the additional SWES Contracts will not require any changes in ICC's risk management framework (including relevant policies) or margin model.

These additional SWES Contracts have terms consistent with the other SWES Contracts which ICC has been approved to clear and which will be governed by Subchapter 26I of the ICC rules, namely the Republic of Ireland, the Italian Republic, the Portuguese Republic, and the Kingdom of Spain. Minor revisions to Subchapter 26I (Standard Western European Sovereign (''SWES'') Single Name) are made to provide for clearing the additional SWES Contracts and described as follows.

Rule 26I–102 is modified to include the Kingdom of Belgium and the Republic of Austria in the list of specific Eligible SWES Reference Entities to be cleared by ICC.

Additionally, in ICC Rule 26D–102 (Definitions), the definition of ''Eligible SES Reference Entity'' is modified to correct a typographical error and correctly identify the reference entity for a cleared product as Hungary (as opposed to the Republic of Hungary).

Section 17A(b)(3)(F) of the Act [5] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions. The clearance of additional SWES Contracts will allow market participants an increased ability to manage risk. ICC believes that acceptance of these new contracts, on the terms and conditions set out in the ICC Rules, is consistent with the prompt and accurate clearance of and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICC, the safeguarding of securities and funds in the custody or control of ICC, and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[6]

Clearing of the additional SWES Contracts will also satisfy the requirements of Rule 17Ad–22.[7] In particular, in terms of financial resources, ICC will apply its existing margin methodology to the additional SWES Contracts. ICC believes that this model will provide sufficient margin to cover its credit exposure to its clearing members from clearing such contracts, consistent with the requirements of Rule 17Ad–22(b)(2).[8] In addition, ICC believes its Guaranty Fund, under its existing methodology, will, together with the required margin, provide sufficient financial resources to support the clearing of the new contracts consistent with the requirements of Rule 17Ad–22(b)(3).[9] ICC also believes that its existing operational and managerial resources will be sufficient for clearing of the additional SWES Contracts, consistent with the requirements of Rule 17Ad–22(d)(4),[10] as the new contracts are similar from an operational perspective to existing SWES Contracts. Similarly, ICC will use its existing settlement procedures and account structures for the new contracts, consistent with the requirements of Rule 17Ad–22(d)(5), (12) and (15) [11] as to the finality and accuracy of its daily settlement process and avoidance of the risk to ICC of settlement failures. Finally, ICC will apply its existing default management policies and procedures for the new contracts. ICC believes that these procedures allow for it to take timely action to contain losses and liquidity pressures and to continue meeting its obligations in the event of clearing member insolvencies or defaults in respect of the additional SWES Contracts, in accordance with Rule 17Ad–22(d)(11).[12]

As discussed in further detail in the Prior WES Order, although the margin model applicable to SWES Contracts, including the additional SWES Contracts, may result in Clearing Participants being subject to different margin charges based on their domicile and correlation with the underlying sovereign, ICC believes that the margin model properly aligns the margin requirements to the risks presented by particular Clearing Participants. Moreover, the model operates without the need for ICC (or its management, Board or Risk Committee) to exercise discretion concerning particular Clearing Participants or the margin levels applicable to them. As a result, in ICC's view, the clearing of such contracts does not result in unfair discrimination among Clearing Participants within the meaning of Section 17A(b)(3)(F) of the Act and Rule 17Ad–22(d)(8).[13]

B. Self-Regulatory Organization's Statement on Burden on Competition

The additional SWES Contracts will be available to all ICC Participants for clearing. The clearing of these additional SWES Contracts by ICC does not preclude the offering of the additional SWES Contracts for clearing by other market participants.

Although clearance of additional SWES Contracts may result in higher margin requirements for some Clearing Participants as a result of the general wrong way risk component of the margin model, ICC believes that the model properly aligns margin requirements to the risks presented by such clearing members with respect to the additional SWES Contracts. As a result, ICC is of the view that these changes are necessary and appropriate in furtherance of the purpose of the Act and the Commission's regulations thereunder, including the financial resources and risk management requirements of Rule 17Ad–22.[14] Furthermore, ICC does not believe that any such increase in margin requirements would significantly affect the ability of Clearing Participants or other market participants to continue to clear CDS, consistent with the risk management requirements of the clearing house, or otherwise limit market participants' choices for selecting clearing services. Accordingly, ICC does not believe that clearance of the additional SWES Contracts will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (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

[5] 15 U.S.C. 78q–1(b)(3)(F).

[6] *Id.*

[7] 17 CFR 240.17Ad–22.

[8] 17 CFR 240.17Ad–22(b)(2).

[9] 17 CFR 240.17Ad–22(b)(3).

[10] 17 CFR 240.17Ad–22(d)(4).

[11] 17 CFR 240.17Ad–22(d)(5), (12) and (15).

[12] 17 CFR 240.17Ad–22(d)(11).

[13] 15 U.S.C. 78q–1(b)(3)(F); 17 CFR 240.17Ad–22(d)(8).

[14] 17 CFR 240.17Ad–22.

the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ICC–2014–21 on the subject line.

Paper Comments

Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ICC–2014–21. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's Web site at *https://www.theice.com/clear-credit/regulation.*

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ICC–2014–21 and should be submitted on or before January 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Brent J. Fields,

Secretary.

[FR Doc. 2014–30700 Filed 12–31–14; 8:45 am]

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[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73937; File No. SR–CME–2014–18]

Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Regarding Certain Contractual Arrangements That Apply to its Over-the-Counter Credit Default Swap Clearing Offering

December 24, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 15, 2014, Chicago Mercantile Exchange Inc. (''CME'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change described in Items I, II and III, below, which Items have been primarily prepared by CME. CME filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(4)(ii) thereunder,[4] so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CME is proposing to make certain revenue sharing and governance changes related to certain contractual arrangements that apply to its over-the-counter credit default swap (''OTC CDS'') clearing offering. CME entered into this arrangement (the ''Agreement'') with a group of clearing members on June 30, 2012 and the proposed rule change has been implemented by CME since June 30, 2012.[5]

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 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 such 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 filing this proposed rule change with respect to the Agreement made with various third-party financial institutions (''DFMs'') relating to its OTC CDS clearing business. The Agreement incentivized the DFMs to support CME's initial development of its OTC CDS clearing infrastructure and is designed to ensure that the DFMs continue their demonstrated commitment to CME's ongoing CDS clearing efforts. The existing DFMs were selected based on their support in CME's development of its clearing initiative, ability to provide liquidity, their client clearing and risk management expertise, as well as their willingness to test and generally support centralized clearing in CDS Contracts on an on-going basis. CME may invite other firms to join the Agreement in the future so long as such firms are among the top CDS clearing members by notional amount of CDS Contracts submitted to the Clearing House during any six-month period through June 2015 or are approved by a majority of the then-existing DFMs.

In summary, under the Agreement, the DFMs that satisfy their obligations under the Agreement will receive a portion of the clearing revenues and market data revenues generated in connection with CME's clearing of certain specified CDS Contracts, will be

[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).

[5] Pursuant to a teleconference with CME's counsel on December 19, 2014, staff in the Division of Trading and Markets has modified this sentence to insert references to the Agreement's execution and implementation date.

subject to a cap on the CDS clearing fees payable to CME, and will be entitled to participate in CME's CDS advisory group. In addition, CME has agreed to minimum CDS clearing member representation on the CDS Risk Committee (the ''CDS RC''). These aspects and other relevant background and context regarding the Agreement are described in greater detail below.

DFM Obligations Under the Agreement

Under the Agreement, DFMs are required to (i) maintain a CDS clearing membership at CME in good standing, (ii) offer customers the ability to clear CDS Contracts at CME on a non-discriminatory basis by comparison to the terms offered for clearing of substantially similar CDS Contracts through any U.S.-based derivatives clearing organization, (iii) provide to CME certain settlement price quotes and transaction data relating to CDS Contracts, and (iv) submit CDS Contracts to CME that generate specified minimum annual fees.

Economic Incentives for the DFMs Under the Agreement

Under the Agreement, CME and the DFMs have agreed to share certain of the adjusted gross revenues associated with CME's CDS Contracts clearing activities,[6] including the sale of market data generated by such activities (the ''Revenue Pools'').

DFMs that qualify during a relevant measurement period, will each receive a pro-rata share of the Revenue Pools based on volumes of CDS Contracts submitted to CME. In addition, CME has agreed to a fixed cap for the non-customer fees charged to each DFM for the clearing of CDS Contracts submitted to CME by such DFM and its affiliates during each 12-month period during the term of the Agreement.[7]

Finally, CME has agreed to offer each DFM the option of electing, in lieu of the incentives under the Agreement, any other pricing structure for the clearing of CDS Contracts that any other CDS clearing member chooses to accept from CME.

Governance Rights

In addition, CME has agreed with the DFMs that, among other things:

1. It will exercise its rights under CME's CDS RC charter[8] so as to cause a majority of the CDS RC to be composed such that (i) employees or directors of CDS Clearing Members[9] maintain a majority of the CDS RC (the ''CDS Clearing Membership Representatives'') and (ii) a majority of the CDS Clearing Membership Representatives be selected from those CDS Clearing Members that have the ''n'' largest average contributions to the CDS Guaranty Fund, where ''n'' is equal to the actual number of CDS Clearing Membership Representatives plus two (2);[10]

2. each DFM may appoint a representative (a ''DFM Representative'') to participate on CME's CDS advisory group;[11] and

3. it will not launch any CDS Product that was not originally contemplated by the Agreement in the CDS Guaranty Fund if (i) the DFM Representatives object to such launch based on material risk management concerns that such DFM Representatives have identified and that CME is unable to reasonably mitigate, (ii) the CDS RC does not approve the product launch, (iii) regulatory approval is not obtained, or (iv) there are not a sufficient number of CDS Clearing Members that have agreed to submit such CDS Product to CME for clearing and to provide settlement price information to CME for such CDS Product.

Section 17A of the Exchange Act does not permit the rules of a clearing agency to unfairly discriminate in the admission of participants or among participants in the use of the clearing agency.[12] The rules of a clearing agency must also assure its participants are fairly represented with respect to the administration of its affairs.[13] Further, the rules of the clearing agency must not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.[14] Although the terms of the Agreement deliver certain rights to a set of participants that are not offered to others, CME believes the proposed rules are nevertheless consistent with the requirements of the Exchange Act for the following reasons.

First, the Agreement provides an enumerated group of DFMs, who are also CDS Clearing Members at CME, with economic incentives and other contractual rights that will not be afforded to other CDS Clearing Members who are not DFMs. The rationale for providing this group of DFMs with these rights is to incentivize them (i) to provide substantial support to CME in its development and structuring of its OTC CDS clearing offering and (ii) to serve as the initial set of CDS clearing members. These swap market participants invested significant time and resources to support CME staff's efforts to design, develop, and implement CME's OTC swaps clearing infrastructure and agreed to provide clearing member services for OTC CDS on an ongoing basis. Providing these rights to these participants does not constitute unfair discrimination among participants of CME because of the equity ownership-like commitments undertaken by these DFMs during CME's initial offering phase. Because the DFMs provided these equity ownership-like commitments during CME's initial offering phase, there is not unfair discrimination among participants and the Agreement should be seen to be consistent with Section 17A(b)(3)(F) of the Exchange Act.[15]

With respect to the governance rights provided to the DFMs, CME also believes that these should be found to be consistent with the requirements of Section 17A of the Exchange Act.[16] CME recognizes that there would be reason to be concerned in circumstances where one particular member of a self-regulatory organization (''SRO'') was able to acquire a controlling influence in the administration of the affairs of the SRO. Such circumstances would have the potential to jeopardize an SRO's ability to operate impartially, as a single controlling member might be tempted to exercise its controlling influence by directing the SRO to refrain from diligently surveilling the member's

[6] The DFM share of gross revenue is based on the number of DFMs and adjusted for applicable discounts, rebates, taxes and expenses.

[7] During a December 22, 2014 teleconference with CME counsel, staff in the Division of Trading and Markets confirmed that CME has filed the following fee-related filings relating to the Agreement: Securities Exchange Act Release No. 34–65634 (Oct. 26, 2011), 76 FR 67517 (Nov. 1, 2011) (File No. SR–CME–2011–11); Securities Exchange Act Release No. 34–66030 (Dec. 22, 2011), 76 FR 82006 (Dec. 29, 2011) (File No. SR–CME–2011–18); Securities Exchange Act Release No. 34–68490 (Dec. 20, 2012), 77 FR 76314 (Dec. 27, 2012) (File No. SR–CME–2012–46); Securities Exchange Act Release No. 34–71403 (Jan. 27, 2014), 79 FR 5501 (Jan. 31, 2014) (File No. SR–CME–2014–03) and Securities Exchange Act Release No. 34–73752 (Dec. 5, 2014), 79 FR 73655 (Dec. 11, 2014) (File No. SR–CME–2014–55).

[8] The Agreement does not amend the charter of the CDS RC.

[9] This includes all CDS Clearing Members, not just DFMs.

[10] For instance, if the actual number of CDS Clearing Membership Representatives is 5, then a majority of the CDS Clearing Membership Representatives will be selected from those CDS Clearing Members with the 7 largest average contributions to the CDS Guaranty Fund.

[11] CME's CDS advisory group includes a representative from each of the DFMs and a representative from CME. In addition, CME may invite up to 2 non-DFM CDS clearing members that are in the top 10 contributors to the CDS Guaranty Fund and up to 3 non-CDS Clearing Members to appoint representatives to the CDS advisory group.

[12] 15 U.S.C. 78q–1(b)(3)(F).

[13] 15 U.S.C. 78q–1(b)(3)(C).

[14] 15 U.S.C. 78q–1(b)(3)(I).

[15] 15 U.S.C. 78q–1(b)(3)(F).

[16] 15 U.S.C. 78q–1.

conduct or from punishing any conduct that violates the rules of the SRO, Commodity Exchange Act or other applicable laws. However, those types of concerns are not present with the governance incentives offered to the DFMs in the Agreement.

Further, the Agreement provides for significant market participant participation in the governance of CDS Products by specifying certain membership composition criteria for the CDS RC. These composition criteria, in general, provide assurance that the participants with the most exposure to CME's CDS clearing initiative will be represented on the CDS RC. This granting of a voice to the market participants with the greatest risk to the Clearing House for CDS products is inherently fair and consistent with Section 17A(b)(3)(C) of the Exchange Act.[17] Further, these provisions also ensure that no single participant would be able to obtain a concentrated and outsized influence that would implicate the concerns outlined above nor is representation on the CDS RC based on DFM status.

Finally, the proposal will not affect any securities clearing operations of CME because CME recently filed a proposed rule change that clarified that CME has decided not to clear security-based swaps, except in a very limited set of circumstances.[18] The rule filing reflecting CME's decision not to clear security-based swaps removed any ambiguity concerning CME's ability or intent to perform the functions of a clearing agency with respect to security-based swaps. Therefore, this proposal will have no effect on any securities clearing operations of CME.

For these reasons, CME submits that the specific economic incentives and contractual governance rights granted to the DFMs should be found to be reasonable and consistent with the Act. The terms of the Agreement do not constitute unfair discrimination in the admission of participants or among participants in the use of the clearing agency but rather provide reasonable incentives to support the clearing offering. The arrangements should be seen as consistent with Section 17A(b)(3)(F) of the Exchange Act,[19] and should otherwise be seen to be consistent with the Act's investor protection and public interest mandates. CME submits that the proposed rule change promotes the prompt and accurate clearance and settlement of transactions, assures the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, fosters cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, removes impediments to and perfects the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, and, in general, protects investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

CME does not believe that the proposed rule change will impose any burden that is not reasonable, appropriate, or in furtherance of the Act. As discussed above, the proposed rules will provide an enumerated group of DFM firms, who are also CDS Clearing Members at CME, with economic incentives and other contractual rights that will not be afforded to other CDS Clearing Members who are not DFMs or do not become DFMs. Providing these benefits to one set of firms and not all could potentially have an impact on competition. However, CME believes any such impacts should not be seen to be unreasonable in light of the fact that these benefits were afforded in consideration of the substantial support provided to CME in the development and structuring of its OTC CDS clearing offering and the firms' agreement to serve as the initial set of clearing members.

Further, the changes are limited to CME's derivatives clearing business and, as such, do not affect security-based swap clearing activities of CME in any way and therefore would 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)[20] of the Act and Rule 19b–4(f)(4)(ii)[21] thereunder.

CME asserts that this proposal constitutes 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, and 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, which renders the proposed change effective upon filing. CME believes that the proposal does not significantly affect any securities clearing operations of CME because CME recently filed a proposed rule change that clarified that CME has decided not to clear security-based swaps, except in a very limited set of circumstances.[22] The rule filing reflecting CME's decision not to clear security-based swaps removed any ambiguity concerning CME's ability or intent to perform the functions of a clearing agency with respect to security-based swaps. Therefore, this proposal will not have an effect on any securities clearing operations of CME.

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 No. SR–CME–2014–18 on the subject line.

[17] 15 U.S.C. 78q–1(b)(3)(C).

[18] *See* Securities Exchange Act Release No. 34–73615 (Nov. 17, 2014), 79 FR 69545 (Nov. 21, 2014) (File No. SR–CME–2014–49). The only exception is with regards to Restructuring European Single Name CDS Contracts created following the occurrence of a Restructuring Credit Event in respect of an iTraxx Component Transaction. The clearing of Restructuring European Single Name CDS Contracts will be a necessary byproduct after such time that CME begins clearing iTraxx Europe index CDS.

[19] 15 U.S.C. 78q–1(b)(3)(F).

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(4)(ii).

[22] *See supra* note 18.

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–2014–18. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of 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–2014–18 and should be submitted on or before January 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Brent J. Fields,

Secretary.

[FR Doc. 2014–30696 Filed 12–31–14; 8:45 am]

BILLING CODE 8011–01–P

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73938; File No. SR–CME–2014–19]

Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding Certain Contractual Arrangements That Apply to Its Over-the-Counter Interest Rate Swap Clearing Offering

December 24, 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 December 15, 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 revenue sharing and governance changes related to certain contractual arrangements that apply to its over-the-counter interest rate swap (''OTC IRS'') clearing offering. CME entered into this arrangement (the ''Agreement'') with a group of clearing members on June 30, 2012 and the proposed rule change has been implemented by CME since June 30, 2012.[5]

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 filing this proposed rule change with respect to the Agreement made with various third-party financial institutions (dealer founding members, ''DFMs'') relating to its OTC IRS clearing business. The Agreement incentivized the DFMs to support CME's initial development of its OTC IRS clearing infrastructure and is designed to ensure that the DFMs continue their demonstrated commitment to CME's ongoing IRS clearing efforts. The existing DFMs were selected based on their support in CME's development of its clearing initiative, ability to provide liquidity, their client clearing and risk management expertise, as well as their willingness to test and generally support centralized clearing in IRS Contracts on an on-going basis. CME may invite other firms to join the Agreement in the future so long as such firms are approved by a majority of the then-existing DFMs.

In summary, under the Agreement, the DFMs that satisfy their obligations under the Agreement will receive a portion of the clearing revenues and market data revenues generated in connection with CME's clearing of certain specified IRS Contracts, will be subject to a cap on the IRS clearing fees payable to CME, and will be entitled to participate on CME's IRS advisory group. In addition, CME has agreed to minimum IRS clearing member representation on the IRS Risk Committee (the ''IRS RC''). These aspects and other relevant background and context regarding the Agreement are described in greater detail below.

DFM Obligations Under the Agreement

Under the Agreement, DFMs are required to (i) maintain an IRS clearing membership at CME in good standing, (ii) offer customers the ability to clear IRS Contracts at CME on a non-discriminatory basis by comparison to the terms offered for clearing of substantially similar IRS Contracts through any U.S.-based derivatives clearing organization, (iii) provide to

[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).

[5] Pursuant to a teleconference with CME's counsel on December 19, 2014, staff in the Division of Trading and Markets has modified this sentence to insert references to the Agreement's execution and implementation date.

CME certain pricing curves for daily settlement prices for IRS Contracts, and (iv) submit IRS Contracts to CME that generate specified minimum annual fees.

Economic Incentives for the DFMs Under the Agreement

Under the Agreement, DFMs will pay a specified fee for each IRS Contract submitted to CME for clearing. In addition, CME and the DFMs have agreed to share certain of the adjusted gross revenues associated with CME's IRS Contracts clearing activities,[6] including the sale of market data generated by such activities (the ''Revenue Pools''). DFMs that qualify during a relevant measurement period will each receive a pro-rata share of the Revenue Pools based on volumes of IRS Contracts submitted to CME. In addition, the non-customer fees charged to each DFM for the clearing of IRS Contracts during a given measurement period will not exceed a specified annual cap.[7]

Finally, CME has agreed to offer each DFM the option of electing, in lieu of the incentives under the Agreement, any other pricing structure for the clearing of IRS Contracts that any other IRS clearing member chooses to accept from CME.

Governance Rights

In addition, CME has agreed with the DFMs that, among other things:

1. It will exercise its rights under CME's IRS RC charter[8] so as to cause a majority of the IRS RC to be composed such that (i) employees or directors of IRS Clearing Members[9] maintain a majority of the IRS RC (the ''IRS Clearing Membership Representatives'') and (ii) a majority of the IRS Clearing Membership Representatives be selected from those IRS Clearing Members that have the ''n'' largest average contributions to the IRS Guaranty Fund, where ''n'' is equal to the actual number of IRS Clearing Membership Representatives plus two (2);[10]

2. each DFM may appoint a representative (a ''DFM Representative'') to participate on CME's IRS advisory group;[11] and

3. it will not launch any IRS Product that was not originally contemplated by the Agreement in the IRS Guaranty Fund if a majority the DFM Representatives object to such launch based on material risk management concerns that such DFM Representatives have identified and that CME is unable to reasonably mitigate.

Section17A of the Act does not permit the rules of a clearing agency to unfairly discriminate in the admission of participants or among participants in the use of the clearing agency.[12] The rules of a clearing agency must also assure its participants are fairly represented with respect to the administration of its affairs.[13] Further, the rules of the clearing agency must not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.[14] Although the terms of the Agreement deliver certain rights to a set of participants that are not offered to others, CME believes the proposed rules are nevertheless consistent with the requirements of the Act for the following reasons.

First, the Agreement provides an enumerated group of DFMs, who are also IRS Clearing Members at CME, with economic incentives and other contractual rights that will not be afforded to other IRS Clearing Members who are not DFMs. The rationale for providing this group of DFMs with these rights is to incentivize them (i) to provide substantial support to CME in its development and structuring of its OTC IRS clearing offering and (ii) to serve as the initial set of IRS clearing members. These swap market participants invested significant time and resources to support CME staff's efforts to design, develop, and implement CME's OTC swaps clearing infrastructure and agreed to provide clearing member services for OTC IRS on an ongoing basis. Providing these rights to these participants does not constitute unfair discrimination among participants of CME because of the equity ownership-like commitments undertaken by these DFMs during CME's initial offering phase. Because the DFMs provided these equity ownership-like commitments during CME's initial offering phase, there is not unfair discrimination among participants and the Agreement should be seen to be consistent with Section 17A(b)(3)(F) of the Act.[15]

With respect to the governance rights provided to the DFMs, CME also believes that these should be found to be consistent with the requirements of Section 17A of the Act.[16] CME recognizes that there would be reason to be concerned in circumstances where one particular member of a self-regulatory organization (''SRO'') was able to acquire a controlling influence in the administration of the affairs of the SRO. Such circumstances would have the potential to jeopardize an SRO's ability to operate impartially, as a single controlling member might be tempted to exercise its controlling influence by directing the SRO to refrain from diligently surveilling the member's conduct or from punishing any conduct that violates the rules of the SRO, Commodity Exchange Act or other applicable laws. However, those types of concerns are not present with the governance incentives offered to the DFMs in the Agreement.

Further, the Agreement provides for significant market participant participation in the governance of IRS Products by specifying certain membership composition criteria for the IRS RC. These composition criteria, in general, provide assurance that the participants with the most exposure to CME's IRS clearing initiative will be represented on the IRS RC. This granting of a voice to the market participants with the greatest risk to the Clearing House for IRS products is inherently fair and consistent with Section 17A(b)(3)(C) of the Act.[17] Further, these provisions also ensure that no single participant would be able to obtain a concentrated and outsized influence that would implicate the concerns outlined above nor is representation on the IRS RC based on DFM status.

Finally, the proposal will not affect any securities clearing operations of CME because CME recently filed a

[6] The DFM share of gross revenue is based on the number of DFMs and adjusted for applicable discounts, rebates, taxes and expenses.

[7] During a December 22, 2014 teleconference with CME counsel, staff in the Division of Trading and Markets confirmed that CME has filed the following fee-related filings relating to the Agreement: Securities Exchange Act Release No. 34–66102 (Jan. 5, 2012), 77 FR 1775 (Jan. 11, 2012) (File No. SR–CME–2011–22); Securities Exchange Act Release No. 34–67036 (May 21, 2012), 77 FR 31416 (May 25, 2012) (File No. SR–CME–2012–18) and Securities Exchange Act Release No. 34–71088 (Dec. 17, 2013), 78 FR 77512 (Dec. 23, 2013) (File No. SR–CME–2013–32).

[8] The Agreement does not amend the charter of the IRS RC.

[9] This includes all IRS Clearing Members, not just DFMs.

[10] For instance, if the actual number of IRS Clearing Membership Representatives is 5, then a majority of the IRS Clearing Membership Representatives will be selected from those IRS Clearing Members with the 7 largest average contributions to the IRS Guaranty Fund.

[11] CME's IRS advisory group includes a representative from each of the DFMs and a representative from CME. In addition, CME may invite up to 2 non-DFM IRS clearing members that are in the top 10 contributors to the IRS Guaranty Fund and up to 3 non-IRS Clearing Members to appoint representatives to the IRS advisory group.

[12] 15 U.S.C. 78q–1(b)(3)(F).

[13] 15 U.S.C. 78q–1(b)(3)(C).

[14] 15 U.S.C. 78q–1(b)(3)(I).

[15] 15 U.S.C. 78q–1(b)(3)(F).

[16] 15 U.S.C. 78q–1.

[17] 15 U.S.C. 78q–1(b)(3)(C).

proposed rule change that clarified that CME has decided not to clear security-based swaps, except in a very limited set of circumstances.[18] The rule filing reflecting CME's decision not to clear security-based swaps removed any ambiguity concerning CME's ability or intent to perform the functions of a clearing agency with respect to security-based swaps. Therefore, this proposal will have no effect on any securities clearing operations of CME.

For these reasons, CME submits that the specific economic incentives and contractual governance rights granted to the DFMs should be found to be reasonable and consistent with the Act. The terms of the Agreement do not constitute unfair discrimination in the admission of participants or among participants in the use of the clearing agency but rather provide reasonable incentives to support the clearing offering. The arrangements should be seen as consistent with Section 17A(b)(3)(F) of the Act,[19] and should otherwise be seen to be consistent with the Act's investor protection and public interest mandates. CME submits that the proposed rule change promotes the prompt and accurate clearance and settlement of transactions, assures the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, fosters cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, removes impediments to and perfects the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, and, in general, protects investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

CME does not believe that the proposed rule change will impose any burden that is not reasonable, appropriate, or in furtherance of the Act. As discussed above, the proposed rules will provide an enumerated group of DFM firms, who are also IRS Clearing Members at CME, with economic incentives and other contractual rights that will not be afforded to other IRS Clearing Members who are not DFMs or do not become DFMs. Providing these benefits to one set of firms and not all could potentially have an impact on competition. However, CME believes any such impacts should not be seen to be unreasonable in light of the fact that these benefits were afforded in consideration of the substantial support provided to CME in the development and structuring of its OTC IRS clearing offering and the firms' agreement to serve as the initial set of clearing members.

Further, the changes are limited to CME's derivatives clearing business and, as such, do not affect security-based swap clearing activities of CME in any way and therefore would 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)[20] of the Act and Rule 19b–4(f)(4)(ii)[21] thereunder. CME asserts that this proposal constitutes 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, and 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, which renders the proposed change effective upon filing. CME believes that the proposal does not significantly affect any securities clearing operations of CME because CME recently filed a rule change that clarified that CME has decided not to clear security-based swaps, except in a very limited set of circumstances.[22] The rule filing reflecting CME's decision not to clear security-based swaps removed any ambiguity concerning CME's ability or intent to perform the functions of a clearing agency with respect to security-based swaps. Therefore, this proposal will not have an effect on any securities clearing operations of CME.

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–2014–19 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–2014–19. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of CME and on CME's Web site at

[18] *See* Securities Exchange Act Release No. 34–73615 (Nov. 17, 2014), 79 FR 69545 (Nov. 21, 2014) (File No. SR–CME–2014–49). The only exception is with regards to Restructuring European Single Name CDS Contracts created following the occurrence of a Restructuring Credit Event in respect of an iTraxx Component Transaction. The clearing of Restructuring European Single Name CDS Contracts will be a necessary byproduct after such time that CME begins clearing iTraxx Europe index CDS.

[19] 15 U.S.C. 78q–1(b)(3)(F).

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(4)(ii).

[22] *See supra* note 18.

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–2014–19 and should be submitted on or before January 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Brent J. Fields,

Secretary.

[FR Doc. 2014–30697 Filed 12–31–14; 8:45 am]

BILLING CODE 8011–01–P

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73947; File No. SR–NYSEMKT–2014–110]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Extending the Operation of Its Supplemental Liquidity Providers Pilot, Until the Earlier of the Securities and Exchange Commission's Approval To Make Such Pilot Permanent or July 31, 2015

December 24, 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 December 18, 2014, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the operation of its Supplemental Liquidity Providers Pilot (''SLP Pilot'' or ''Pilot'') (*see* Rule 107B—Equities), currently scheduled to expire on December 31, 2014, until the earlier of the Securities and Exchange Commission's (''Commission'') approval to make such Pilot permanent or July 31, 2015. 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to extend the operation of its SLP Pilot,[4] currently scheduled to expire on December 31, 2014, until the earlier of Commission approval to make such Pilot permanent or July 31, 2015.

Background[5]

In October 2008, the New York Stock Exchange LLC (''NYSE'') implemented significant changes to its market rules, execution technology and the rights and obligations of its market participants all of which were designed to improve execution quality on the NYSE. These changes were all elements of the NYSE's and the Exchange's enhanced market model referred to as the ''New Market Model'' (''NMM Pilot'').[6] The NYSE SLP Pilot was launched in coordination with the NMM Pilot (*see* NYSE Rule 107B).

As part of the NMM Pilot, NYSE eliminated the function of specialists on the Exchange creating a new category of market participant, the Designated Market Maker or ''DMM.''[7] Separately, the NYSE established the SLP Pilot, which established SLPs as a new class of market participants to supplement the liquidity provided by DMMs.[8]

The NYSE adopted NYSE Rule 107B governing SLPs as a six-month pilot program commencing in November 2008. This NYSE pilot has been extended several times, most recently to December 31, 2014.[9] The NYSE is in the

[4] *See* Securities Exchange Act Release No. 61308 (January 7, 2010), 75 FR 2573 (January 15, 2010) (SR–NYSEAmex–2009–98) (establishing the NYSE Amex Equities SLP Pilot). *See also* Securities Exchange Act Release Nos. 61841 (April 5, 2010), 75 FR 18560 (April 12, 2010) (SR–NYSEAmex–2010–33) (extending the operation of the SLP Pilot to September 30, 2010); 62814 (September 1, 2010), 75 FR 54671 (September 8, 2010) (SR–NYSEAmex–2010–88) (extending the operation of the SLP Pilot to January 31, 2011); 63615 (December 29, 2010), 76 FR 611 (January 5, 2011) (SR–NYSEAmex–2010–123) (extending the operation of the SLP Pilot to August 1, 2011); 64772 (June 29, 2011), 76 FR 39455 (July 6, 2011) (SR–NYSEAmex–2011–44) (extending the operation of the SLP Pilot to January 31, 2012); 66041 (December 23, 2011), 76 FR 82328 (December 30, 2011) (SR–NYSEAmex–2011–103) (extending the operation of the SLP Pilot to July 31, 2012); 67496 (July 25, 2012), 77 FR 45390 (July 31, 2012) (SR–NYSEMKT–2012–22) (extending the operation of the SLP Pilot to January 31, 2013); 68557 (January 2, 2013), 78 FR 1284 (January 8, 2013) (SR–NYSEMKT–2012–85) (extending the operation of the SLP Pilot to July 31, 2013); 69820 (June 21, 2013), 78 FR 38748 (June 27, 2013) (SR–NYSEMKT–2013–52) (extending the operation of the SLP Pilot to January 31, 2014); 71361 (January 21, 2014), 79 FR 4364 (January 27, 2014) (SR–NYSEMKT–2014–03) (extending the operation of the SLP Pilot to July 31, 2014); and 72623 (July 16, 2014), 79 FR 41592 (July 22, 2014) (SR–NYSEMKT–2014–58 (extending the operation of the SLP Pilot to December 31, 2014).

[5] The information contained herein is a summary of the ''New Market Model'' Pilot and the SLP Pilot. *See supra* note 4 and *infra* note 6 for a fuller description of those pilots.

[6] *See* Securities Exchange Act Release No. 58845 (October 24, 2008), 73 FR 64379 (October 29, 2008) (SR–NYSE–2008–46).

[7] *See* NYSE Rule 103.

[8] *See* NYSE Rule 107B and NYSE MKT Rule 107B—Equities. NYSE amended the monthly volume requirements to an average daily volume (''ADV'') that is a specified percentage of NYSE consolidated ADV. *See* Securities Exchange Act Release No. 67759 (August 30, 2012), 77 FR 54939 (September 6, 2012) (SR–NYSE–2012–38).

[9] *See* Securities Exchange Act Release Nos. 58877 (October 29, 2008), 73 FR 65904 (November 5, 2008) (SR–NYSE–2008–108) (adopting SLP Pilot program); 59869 (May 6, 2009), 74 FR 22796 (May 14, 2009) (SR–NYSE–2009–46) (extending SLP Pilot program until October 1, 2009); 60756 (October 1, 2009), 74 FR 51628 (October 7, 2009) (SR–NYSE–2009–100) (extending SLP Pilot program until November 30, 2009); 61075 (November 30, 2009), 74 FR 64112 (December 7, 2009) (SR–NYSE–2009–119) (extending SLP Pilot program until March 30, 2010); 61840 (April 5, 2010), 75 FR 18563 (April 12, 2010) (SR–NYSE–2010–28) (extending the SLP Pilot until September 30, 2010); 62813 (September 1, 2010), 75 FR 54686 (September 8, 2010) (SR–NYSE–2010–62) (extending the SLP Pilot until January 31, 2011); 63616 (December 29, 2010), 76 FR 612 (January 5, 2011) (SR–NYSE–2010–86) (extending the operation of the SLP Pilot to August 1, 2011); 64762 (June 28, 2011), 76 FR 39145 (July 5, 2011) (SR–NYSE–2011–30) (extending the operation of the SLP Pilot to January 31, 2012); 66045 (December 23, 2011), 76 FR 82342 (December 30, 2011) (SR–NYSE–2011–66) (extending the operation of the SLP Pilot to July 31, 2012); 67493 (July 25, 2012), 77 FR 45388 (July 31, 2012) (SR–NYSE–2012–27) (extending the operation of the SLP Pilot to January 31, 2013); 68560 (January 2, 2013), 78 FR 1280 (January 8, 2013) (SR–NYSE–2012–76) (extending the operation of the SLP Pilot to July 31, 2013); 69819 (June 21, 2013), 78 FR 38764 (June 27, 2013) (SR–NYSE–2013–44) (extending the operation of the SLP Pilot to January 31, 2014); 71362 (January 21, 2014), 79 FR 4371 (January 27, 2014) (SR–NYSE–2014–03) (extending the operation of the SLP Pilot to July 31, 2014); and 72628 (July 16, 2014), 79 FR 42588 (July 22, 2014) (SR–NYSE–

Continued

process of requesting an extension of their SLP Pilot until July 31, 2015 or until the Commission approves the pilot as permanent.[10] The extension of the NYSE SLP Pilot until July 31, 2015 runs parallel with the extension of the NMM Pilot until July 31, 2015, or until the Commission approves the NMM Pilot as permanent.

Proposal To Extend the Operation of the NYSE MKT SLP Pilot

The Exchange established the SLP Pilot to provide incentives for quoting, to enhance competition among the existing group of liquidity providers, including the DMMs, and add new competitive market participants. NYSE MKT Rule 107B—Equities is based on NYSE Rule 107B. NYSE MKT Rule 107B—Equities was filed with the Commission on December 30, 2009, as a ''me too'' filing for immediate effectiveness as a pilot program.[11] The Exchange's SLP Pilot is scheduled to end operation on December 31, 2014 or such earlier time as the Commission may determine to make the rules permanent.

The Exchange believes that the SLP Pilot, in coordination with the NMM Pilot and the NYSE SLP Pilot, allows the Exchange to provide its market participants with a trading venue that utilizes an enhanced market structure to encourage the addition of liquidity, facilitate the trading of larger orders more efficiently and operates to reward aggressive liquidity providers. As such, the Exchange believes that the rules governing the SLP Pilot (NYSE MKT Rule 107B—Equities) should be made permanent.

Through this filing the Exchange seeks to extend the current operation of the SLP Pilot until July 31, 2015, in order to allow the Exchange to formally submit a filing to the Commission to convert the SLP Pilot rule to a permanent rule. The Exchange is currently preparing a rule filing seeking permission to make the Exchange's SLP Pilot permanent, but does not expect that filing to be completed and approved by the Commission before December 31, 2014.[12]

The proposed change is not otherwise intended to address any other issues and the Exchange is not aware of any problems that member organizations would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act,[13] in general, and furthers the objectives of section 6(b)(5) of the Act,[14] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed rule change is designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade because it seeks to extend a pilot program that has already been approved by the Commission. The Exchange believes the proposed rule change is designed to facilitate transactions in securities and to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system because the SLP Pilot provides its market participants with a trading venue that utilizes an enhanced market structure to encourage the addition of liquidity and operates to reward aggressive liquidity providers. Moreover, requesting an extension of the SLP Pilot will permit adequate time for: (i) The Exchange to prepare and submit a filing to make the rules governing the SLP Pilot permanent; (ii) public notice and comment; and (iii) completion of the 19b–4 approval process. Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition. For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with section 6(b)(8) of the Act,[15] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that extending the operation of the SLP Pilot will enhance competition among liquidity providers and thereby improve execution quality on the Exchange. The Exchange will continue to monitor the efficacy of the program during the proposed extended pilot period.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting the services it offers and the requirements it imposes to remain competitive with other U.S. equity exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to section 19(b)(3)(A)(iii) of the Act[16] and Rule 19b–4(f)(6) thereunder.[17] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[18] normally does not become operative prior to 30 days after the date of the filing. However, pursuant

2014–34) (extending the operation of the SLP Pilot to December 31, 2014).

[10] *See* SR–NYSE–2014–72.

[11] *See* Securities Exchange Act Release No. 61308 (January 7, 2010), 75 FR 2573 (January 15, 2010) (SR–NYSEAmex–2009–98).

[12] The NMM Pilot was scheduled to expire on December 31, 2014 as well. The Exchange has filed to extend the NMM Pilot until July 31, 2015. *See* SR–NYSEMKT–2014–109.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78f(b)(8).

[16] 15 U.S.C. 78s(b)(3)(A)(iii).

[17] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[18] 17 CFR 240.19b–4(f)(6).

to Rule 19b–4(f)(6)(iii),[19] the Commission may designate a shorter 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 proposal may become operative before the pilot's expiration. The Exchange states that an immediate operative date is necessary in order to immediately implement the proposed rule change so that member organizations could continue to benefit from the pilot program without interruption after December 31, 2014.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Specifically, the Commission believes that the proposal would allow the pilot to continue uninterrupted, thereby avoiding any potential investor confusion that could result from the temporary interruption in the pilot program. For this reason, the Commission designates the proposed rule change to be operative on December 31, 2014.[20]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–2014–110 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–NYSEMKT–2014–110. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of 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–2014–110 and should be submitted on or before January 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Brent J. Fields,

Secretary.

[FR Doc. 2014–30706 Filed 12–31–14; 8:45 am]

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[19] 17 CFR 240.19b–4(f)(6)(iii).

[20] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73944; File No. SR–NSX–2014–017]

Self-Regulatory Organizations; National Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change in Connection With a Proposed Transaction in Which National Stock Exchange Holdings, Inc. Will Acquire Ownership of the Exchange From the CBOE Stock Exchange, LLC

December 24, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Exchange Act'' or the ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on December 16, 2014, National Stock Exchange, Inc. (''NSX®'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or the ''Commission'') the proposed rule change, as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comment 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 has filed proposed rule changes in connection with a proposed transaction (the ''Transaction'') whereby National Stock Exchange Holdings, Inc. (''NSX Holdings''), a corporation organized under the laws of the State of Delaware,[3] will purchase all of the outstanding shares of NSX from the CBOE Stock Exchange, LLC (''CBSX''). Pursuant to the Transaction, the Exchange will become a wholly-owned subsidiary of NSX Holdings. In addition, the Exchange is proposing that, in connection with the Transaction, the Commission approve certain amendments in the organizational documents of NSX.

To effectuate the transaction, the Exchange seeks to obtain the Commission's approval of: The proposed Second Amended and Restated Certificate of Incorporation of NSX Holdings;[4] the proposed By-laws of NSX Holdings; proposed amendments to the Exchange's current Amended and Restated Certificate of Incorporation;[5] and Exchange's Second Amended By-laws.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nsx.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 Exchange included statements

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] NSX Holdings was incorporated in the State of Delaware on August 19, 2014.

[4] The original Certificate of Incorporation for NSX Holdings was amended on October 2, 2014 to amend the total number of shares of common stock that NSX Holdings was authorized to issue from 10,000 shares to 100,000 shares with a par value of $0.01.

[5] The original Certificate of Incorporation for NSX was filed with the Delaware Secretary of State on December 12, 2005 and was restated on June 29, 2006. It was subsequently restated and amended in December 2011 in connection with the acquisition of the Exchange by CBSX.

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 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 Proposed Transaction

Since December 2011, NSX has been wholly owned by CBSX.[6] CBSX is the record and beneficial owner of 100 shares of NSX, par value $.01 per share, which represents all of the issued and outstanding shares of capital stock of NSX. Pursuant to the terms of a Stock Purchase Agreement dated September 8, 2014 (the ''SPA'') by and among CBSX, NSX Holdings and NSX, NSX Holdings has agreed to acquire all of the outstanding capital stock of NSX upon the closing of the Transaction (the ''Closing'') in return for cash consideration paid to CBSX.[7] The SPA provides that the Closing will occur only after all required regulatory approvals have been obtained and all other conditions precedent to Closing have been satisfied or waived.[8] Following the completion of the Transaction, NSX will remain a Delaware for-profit stock corporation, with authority to issue 1,000 shares of common stock. At all times, all of the outstanding stock of NSX shall be owned by NSX Holdings.

NSX will remain registered as a national securities exchange under Section 6 of the Act[9] and a self-regulatory organization (''SRO'') as defined in Section 3(a)(26) of the Act.[10] The Exchange plans to reopen its marketplace for the trading of equity securities as soon as practicable after the Closing and plans to operate the Exchange pursuant to the rules of the Exchange currently in effect and using the Exchange's existing trading system; however, the re-opening of the Exchange marketplace is subject to additional rule changes filed with the Commission and such rule changes being approved or becoming effective.[11] NSX's Rules, all of which remain in full force and effect as of the date of the instant rule filing, will continue to govern the activities of NSX up to and after the Closing, and NSX will continue to discharge its SRO responsibilities pursuant to NSX's registration under Section 6 of the Act.[12] NSX Holdings represents that, assuming consummation of the Transaction, it will at all times ensure that the Exchange has access to financial resources sufficient for it to discharge its SRO responsibilities after the date of Closing.

Currently, NSX has one affiliated entity, NSX Securities LLC (''NSX Securities''). Pursuant to Exchange Rule 2.11(a), NSX Securities provides the outbound routing of orders from the Exchange to other trading centers. NSX Securities operates as a facility (as defined in Section 3(a)(2) of the Exchange Act)[13] of NSX. An SRO unaffiliated with the Exchange carries out oversight and enforcement responsibilities as the designated examining authority designated by the Commission pursuant to Section 17d–1 of the Act[14] with the responsibility for examining NSX Securities for compliance with the applicable financial responsibility rules. As provided in Exchange Rule 2.11(a)(3), an ETP Holder's use of NSX Securities to route orders to another trading center will be optional; any ETP Holder that does not want to use NSX Securities may use other routers to route orders to other trading centers.

Further as provided in Exchange Rule 2.11(b), the books, records, premises, officers, agents, directors and employees of NSX Securities as a facility of the Exchange are deemed to be those of the Exchange for purposes of, and oversight pursuant to the Exchange Act, and the books and records of NSX securities as a facility of the Exchange are at all times subject to inspection and copying by the Exchange and by the Commission.

The Exchange states that, upon the Closing of the Transaction, all of the provisions of Rule 2.11 governing the operation of NSX Securities will remain in full force and effect, and the sole change impacting NSX Securities will be the change of ownership of the Exchange as the NSX Securities' sole affiliate. The Exchange, on behalf of NSX Securities, will provide notice to, and obtain any required consents from, FINRA for the NSX change of ownership.

NSX has submitted to the Commission for its approval (i) a proposed Second Amended and Restated Certificate of Incorporation for NSX Holdings (the ''NSX Holdings A&R Certificate''); (ii) proposed By-laws of NSX Holdings (the ''NSX Holdings By-laws''); (iii) the proposed Second Amended and Restated Certificate of Incorporation of NSX (the ''NSX A&R Certificate''); and (iv) the proposed Third Amended and Restated NSX By-laws (the ''NSX A&R By-laws''), which are proposed to be adopted or amended as described below.

The NSX Holdings A&R Certificate and NSX Holdings By-Laws

The instant filing seeks Commission approval for the NSX Holdings A&R Certificate and for the NSX Holdings By-laws. The key provisions of these organizational documents impacting the governance of NSX Holdings and its status as the holding company of NSX are described below.

First, as proposed, the total number of shares which the NSX Holdings is authorized to issue is 100,000 shares of common stock with a par value of $0.01. The NSX Holdings A&R Certificate carries forward the authorized share amount contained in the October 2, 2014, amendment to the Certificate of

[6] The acquisition of NSX by CBSX was approved by the Commission in December 2011. *See* Exchange Act Release No. 66071 (December 29, 2011), 77 FR 521 (January 5, 2012) (SR–NSX–2011–14 and SR–CBOE–2011–107).

[7] CBSX is partially owned by the Chicago Board Options Exchange, Incorporated (''CBOE'') and operated as a facility of CBOE. Pursuant to a rule amendment filed with the Commission, CBSX ceased trading operations as of the close of business on April 30, 2014. *See* Exchange Act Release No. 71880 (April 4, 2014), 79 FR 19950 (April 10, 2014) (SR–CBOE–2014–036).

[8] Conditions precedent to Closing are formal requirements set forth in the SPA that must be satisfied or waived on or prior to the Closing date. These conditions include the completion of all required filings with or notices to, and all approvals, authorizations and actions by, the SEC, the Financial Industry Regulatory Authority, the Secretary of State of the State of Delaware and other applicable governmental entities and regulatory bodies necessary to effect the completion of the Transaction; compliance by each party with specified representations, warranties and covenants, and receipt of necessary approvals by each party.

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78c(a)(26).

[11] Pursuant to a rule filing with the Commission, the Exchange ceased trading operations as of the close of business on May 30, 2014. *See* Exchange Act Release No. 72107 (May 6, 2014), 79 FR 27017 (May 12, 2014) (SR–NSX–2014–14). NSX Rules continue to remain in full force and effect through and after May 30, 2014. The rule filing stated that the Exchange shall file a proposed rule change pursuant to Rule 19b-4 of the Exchange Act prior to any resumption of trading on the Exchange pursuant to Chapter XI (Trading Rules) of the NSX Rules.

[12] *Id.* The Exchange will also continue to adhere to the Undertakings in the Commission's 2005 *Order Instituting Administrative and Cease-and-Desist Proceedings Pursuant to Sections 19(h) and 21C of the Securities Exchange Act of 1934, Making Findings, and Imposing Sanctions,* including those Undertakings related to a Regulatory Oversight Committee and the separation of the regulatory functions from the commercial interests of NSX. *See* Securities Exchange Act Release No. 51714 (May 19, 2005).

[13] 15 U.S.C. 78c(a)(2).

[14] 15 U.S.C. 78q(d)(1).

Incorporation for NSX Holdings.[15] At present, NSX Holdings plans to issue 10,000 shares of common stock.

NSX Holdings Ownership and Voting

Ownership of NSX Holdings as the new holding company of NSX will be divided among two categories of shareholders. The largest category is comprised of 12 individual investors who, in the aggregate, own approximately 64% of the outstanding shares of NSX Holdings.[16] At Closing, one individual investor may own in the aggregate more than 40% of the outstanding shares of NSX Holdings. Four of these 12 individual investors in NSX Holdings, owning in the aggregate approximately 60% of the outstanding shares, are securities industry and technology professionals with extensive experience, including senior executive managerial experience, in areas including capital markets and investment management, exchange operations, electronic trading, and systems architecture and development.[17] The Exchange anticipates that these four individuals will assume senior executive roles in the Exchange's management upon the completion of the Transaction.

The second category of shareholders of NSX Holdings consists of two affiliated entities: Thor Investment Holdings LLC (''Thor'') [18] and TIP–1 LLC (''TIP–1''),[19] each a Delaware limited liability company. Thor will own approximately 16% of the outstanding equity of NSX Holdings, and TIP–1 will own approximately 20% of the outstanding equity of NSX Holdings. Thor will also have an ownership interest in TIP–1 and will act as its managing member. In turn, Thor's management will be vested exclusively in a managing member, Thor Managing Member LLC (''Thor MM''). Thor MM will have no ownership interest in either Thor or TIP–1. There are three individual members of Thor MM, all of whom are also members of Thor. Currently, nine individuals are members of Thor. It is anticipated that there will be six members of TIP–1, including Thor. Each such member thereby has an ownership interest in the respective entities' share of the outstanding equity of NSX Holdings.[20]

The Exchange notes that there is no commonality or overlap between the 12 individual investors owning approximately 64% of the outstanding shares of NSX Holdings and the individual members of Thor and TIP–1 which own the remaining approximately 36% of the outstanding equity of NSX Holdings. No individual has an ownership interest in both Thor and TIP–1. None of the individual members of Thor or TIP–1 will become an employee of NSX, and none of these individuals will have any role in the day-to-day management or operation of the Exchange.

With respect to voting rights, Thor will have the power to exercise TIP–1's voting rights in NSX Holdings, such that Thor will have the ability to exercise an approximate 36% voting interest of NSX Holdings. The Exchange notes, however, that because of the voting limitations in the NSX Holdings A&R Certificate described below, Thor will not be able to exercise its voting interest in excess of the 20% voting limitation.

The NSX Holdings A&R Certificate provides for limitations on the ownership and voting of shares of NSX Holdings. Subject to certain exceptions, no Person,[21] either alone or with its Related Persons,[22] shall be permitted at any time to own beneficially shares of stock of NSX Holdings representing in the aggregate more than 40% of the then outstanding votes entitled to be cast on any matter (the ''Concentration Limitation'').[23] As proposed, any Person (either alone or with their Related Persons) who is in excess of the Concentration Limitation as of the filing date of the NSX Holdings A&R Certificate will have an exemption, not to extend past May 19, 2015, from the Concentration Limitation. The Exchange believes that permitting an exemption for this period is a reasonable and measured approach that balances the capital contributions made by shareholders at the time of the acquisition of NSX by NSX Holdings with the post-acquisition governance goal of reducing share ownership concentrations.[24]

The Concentration Limitation applies unless and until: (i) A Person (either alone or with its Related Persons) intending to acquire such ownership shall have delivered to the Board of Directors of NSX Holdings (the ''Holdings Board'') a notice in writing, not less than 45 days (or such shorter period as the Holdings Board shall expressly consent to) prior to the acquisition of any shares that would cause such Person (either alone or with its Related Persons) to exceed the Concentration Limitation, of its intention to acquire such ownership; (ii) the Holdings Board shall have resolved to expressly permit such ownership; and (iii) such resolution shall have been filed with the Commission under Section 19(b) of the Exchange Act and

[15] NSX Holdings A&R Certificate, Article Fourth.

[16] Pursuant to Rule 6a–2 under the Act, the Exchange will, within 10 days after the Closing, amend its Form 1 (APPLICATION FOR, AND AMENDMENTS TO APPLICATION FOR, REGISTRATION AS A NATIONAL SECURITIES EXCHANGE OR EXEMPTION FROM REGISTRATION PURSUANT TO SECTION 5 OF THE EXCHANGE ACT) filed with the Commission. Exhibit K of Form 1, which is applicable only to ''. . . exchanges that have one or more owners, shareholders, or partners that are not also members of the exchange. . . .'', requires the Exchange to provide a list of each shareholder that directly owns 5% or more of a class of a voting security of the Exchange. As noted above, the Exchange proposes that 100% of the issued and outstanding shares of NSX will be directly owned by NSX Holdings.

[17] The remaining eight individual shareholders of NSX Holdings own shares in amounts ranging from approximately 0.063% to 1.269%. One or more of these individuals may become an employee of NSX upon the completion of the Transaction.

[18] The Certificate of Formation for Thor was filed with the Secretary of State of Delaware on July 23, 2014.

[19] The Certificate of Formation for TIP–1 was filed with the Secretary of State of Delaware on July 23, 2014.

[20] Currently, approximately 15% of the ownership interest in Thor remains unassigned and may be distributed to other individuals at the discretion of the Managing Member. This approximate 15% unassigned interest represents less than 5% of the total outstanding shares of NSX Holdings.

[21] The term ''Person'' as used in the NSX Holdings A&R Certificate means a natural person, partnership (general or limited), corporation, limited liability company, trust or unincorporated organization, or a governmental entity or political subdivision thereof. *See* NSX Holdings A&R Certificate, Article Fourth, Section B.

[22] The term ''Related Person'' means: (1) With respect to any Person, any executive officer (as such term is defined in Rule 3b–7 under the Exchange Act) director, general partner, manager or managing member, as applicable, and all ''affiliates'' and ''associates'' of such Person (as those terms are defined in Rule 12b–2 under the Exchange Act), and other Person(s) whose beneficial ownership of shares of stock of the Corporation with the power to vote on any matter would be aggregated with such first Person's beneficial ownership of such stock or deemed to be beneficially owned by such first Person pursuant to Rules 13d–3 and 13d–5 under the Exchange Act; and (2) in the case of any Person constituting a member (as that term is defined in Section 3(a)(3)(A) of the Exchange Act) of NSX (defined in NSX Rule 1.5E(1) as a Holder of an Equity Trading Permit) for so long as NSX remains a registered national securities exchange, such Person and any broker or dealer with which such Person is associated; and any other Person(s) with which such Person has any agreement, arrangement or understanding (whether or not in writing) to act together for the purpose of acquiring, voting, holding or disposing of shares of the stock of NSX Holdings; and in the case of a Person that is a natural person, any relative or spouse of such Person, or any relative of such spouse, who has the same home as such Person or who is a director or officer of NSX Holdings or any of its parents or subsidiaries. *Id.*

[23] *See* NSX Holdings A&R Certificate, Article Fourth, Section C(i).

[24] The Exchange notes that, in connection with a prior restructuring of a national securities exchange, the Commission approved a period of time for the reduction of share ownership concentrations by certain individuals. *See* Exchange Act Release No. 45803 (April 23, 2002), 67 FR 21306 (April 30, 2002) (SR–ISE–2002–01).

shall have become effective thereunder.[25]

Article Fourth, Section C(i)(b) of the NSX Holdings A&R Certificate provides for additional safeguards that must be satisfied before the Holdings Board may adopt a resolution permitting share ownership in excess of the Concentration Limitation. Specifically, the provision states that, subject to its fiduciary obligations pursuant to the Delaware General Corporation Law, the Holdings Board shall not adopt any resolution permitting a Person to exceed the Concentration Limitation unless the Holdings Board first determines that such acquisition of beneficial ownership by such Person, either alone or with its Related Persons (i) will not impair any of NSX Holdings' or NSX's ability to discharge its responsibilities under the Exchange Act and the rules and regulations thereunder and is otherwise in the best interests of NSX Holdings and its stockholders; (ii) such acquisition of beneficial ownership by such Person, either alone or with its Related Persons, will not impair the Commission's ability to enforce the Exchange Act; and (iii) neither such Person nor any of its Related Persons is subject to any statutory disqualification as defined in Section 3(a)(39) of the Exchange Act.[26]

The NSX Holdings A&R Certificate further provides that, in making such determinations, the Holdings Board may impose such conditions and restrictions on a Person and its Related Persons owning any shares of stock of NSX Holdings entitled to vote on any matter as it may in its sole discretion deem necessary, appropriate or desirable in furtherance of the objectives of the Exchange Act and the governance of NSX Holdings.[27] Moreover, in the event that a Person, either alone or with its Related Persons, at any time owns beneficially shares of stock of NSX Holdings in excess of the Concentration Limitation without having first satisfied the requirement of providing timely written notice to the Holdings Board, and the Holdings Board expressly resolving to permit such ownership and filing the resolution with the Commission pursuant to Section 19(b) of the Exchange Act, NSX Holdings shall call from such Person and its Related Persons that number of shares of stock of NSX Holdings entitled to vote on any matter that exceeds the Concentration Limitation at a price equal to the par value of such shares of stock.[28]

The NSX Holdings A&R Certificate further provides for limitations on ownership of shares by ETP Holders of NSX.[29] For so long as NSX remains a registered national securities exchange under Section 6 of the Exchange Act, no ETP Holder, either alone or with its Related Persons, shall be permitted at any time to own beneficially shares of stock of NSX Holdings representing in the aggregate more than 20% of the then outstanding votes of NSX Holdings stock entitled to be cast on any matter.[30] If any ETP Holder, either alone or with its Related Persons, at any time owns beneficially shares of stock in excess of such 20% limitation, NSX Holdings shall call from such ETP Holder and its Related Persons that number of shares of stock of NSX Holdings entitled to vote on any matter that exceeds such 20% limitation a price equal to the par value of such shares of stock.[31]

With respect to voting limitations, Article Fourth, Section B(i) of the NSX Holdings A&R Certificate provides that, notwithstanding any other provisions of that document, no Person, either alone or with its Related Persons, as of any record date for the determination of stockholders entitled to vote on any matter, shall be entitled to vote or cause the voting of shares of stock of NSX Holdings, in person or by proxy or through any voting agreement or other arrangement, to the extent such shares represent in the aggregate more than 20% of the then outstanding votes entitled to be cast on such matter (the ''Voting Limitation''). If votes have been cast, in person or by proxy or through any voting agreement or other arrangement, by any Person, either alone or with its Related Persons, in excess of the Voting Limitation, NSX Holdings shall disregard such votes cast in excess of the Voting Limitation.[32] The Voting Limitation shall apply unless and until a Person (and its related persons) owning any shares of stock of NSX Holdings entitled to vote on such matter shall have delivered to the Holdings Board a notice in writing, not less than 45 days (or such shorter period as the Holdings Board shall expressly consent to) prior to any vote, of its intention to cast more than 20% of the votes entitled to be cast on such matter or to enter into an agreement, plan or other arrangement that would violate the Nonvoting Agreement Prohibition, as applicable; the Holdings Board shall have resolved to expressly permit such exercise or the entering into of such agreement, plan or other arrangement, as applicable, and such resolution shall have been filed with the Commission under Section 19(b) Exchange Act and shall have become effective thereunder.[33]

Regulatory Jurisdiction; Regulatory Obligations of NSX Holdings, Its Officers and Directors

The NSX Holdings A&R Certificate and the NSX Holdings By-laws contain explicit provisions governing the operation of NSX Holdings with respect to regulatory jurisdiction and the regulatory obligations of the company and its directors, officers and employees.

Article VI of the NSX Holdings By-laws, entitled ''SRO Functions of NSX,'' governs the conduct of NSX Holdings as the holding company for NSX with respect to NSX's status and obligations as a registered national securities exchange and an SRO.[34] Among the key provisions are requirements that, for so long as NSX Holdings shall, directly or indirectly, control NSX, the directors, officers, employees and agents of NSX Holdings shall:

- Give due regard to the preservation of the independence of NSX's SRO function and its obligations to investors and the general public and shall not take actions which would interfere with the effectuation of decisions by the NSX

[25] *See* NSX Holdings A&R Certificate, Article Fourth, Section C(i)(a).

[26] 15 U.S.C. 78c(a)(39).

[27] *See* NSX Holdings A&R Certificate, Article Fourth, Section C(i)(b).

[28] *See* NSX Holdings A&R Certificate, Article Fourth, Section C(i)(c).

[29] NSX Rule 1.5E.(1) defines the term ''ETP'' as an Equity Trading Permit issued by the Exchange for effecting approved securities transactions on the Exchange's trading facilities. An ETP may be issued to a sole proprietor, partnership, corporation, limited liability company or other organization which is a registered broker dealer pursuant to Section 15 of the Exchange Act and which has been approved by the Exchange.

[30] *See* NSX Holdings A&R Certificate, Article Fourth, Section C(ii).

[31] *Id.*

[32] The NSX Holdings A&R Certificate, Article Fourth, Section B(i) prohibits ''Nonvoting Agreements'' by or among Persons and their Related Persons that would result in shares of stock that would be subject to such agreement not being voted on any matter, or the withholding of any proxy relating those shares, where the effect of such an agreement would be to enable any Person, either alone or with its Related Persons, to vote or cause the voting of shares of representing in the aggregate more than 20% of the then outstanding votes entitled to be cast (the ''Nonvoting Agreement Prohibition''). Any share owner seeking a waiver of the Nonvoting Agreement Prohibition so as to be able to enter into such an agreement would also be required to obtain express permission of the Holdings Board through a duly authorized written resolution that is filed with and approved by the Commission under Section 19(b) of the Exchange Act.

[33] *See* NSX Holdings A&R Certificate, Article Fourth, Section B(ii).

[34] The NSX Holdings A&R Certificate, Articles Twelfth through Sixteenth contains substantially the same provisions with respect to NSX Holdings' obligations as the controlling entity for the Exchange as an SRO.

Board relating to NSX's regulatory function (including disciplinary matters) or which would interfere with the Exchange's ability to carry out its responsibilities under the Exchange Act; [35]

• to the fullest extent permitted by applicable law, maintain the confidentiality of all information that comes into their possession pertaining to the SRO function of the Exchange (including but not limited to disciplinary matters, trading data, trading practices and audit information) contained in the books and records of NSX; [36] and

• maintain its books and records within the United States and subject at all times to inspection and copying by the SEC and by NSX to the extent related to the administration and operation of NSX.[37]

For so long as NSX remains a registered national securities exchange, the books, records, premises, officers, directors, employees and agents of NSX Holdings shall be deemed to be the books, records, premises, officers, directors, employees and agents of NSX for purposes of and subject to oversight pursuant to the Exchange Act.[38] NSX Holdings and its officers, directors, employees and agents by virtue of their acceptance of such positions, shall be deemed to irrevocably submit to the jurisdiction of the United States federal courts, the Commission and NSX for the purposes of any suit, action or proceeding pursuant to the United States federal securities laws, and the rules or regulations thereunder, arising out of, or relating to, the activities of NSX, and by virtue of their acceptance of any such position, shall be deemed to waive, and agree not to assert by way of motion, as a defense or otherwise in any such suit, action or proceeding, any claims that it or they are not personally subject to the jurisdiction of the United States federal courts, the Commission or the Exchange, that the suit, action or proceeding is an inconvenient forum or that the venue of the suit, action or proceeding is improper, or that the subject matter of that suit, action or proceeding may not be enforced in or by such courts or agency. NSX Holdings and its officers, directors, employees and agents also agree that they will maintain an agent in the United States for the service of process of a claim arising out of, or relating to, the activities of the Exchange.[39] NSX Holdings is required to comply with the federal securities laws, rules and regulations and to cooperate with the SEC and with NSX pursuant to and to the extent of their respective regulatory authority.[40] The officers, directors, employees and agents of NSX Holdings, by virtue of their acceptance of such position, shall be deemed to agree to comply with the federal securities laws and the rules and regulations thereunder and to cooperate with the SEC and the Exchange in respect of the SEC's oversight responsibilities regarding NSX and the self-regulatory functions and responsibilities of NSX. NSX Holdings will take reasonable steps necessary to cause its officers, directors, employees and agents to so cooperate.[41]

Further, NSX Holdings shall take reasonable steps necessary to cause its officers, directors, employees and agents, prior to accepting a position as an officer, director, employee or agent, as applicable, of NSX Holdings, to consent in writing to the applicability to them of the provisions of Article VI of the NSX Holdings By-laws, as applicable, with respect to their activities related to the Exchange.[42]

The Exchange submits that the NSX Holdings A&R Certificate and NSX Holdings By-laws establish an organizational framework that assures that the Commission and NSX will have regulatory jurisdiction and authority over NSX Holdings and its directors, officers, employees and agents, and will preserve the independence and effectiveness of the Exchange in discharging its self-regulatory responsibilities pursuant to the Exchange Act. The provisions of those documents do not impair the ability of NSX to carry out its functions and responsibilities as a national securities exchange under the Act and the rules and regulations promulgated thereunder, or the ability of the Commission to enforce the Act and the rules and regulations promulgated thereunder. NSX will continue to enforce the Exchange Act, the Commission's rules thereunder, and the Exchange's own rules, in the same manner as prior to the Transaction. The Commission will continue to have plenary regulatory authority over NSX, as is currently the case.

Proposed Changes to NSX Organizational Documents in Connection With the Transaction

The completion of the Transaction and the resulting change in ownership from CBSX to NSX Holdings will require certain amendments in the NSX A&R Certificate and the NSX A&R By-laws. Under the Exchange's proposed amendments in the NSX A&R Certificate, the provision that the Exchange shall at all times be wholly owned by CBSX will be removed and replaced by a provision requiring that the Exchange at all times be wholly owned by NSX Holdings.[43]

Under the proposed changes in the NSX A&R By-laws, because of the transfer of ownership of the Exchange from CBSX to NSX Holdings, references in the NSX A&R By-laws specific to CBSX are to be replaced, where applicable, with references to NSX Holdings. Specifically, Article III, Section 3.2(c) of the By-laws will be amended to eliminate any requirements relating to CBSX and will provide that no two or more directors of NSX may be partners, officers or directors of the same person [44] or be affiliated with the same person, unless such affiliation is with a national securities exchange or NSX Holdings. In addition, the Exchange proposes to amend Section 10.1 in the NSX A&R By-laws (Management of the Exchange) to delete Paragraph (b), which requires that for so long as CBSX controls NSX, NSX shall promptly inform the CBSX board of directors, in writing, in the event that NSX has, or experiences, a deficiency related to its ability to carry out its obligations as a national securities exchange under the Act, including if NSX does not have or is not appropriately allocating such financial, technological, technical and personnel resources as may be necessary or appropriate for NSX to meet its obligations under the Act. Upon the

[35] *See* NSX Holdings By-laws, Article VI, Section 6.1, ''Non-Interference.''

[36] *See* NSX Holdings By-laws, Article VI, Section 6.2, ''Confidentiality of Information.''

[37] *See* NSX Holdings By-laws, Article VI, Sections 6.4 and 6.5, ''Books and Records.''

[38] *See* NSX Holdings A&R Certificate, Article Fourteenth.

[39] *See* NSX Holdings A&R Certificate, Article Twelfth; NSX Holdings By-laws, Article VI, Section 6. Additionally, as noted, no individual who is subject to any statutory disqualification as defined in Section 3(a)(39) of the Exchange Act may serve as a director or officer of NSX Holdings.

[40] *See* NSX Holdings A&R Certificate, Article Fifteenth; NSX Holdings By-laws, Article VI, Section 6.6.

[41] *See* NSX Holdings A&R Certificate, Articles Twelfth and Fifteenth; NSX Holdings By-laws, Article VI, Section 6.6.

[42] *See* NSX Holdings By-laws, Article VI, Section 6.8, ''Consent To Application.''

[43] *See* Paragraph Fourth of the NSX A&R Certificate, which states that: ''[t]he total number of shares of stock which the [Exchange] shall have authority to issue is one thousand (1,000) shares of common stock having a par value of $.01 per share. At all times, all of the outstanding stock . . . shall be owned by National Stock Exchange Holdings, Inc. . . .''

[44] Article I, Section 1.1 of the NSX A&R By-laws provides that ''[t]he term 'person' shall mean a natural person, partnership, corporation, limited liability company, entity, government, or political subdivision, agency or instrumentality of a government.''

completion of the Transaction, such requirements will no longer apply because CBSX will no longer ''control'' NSX and will, in fact, have no ownership interest in NSX.

Section 10.2 of the NSX A&R By-laws replaces references to CBSX with references to NSX Holdings. The provision would provide that no members of the Holdings Board who are not also members of the NSX Board, or any officers, staff, counsel or advisors of NSX Holdings who are not also officers, staff, counsel or advisors of NSX (or any committees of NSX), shall be allowed to participate in any meetings of the NSX Board or any NSX committee pertaining to the self-regulatory function of NSX, including disciplinary matters. These amendments are intended to prevent any undue influence or any perception of undue influence over the Exchange's self-regulatory functions by NSX Holdings.

Finally, the Exchange is proposing in the NSX A&R By-laws certain clarifying amendments, and other non-substantive conforming amendments, that are consistent with the changes described above. Specifically, in Article I, the Exchange proposes to add a definition of ''ETP Holder Representative'' to mean a representative of any Exchange or NSX Board committee who is an officer, director, employee or agent of an ETP Holder. The term ''ETP Holder representative'' was used in Section 5.7 but was not previously defined. The introduction of this defined term will add additional clarity and transparency to the NSX A&R By-laws. The formatting of the defined terms in Article I have been made uniform throughout.

NSX Board of Directors

The NSX A&R By-laws provide that the NSX Board shall consist of no fewer than seven or more than 25 directors.[45] The NSX Board's composition at all times shall include the Chief Executive Officer of the Exchange, at least 50% Non-Industry Directors (at least one of whom shall be an Independent Director) and such number of ETP Holder Directors as is necessary to comprise at least 20% of the NSX Board.[46] The steps undertaken to transition membership in the NSX Board from the current directors to the post-Closing directors will conform to the requirements set forth in the NSX A&R By-laws. Vacancies in NSX Board Committees will be filled in accordance with Article V, Section 5.2, of the NSX A&R By-laws.

2. Statutory Basis

Section 6(b)(5) of the Act requires that the rules of a national securities exchange be designed to, among other things, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors and the public interest.

The Exchange submits that the proposed Transaction, and the organizational documents of NSX Holdings and of NSX, as proposed to be adopted or amended as the case may be to effectuate the Transaction, are consistent with Section 6(b) of the Act,[47] in general and Section 6(b)(5) in particular.[48] The NSX Holdings A&R Certificate and the NSX Holdings By-laws establish an organizational structure for NSX Holdings, as the holding company for NSX, that will assure that the Commission and NSX are able to fully discharge their respective obligations to effectively regulate the equity securities markets and NSX marketplace. Specifically, among other key provisions, NSX Holdings and its directors, officers, employees and agents, are subject to the exclusive jurisdiction of the U.S. federal courts, the SEC, and NSX. NSX Holdings is obligated to comply with the federal securities laws and the rules and regulations thereunder, as are its directors, officers and employees. The books, records, premises, directors, employees and agents of NSX Holdings are deemed to be those of NSX for purposes of and subject to oversight pursuant to the Exchange Act.[49] These provisions operate to assure that the Exchange's rules meet the statutory requirements of Section 6(b)(5) of the Act to promote just and equitable principles of trade and to protect investors and the public interest.

Further, the Exchange submits that the instant rule proposal is designed to effectuate changes to the NSX's ownership necessary to consummate the Transaction and provide for an efficient transition into a new organizational structure and a resumption of trading on the Exchange's marketplace as soon as practicable after approval by the Commission of the Transaction and subject to additional rule changes filed with, or filed with and approved by, the Commission. To this extent, the Exchange submits that the rule changes are consistent with Section 6(b)(5) in that they are designed to remove impediments to and perfect the mechanism of a free and open market and national market system.

The proposed amendments to NSX's organizational documents are intended to align the Exchange's governance and organizational structure with the proposed ownership by NSX Holdings. As a result of the discontinuation of CBSX's ownership of the Exchange, the provisions relating to CBSX will be removed and replaced, where applicable, with references to NSX Holdings. The Exchange believes that the proposed ownership and corporate structure will allow for greater efficiencies that will operate to enhance the national market system and the governance and operation of the Exchange as an SRO.

The Exchange submits that the Transaction and the accompanying rule changes proposed in this rule filing are consistent with Section 6(b)(5) in that they promote the protection of investors and the public interest. The Exchange submits that its proposal and the new ownership structure are consistent with the public interest in promoting efficient markets, reducing administrative burdens on exchanges, and providing flexibility where appropriate to the effective discharge of SRO responsibilities. The amendments are intended to provide market participants, investors and the public with a clear and transparent description of the proposed changes to the Exchange's ownership and governance structure as reflected in governing corporate documents.

The Exchange believes that the consummation of the Transaction and the subsequent re-opening of the Exchange's marketplace for trading equity securities after all necessary rule changes have been filed with, or filed with and approved by, the Commission, will operate to enhance competition among the equity securities markets and provide new trading opportunities for market participants and the investing public.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The rule change is being proposed in connection with the Transaction that will, upon completion, change the ownership

[45] *See* NSX A&R By-laws, Article III, Section 3.2(a). This provision will remain unchanged.

[46] *See* NSX A&R By-laws, Article III, Section 3.2(b).

[47] 15 U.S.C. 78f.

[48] 15 U.S.C. 78f(b).

[49] *See* NSX Holdings A&R Certificate, Articles Twelfth through Sixteenth; NSX Holdings A&R By-laws, Article VI.

structure of the Exchange with the result that the ownership interest of CBSX will terminate and the Exchange will be a wholly-owned subsidiary of NSX Holdings. Upon completion of the Transaction, NSX will move expeditiously to obtain all necessary regulatory approvals and reopen trading on NSX. This will operate to enhance rather than burden competition by restoring the NSX as an operating national securities exchange to which investors may direct their order flow, thus providing a further competitive venue for the trading of equity securities and affording market participants and the investing public additional opportunities to execute orders. As such, the Exchange believes that there is no burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited or received written comments on the proposed rule change from market participants or others.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NSX–2014–017 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–NSX–2014–017. 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–NSX–2014–017 and should be submitted on or before January 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[50]

Brent J. Fields,

Secretary.

[FR Doc. 2014–30703 Filed 12–31–14; 8:45 am]

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[50] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73939; File No. SR–EDGA–2014–34]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rules 2.11, 2.12, 11.11 and 11.14 To Replace References to ''Direct Edge ECN LLC d/b/a DE Route'' and ''DE Route'' With ''BATS Trading, Inc.''

December 24, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 22, 2014, EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange filed a proposed rule change to amend Rules 2.11, 2.12, 11.11 and 11.14 to replace references to ''Direct Edge ECN LLC d/b/a DE Route'' and ''DE Route'' with ''BATS Trading, Inc.'' (''BATS Trading''). The Exchange does not propose to amend the requirements of any of these rules.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.directedge.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 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 parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Earlier this year, the Exchange and its affiliate, EDGX Exchange, Inc. (''EDGX'') received approval to effect a merger (the ''Merger'') of the Exchange's parent company, Direct Edge Holdings LLC, with BATS Global Markets, Inc., the parent of BATS Exchange, Inc. (''BZX'') and BATS Y-Exchange, Inc. (''BYX'', together with BZX, EDGA and EDGX, the ''BGM Affiliated Exchanges'' or ''BATS Exchange'').[3] As a result, the Exchange amended Rule 2.12 to reflect that BATS Trading, Inc., the affiliated BZX and BYX routing broker dealer, would also act as the inbound router for routing orders from BYX and BZX to the Exchange. In the context of the Merger, the BGM Affiliated Exchanges are working to migrate EDGX and EDGA onto the BATS technology platform, and align certain system functionality, retaining only intended differences between the BGM Affiliated Exchanges. As a result of these efforts, the Exchange proposes to amend Rules 2.11, 2.12, 11.11 and 11.14 to replace references to ''Direct Edge ECN LLC d/b/a DE Route'' and ''DE Route'' with ''BATS Trading'' to reflect that BATS Trading, Inc. will replace DE Route at [sic] the Exchange's routing broker-dealer upon migration of the Exchange onto the BATS technology platform. Thereafter, BATS Trading will serve as the sole inbound and outbound routing broker-dealer for the Exchange. The Exchange does not propose to amend the requirements of any of these rules.

Rule 2.11, BATS Trading as Outbound Router

Pursuant to Exchange Rule 2.11, the Exchange relies on DE Route to provide outbound routing services from itself to other Trading Centers.[4] The Exchange proposes to amend Rules 2.11 to replace all references to DE Route with BATS Trading, as BATS Trading will replace DE Route as the outbound routing service for the Exchange upon migration of the Exchange onto the BATS technology platform. The Exchange does not propose to amend the requirements of this rule. Therefore, the conditions and limitations set forth in Exchange Rule 2.11 will continue to require that:

- The Exchange will regulate the BATS Trading as a facility (as defined in Section 3(a)(2) of the Act), subject to Section 6 of the Act. The Exchange will file with the Commission proposed rule changes and fees relating to the BATS Trading outbound router function and BATS Trading will be subject to the Exchange's non-discrimination requirements.
- FINRA will carry out oversight and enforcement responsibilities as the designated examining authority designated by the Commission pursuant to Rule 17d–1 of the Act with the responsibility for examining BATS Trading for compliance with applicable financial responsibility rules.
- A Member's[5] use of BATS Trading to route orders to another Trading Center will be optional.
- BATS Trading will not engage in any business other than (a) its outbound router function, (b) its inbound router function as described in Rule 2.12, (c) its usage of an error account in accordance with Exchange Rule 2.11(a)(7) and (d) any other activities it may engage in as approved by the Commission.
- The Exchange shall establish and maintain procedures and internal controls reasonably designed to adequately restrict the flow of confidential and proprietary information between the Exchange and BATS Trading, and any other entity, including any affiliate of BATS Trading, and, if BATS Trading or any of its affiliates engage in any other business activities other than providing routing services to the Exchange, between the segment of BATS Trading or its affiliate that provides the other business activities and the routing services.
- The Exchange or BATS Trading may cancel orders as either deems to be necessary to maintain fair and orderly markets if and when systems, technical or operational issues occur at the Exchange, BATS Trading or a Trading Center. The Exchange or BATS Trading shall provide notice of the cancellation of orders to affected Members as soon as practicable.
- BATS Trading shall maintain an error account for the purpose of liquidating an error position when such position, in the judgment of the Exchange or BATS Trading, subject to the factors described in Exchange Rule 2.11, cannot be fairly and practicably assigned to one or more Members in its entirety. An error position can be acquired if it results from a systems, technical or operational issue experienced by BATS Trading, by the Exchange, or by a Trading Center to which BATS Trading directed an outbound order.

The books, records, premises, officers, agents, directors and employees of BATS Trading will be deemed to be the books, records, premises, officers, agents, directors and employees of the Exchange for purposes of, and subject to oversight pursuant to, the Act. The books and records of BATS Trading shall be subject at all times to inspection and copying by the Exchange and the Commission. Nothing in Rule 2.11 will preclude officers, agents, directors or employees of the Exchange from also serving as officers, agents, directors and employees of BATS Trading.

Rule 2.12, BATS Trading as Inbound Router

DE Route and BATS Trading provide Members of the Exchange, EDGX, BZX and BYX with optional routing services to other Trading Centers. Thus, in certain circumstances, DE Route and BATS Trading provide inbound routing from EDGX, BYX, or BZX to the Exchange. Exchange Rule 2.12 governs this inbound routing of orders by DE Route and BATS Trading to the Exchange in DE Route's and BATS Trading's capacity as a facility of the Exchange. The Exchange proposes to amend Rule 2.12 to remove all references to DE Route as BATS Trading will be the sole inbound routing service for the Exchange upon migration of the Exchange onto the BATS technology platform. The Exchange does not propose to amend the requirements of this rule. Therefore, the conditions and limitations set forth in Exchange Rule 2.12(a) will continue to require that:

- The Exchange enter into (a) a plan pursuant to Rule 17d–2 under the Act with a non-affiliated self-regulatory organization (''SRO'') to relieve the Exchange of regulatory responsibilities for BATS Trading with respect to rules that are common rules between the Exchange and the non-affiliated SRO, and (b) a regulatory services contract (''Regulatory Contract'') with a non-affiliated SRO to perform regulatory responsibilities for BATS Trading for unique Exchange rules.
- The Regulatory Contract require the Exchange to provide the non-affiliated SRO with information, in an easily

[3] *See* Securities Exchange Act Release No. 71449 (January 30, 2014), 79 FR 6961 (February 5, 2014) (SR–EDGX–2013–43; SR–EDGA–2013–34).

[4] Rule 600(b)(78) of Regulation NMS, 17 CFR 242.600(b)(78), defines a ''Trading Center'' as ''a national securities exchange or national securities association that operates an SRO trading facility, an alternative trading system, an exchange market maker, an OTC market maker, or any other broker or dealer that executes orders internally by trading as principal or crossing orders as agent.'' *See also* Exchange Rule 2.11(a).

[5] The term ''Member'' is defined as ''any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act.'' *See* Exchange Rule 1.5(n).

accessible manner, regarding all exception reports, alerts, complaints, trading errors, cancellations, investigations, and enforcement matters (collectively ''Exceptions'') in which BATS Trading is identified as a participant that has potentially violated Exchange or Commission rules, and requires that the non-affiliated SRO provide a report, at least quarterly, to the Exchange quantifying all Exceptions in which BATS Trading is identified as a participant that has potentially violated Exchange or Commission rules.

- The Exchange, on behalf of its parent company, establish and maintain procedures and internal controls reasonably designed to ensure that BATS Trading does not develop or implement changes to its system based on non-public information obtained as a result of its affiliation with the Exchange, until such information is available generally to similarly situated Members of the Exchange.
- The Exchange furnish to BATS Trading only the same information and on the same terms as the Exchange makes available in the normal course of business to other users.[6]

In addition, Exchange Rule 2.12(b) states that, provided the conditions in Exchange Rule 2.12(a) are complied with, and provided further that DE Route operates as an outbound router on behalf of EDGX on the same terms and conditions as it does for the Exchange, and in accordance with the rules of EDGX, DE Route may provide inbound routing services to the Exchange from EDGX. BATS Trading provides members of the BGM Affiliated Exchanges (including EDGX) with optional routing services to other market centers, which may include routing from a BGM Affiliated Exchange to the Exchange. Therefore, the Exchange proposes to remove reference to EDGX as BATS Trading will be required under Exchange Rule 2.12(b) to operate as an outbound router on behalf of each BATS Exchange on the same terms and conditions as it does for the Exchange, and in accordance with the rules of each BATS Exchange, BATS Trading may provide inbound routing services to the Exchange from each BATS Exchange. The Exchange believes that Rule 2.12 will continue to adequately manage the potential for conflicts of interest that could arise from BATS Trading routing orders to the Exchange.

Rule 11.11(i), Market Access

Rule 11.11(i) states that, in addition to the Exchange Rules regarding routing to away Trading Centers, DE Route has, pursuant to Rule 15c3–5 under the Act, implemented certain tests designed to mitigate the financial and regulatory risks associated with providing the Exchange's Members access to such away Trading Centers. Pursuant to the policies and procedures developed by DE Route to comply with Rule 15c3–5, if an order or series of orders are deemed to be erroneous or duplicative, would cause the entering Member's credit exposure to exceed a preset credit threshold, or are non-compliant with applicable pre-trade regulatory requirements (as defined in Rule 15c3–5), DE Route will reject such orders prior to routing and/or seek to cancel any orders that have been routed.

The Exchange proposes to amend Rules 11.11(i) to replace all references to DE Route with BATS Trading, as BATS Trading will be the sole inbound routing service for the Exchange upon migration of the Exchange onto the BATS technology platform. The Exchange does not propose to amend the requirements of this rule. Under Rule 11.11(i) and BZX and BYX Rules 11.13(e), BATS trading has, pursuant to Rule 15c3–5 under the Act, implemented certain tests designed to mitigate the financial and regulatory risks associated with providing the Exchange's Members with access to such away Trading Centers. BATS Trading also has policies and procedures in place to comply with Rule 15c3–5, under which BATS Trading will reject such orders prior to routing and/or seek to cancel any orders that have been routed, where an order or series of orders are deemed to be erroneous or duplicative, would cause the entering Member's credit exposure to exceed a preset credit threshold, or are non-compliant with applicable pre-trade regulatory requirements (as defined in Rule 15c3–5).

Rule 11.14, Limitation of Liability

The Exchange also proposes to amend Exchange Rule 11.14(g) to replace references to DE Route with BATS Trading. Rule 11.14(g) authorizes the Exchange, subject to express conditions and limitations, to compensate Members for losses relating to orders routed by the Exchange through DE Route to Trading Centers that the Member claims resulted directly from a malfunction of the physical equipment, devices and/or programming, or the negligent acts or omissions of the employees, of such Trading Centers (''Trading Center Systems Issue''). Rule 11.14(g), applies to Members that experience losses due to Trading Center Systems Issues after DE Route routed the Members' orders to a Trading Center that experienced such issues. Under Rule 11.14(g), as an accommodation to Members, the Exchange, via DE Route, employs reasonable efforts to submit Members' claims for compensation on such Members' behalf to a Trading Center, and pass along to such Members the full amount of compensation, if any, obtained by DE Route from such Trading Center.

Under Rule 11.14(g), the Exchange undertakes to accept claims for losses submitted by Members, which claims must contain representations from such Members as to the accuracy of the information contained therein and that any losses incurred were the direct result of a Trading Center Systems Issue.

Upon migration of the Exchange onto BATS technology, BATS Trading will be the Exchange's sole routing broker-dealer and responsible for submitting claims under Rule 11.14(g). As amended, the Exchange would continue to employ reasonable efforts to submit such claims, but via BATS Trading instead of DE Route, to the Trading Center in question. If and to the extent that BATS Trading were to receive compensation from a Trading Center in response to a claim submitted on behalf of a Member, the full amount of such compensation would be passed through to the Member.

Implementation Date

The Exchange intends to implement the proposed rule change on or about January 12, 2015, which is the anticipated date upon which the migration of the Exchange to the BATS technology platform will be complete and BATS Trading, Inc. will replace DE Route as the Exchange's routing broker-dealer.

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with Section 6(b) of the Act[7] and further the objectives of Section 6(b)(5) of the Act[8] because they are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and, in general, to protect investors and the public interest. The proposed rule change also is designed to support the principles of Section 11A(a)(1)[9] of the Act in that it seeks to assure fair

[6] *See* Exchange Rule 2.12(a)(2).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78k–1(a)(1).

competition among brokers and dealers and among exchange markets.

The Exchange does not propose to amend the requirements of any of its rules and the proposed rule changes are intended only to reflect that BATS Trading will replace DE Route as the Exchange's routing broker-dealer upon migration of the Exchange to the BATS technology platform. A consistent technology offering through the use of a single routing broker-dealer by each of the BGM Affiliated Exchange will, in turn, simplify the technology implementation, changes and maintenance by users of the Exchange that are also participants on EDGX, BZX, and BYX. The proposed rule change would provide greater harmonization between the rules of the BGM Affiliated Exchanges, resulting in greater uniformity and less burdensome and more efficient regulatory compliance. As such, 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 will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange reiterates that the proposed rule change is being proposed in the context of the technology integration of the BGM Affiliated Exchanges. Thus, the Exchange believes this proposed rule change is necessary to permit fair competition among national securities exchanges. In addition, the Exchange believes the proposed rule change will benefit Exchange participants in that it is one of several changes necessary to achieve a consistent technology offering by the BGM Affiliated Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) of the Act [10] and paragraph (f)(6) of Rule 19b–4 thereunder.[11] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[12]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [13] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [14] permits the Commission to designate a shorter 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 in order to permit the Exchange to implement the proposed rule change on January 12, 2015, which is the anticipated date upon which the migration of the Exchange to the BATS technology platform will be complete and BATS Trading will replace DE Route as the Exchange's routing broker-dealer. The Exchange states that waiver of the operative delay is consistent with the protection of investors and the public interest because it will allow the Exchange to replace DE Route with BATS Trading as the Exchange's routing broker-dealer upon migration of the Exchange to the BATS technology platform, thereby enabling BATS Trading to act as the routing broker-dealer for each of the BGM Affiliated Exchanges in a timely manner and simplifying the technology integration for Members of the Exchange that are also participants on EDGX, BZX and BYX. In this regard, the Exchange notes that, since completion of the Merger, both Members and the BGM Affiliated Exchanges have made numerous systems changes in preparation for the technology migration occurring on January 12, 2015, the Exchange has issued frequent updates to Members informing them of the BGM Affiliated Exchange technology migration as well as its anticipated time line so that Members may make the requisite system changes, and the Exchange has conducted multiple testing opportunities for Members to ensure that both Members' and the Exchange's systems will operate in accordance with the proposed rule change on January 12, 2015. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[15]

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 [16] 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–EDGA–2014–34 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–EDGA–2014–34. 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

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4.

[12] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 15 U.S.C. 78s(b)(2)(B).

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 at 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 such 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–EDGA–2014–34, and should be submitted on or before January 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Brent J. Fields,

Secretary.

[FR Doc. 2014–30698 Filed 12–31–14; 8:45 am]

BILLING CODE 8011–01–P

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73936; File No. SR–BYX–2014–041]

Self-Regulatory Organizations; BATS Y-Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 2.12 To Remove References to ''Direct Edge ECN LLC'' and ''DE Route''

December 24, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 22, 2014, BATS Y-Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange filed a proposed rule change to amend Rule 2.12 to remove references to ''Direct Edge ECN LLC'' and ''DE Route.'' The Exchange does not propose to amend the requirements of this rule.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.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 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Earlier this year, the Exchange and its affiliate BATS Exchange, Inc. (''BZX'') received approval to affect a merger (the ''Merger'') of the Exchange's parent company, BATS Global Markets, Inc., with Direct Edge Holdings LLC, the indirect parent of EDGX Exchange, Inc. (''EDGX'') and EDGA Exchange, Inc. (''EDGA'', and together with BZX, BYX and EDGX, the ''BGM Affiliated Exchanges'').[3] As a result, the Exchange amended Rule 2.12 to reflect that DE Route, the affiliated EDGA and EDGX routing broker dealer, would also act as the inbound router for routing orders from EDGA and EDGX to the Exchange. In the context of the Merger, the BGM Affiliated Exchanges are working to migrate EDGX and EDGA onto the BATS technology platform, and align certain system functionality, retaining only intended differences between the BGM Affiliated Exchanges. As a result of these efforts, the Exchange proposes to amend to amend [sic] Rule 2.12 to remove references to ''Direct Edge ECN LLC'' and ''DE Route'' to reflect that BATS Trading, Inc. will be the Exchange's sole routing broker-dealer as of January 12, 2015. Thereafter, BATS Trading will serve as the sole inbound routing broker-dealer for the Exchange. The Exchange does not propose to amend the requirements of the rule.

DE Route and BATS Trading provide Members of the Exchange, EDGA, EDGX and BZX with optional routing services to other market centers. Thus, in certain circumstances, DE Route and BATS Trading provides inbound routing from EDGA, EDGX, or BZX to the Exchange. Exchange Rule 2.12 governs this inbound routing of orders by DE Route and BATS Trading to the Exchange in DE Route's and BATS Trading's capacity as a facility of the Exchange. The Exchange proposes to amend Rule 2.12 to remove all references to DE Route as BATS Trading will be the sole inbound routing service for the Exchange upon migration of EDGA and EDGX onto the BATS technology platform. The Exchange does not propose to amend the requirements of this rule. Therefore, the conditions and limitations set forth in Exchange Rule 2.12(a) will continue to require that:

- The Exchange enter into (a) a plan pursuant to Rule 17d–2 under the Act with a non-affiliated self-regulatory organization (''SRO'') to relieve the Exchange of regulatory responsibilities for BATS Trading with respect to rules that are common rules between the Exchange and the non-affiliated SRO, and (b) a regulatory services contract (''Regulatory Contract'') with a non-affiliated SRO to perform regulatory responsibilities for BATS Trading for unique Exchange rules.
- The Regulatory Contract require the Exchange to provide the non-affiliated SRO with information, in an easily accessible manner, regarding all exception reports, alerts, complaints, trading errors, cancellations, investigations, and enforcement matters (collectively ''Exceptions'') in which BATS Trading is identified as a participant that has potentially violated Exchange or Commission rules, and requires that the non-affiliated SRO provide a report, at least quarterly, to the Exchange quantifying all Exceptions in which BATS Trading is identified as a participant that has potentially violated Exchange or Commission rules.
- The Exchange, on behalf of holding company indirectly owning the Exchange, establish and maintain procedures and internal controls reasonably designed to ensure that BATS Trading does not develop or

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 71375 (January 23, 2014), 79 FR 4771 (January 29, 2014) (SR–BATS–2013–059; SR–BYX–2013–039).

implement changes to its system based on non-public information obtained as a result of its affiliation with the Exchange, until such information is available generally to similarly situated Members of the Exchange.

• The Exchange furnish to BATS Trading only the same information and on the same terms as the Exchange makes available in the normal course of business to other users.[4]

In addition, provided the conditions in Exchange Rule 2.12 are complied with, and provided further that BATS Trading operates as an outbound router on behalf of BZX on the same terms and conditions as it does for the Exchange, and in accordance with the rules of BZX, BATS Trading may provide inbound routing services to the Exchange from BZX. BATS Trading provides members of the BGM Affiliated Exchanges (including BZX) with optional routing services to other market centers, which may include routing from a BGM Affiliated Exchange to the Exchange. Therefore, the Exchange proposes to remove reference to BZX as BATS Trading will be required under Exchange Rule 2.12 to operate as an outbound router on behalf of each BATS Exchange on the same terms and conditions as it does for the Exchange, and in accordance with the rules of each BATS Exchange, BATS Trading may provide inbound routing services to the Exchange from each BATS Exchange. The Exchange believes that Rule 2.12 will continue to adequately manage the potential for conflicts of interest that could arise from BATS Trading routing orders to the Exchange.

Implementation Date

The Exchange intends to implement the proposed rule change on or about January 12, 2015, which is the anticipated date upon which the migration of the EDGA and EDGX to the BATS technology platform will be complete and BATS Trading, Inc. will act as the BGM Affiliated Exchange's sole routing broker-dealer.

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with Section 6(b) of the Act[5] and further the objectives of Section 6(b)(5) of the Act[6] because they are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and, in general, to protect investors and the public interest. The proposed rule change also is designed to support the principles of Section 11A(a)(1)[7] of the Act in that it seeks to assure fair competition among brokers and dealers and among exchange markets. The Exchange does not propose to amend the requirements of the rule and the proposed rule change is intended only to reflect that BATS Trading will be the Exchange's sole routing broker-dealer upon migration of the EDGA and EDGX to the BATS technology platform. A consistent technology offering through the use of a single routing broker-dealer by each of the BGM Affiliated Exchange will, in turn, simplify the technology implementation, changes and maintenance by users of the Exchange that are also participants on EDGA, EDGX, and BZX. As such, 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 will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange reiterates that the proposed rule change is being proposed in the context of the technology integration of the BGM Affiliated Exchanges. Thus, the Exchange believes this proposed rule change is necessary to permit fair competition among national securities exchanges. In addition, the Exchange believes the proposed rule change will benefit Exchange participants in that it is one of several changes necessary to achieve a consistent technology offering by the BGM Affiliated Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) of the Act[8] and paragraph (f)(6) of Rule 19b–4 thereunder.[9] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[10]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[11] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[12] permits the Commission to designate a shorter 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 in order to permit the Exchange to implement the proposed rule change on January 12, 2015, which is the anticipated date upon which the migration of EDGA and EDGX to the BATS technology platform will be complete and BATS Trading will serve as the Exchange's sole routing broker-dealer. The Exchange states that waiver of the operative delay is consistent with the protection of investors and the public interest because it will allow BATS Trading to act as the BGM Affiliated Exchanges' sole routing broker-dealer upon migration of EDGX and EDGA to the BATS technology platform, thereby simplifying the technology integration for Members of the Exchange that are also participants on EDGX, EDGA, and BZX. In this regard, the Exchange notes that, since completion of the Merger, both Members and the BGM Affiliated Exchanges have made numerous systems changes in preparation for the technology migration occurring on January 12, 2015, the Exchange has issued frequent updates to Members informing them of the BGM Affiliated Exchange technology migration as well as its anticipated time line so that Members may make the requisite system

[4] *See* Exchange Rule 2.12(a)(2).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78k–1(a)(1).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4.

[10] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

changes, and the Exchange has conducted multiple testing opportunities for Members to ensure that both Members' and the Exchange's systems will operate in accordance with the proposed rule change on January 12, 2015. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change 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–BYX–2014–041 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–BYX–2014–041. 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 at 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 such 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–BYX–2014–041, and should be submitted on or before January 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Brent J. Fields,

Secretary.

[FR Doc. 2014–30695 Filed 12–31–14; 8:45 am]

BILLING CODE 8011–01–P

[13] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 15 U.S.C. 78s(b)(2)(B).

[15] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14102]

Missouri Disaster #MO–00072 Declaration of Economic Injury

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Economic Injury Disaster Loan (EIDL) declaration for the State of Missouri, dated 09/03/2014.

Incident: Civil Unrest.

Incident Period: 08/09/2014 and continuing through 12/17/2014.

Effective Date: 12/22/2014.

EIDL Loan Application Deadline Date: 06/03/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Economic Injury disaster declaration for the State of Missouri, dated 09/03/2014 is hereby amended to establish the incident period for this disaster as beginning 08/09/2014 and continuing through 12/17/2014.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59002)

Dated: December 22, 2014.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2014–30733 Filed 12–31–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14202 and #14203]

New York Disaster #NY–00124

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 New York (FEMA–4204–DR), dated 12/22/2014.

Incident: Severe Winter Storm, Snowstorm, and Flooding.

Incident Period: 11/17/2014 through 11/26/2014.

Effective Date: 12/22/2014.

Physical Loan Application Deadline Date: 02/20/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 09/22/2015.

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 12/22/2014, 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: Cattaraugus, Chautauqua, Erie, Genesee, Jefferson, Lewis, Orleans, Saint Lawrence, Wyoming.

The Interest Rates are:

	Percent
For Physical Damage:	
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 14202B and for economic injury is 14203B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Jerome Edwards,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2014–30735 Filed 12–31–14; 8:45 am]

BILLING CODE 8025–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on January 29, 2015, in Harrisburg, Pennsylvania. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. Such projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for March 5, 2015, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects. The deadline for the submission of written comments is February 9, 2015.

DATES: The public hearing will convene on January 29, 2015, at 2:30 p.m. The public hearing will end at 5:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is February 9, 2015.

ADDRESSES: The public hearing will be conducted at the Pennsylvania State Capitol, Room 8E–B, East Wing, Commonwealth Avenue, Harrisburg, Pa.

FOR FURTHER INFORMATION CONTACT: Jason Oyler, Regulatory Counsel, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436.

Information concerning the applications for these projects is available at the SRBC Water Resource Portal at *www.srbc.net/wrp.* Materials and supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at *www.srbc.net/pubinfo/docs/2009-02_Access_to_Records_Policy_20140115.pdf.*

SUPPLEMENTARY INFORMATION: The public hearing will cover the following projects:

Projects Scheduled for Action

1. Project Sponsor and Facility: Leonard and Jean Marie Azaravich (Meshoppen Creek), Springville Township, Susquehanna County, Pa. Application for renewal and modification to increase surface water withdrawal by an additional 0.251 mgd (peak day), for a total of up to 0.500 mgd (peak day) (Docket No. 20101206).

2. Project Sponsor and Facility: Carrizo (Marcellus), LLC (Mosquito Creek), Karthaus Township, Clearfield County, Pa. Application for surface water withdrawal of up to 0.720 mgd (peak day).

3. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Braintrim Township, Wyoming County, Pa. Application for renewal of surface water withdrawal of up to 3.000 mgd (peak day) (Docket No. 20110303).

4. Project Sponsor and Facility: Chief Oil & Gas LLC (Martins Creek), Hop Bottom Borough, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 0.360 mgd (peak day) (Docket No. 20110304).

5. Project Sponsor and Facility: EQT Production Company (West Branch Susquehanna River), Greenwood Township, Clearfield County, Pa. Application for surface water withdrawal of up to 0.900 mgd (peak day).

6. Project Sponsor and Facility: Keister Miller Investments, LLC (West Branch Susquehanna River), Mahaffey Borough, Clearfield County, Pa. Application for surface water withdrawal of up to 2.000 mgd (peak day).

7. Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (West Branch Susquehanna River), Curwensville Borough, Clearfield County, Pa. Application for renewal of surface water withdrawal reduced from originally approved 2.000 mgd (peak day) to up to 1.500 mgd (peak day) (Docket No. 20101204).

8. Project Sponsor and Facility: Linde Corporation (Lackawanna River), Fell Township, Lackawanna County, Pa. Application for renewal of surface water withdrawal of up to 0.905 mgd (peak day) (Docket No. 20101207).

9. Project Sponsor and Facility: Samson Exploration, LLC (Plum Grove Cameron 5 Strip Mine Pond), Shippen Township, Cameron County, Pa. Application for renewal of surface water withdrawal of up to 0.090 mgd (peak day) (Docket No. 20110308).

10. Project Sponsor and Facility: Shadow Ranch Resort, Inc. (Tunkhannock Creek), Tunkhannock Township, Wyoming County, Pa. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20110310).

11. Project Sponsor and Facility: Shrewsbury Borough, York County, Pa. Application for renewal and modification to increase groundwater withdrawal by an additional 0.024 mgd (30-day average), for a total of up to 0.089 mgd (30-day average) from the Blouse Well (Docket No. 19820103).

12. Project Sponsor and Facility: Shrewsbury Borough, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.099 mgd (30-day average) from the Smith Well (Docket No. 19811203).

13. Project Sponsor and Facility: Southwestern Energy Production Company (Martins Creek), Brooklyn and Harford Townships, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 0.997 mgd (peak day) (Docket No. 20110312).

14. Project Sponsor and Facility: SWEPI LP (Cowanesque River), Westfield Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.375 mgd (peak day) (Docket No. 20101203).

15. Project Sponsor and Facility: Warwick Township Municipal Authority, Warwick Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.288 mgd (30-day average) from Rothsville Well 2.

Opportunity To Appear and Comment

Interested parties may appear at the hearing to offer comments to the Commission on any project listed above. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Ground rules will be posted on the Commission's Web site, *www.srbc.net,* prior to the hearing for review. The presiding officer reserves the right to modify or supplement such rules at the hearing. Written comments on any project listed above may also be mailed to Mr. Jason Oyler, Regulatory Counsel, Susquehanna River Basin

Commission, 4423 North Front Street, Harrisburg, Pa. 17110–1788, or submitted electronically through *http://www.srbc.net/pubinfo/publicparticipation.htm.* Comments mailed or electronically submitted must be received by the Commission on or before February 9, 2015, to be considered.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: December 23, 2014.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2014–30743 Filed 12–31–14; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Air Traffic Procedures Advisory Committee

AGENCY: Federal Aviation Administration (FAA), DOT.

SUMMARY: The FAA is issuing this notice to advise the public that a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee (ATPAC) will be held to review present air traffic control procedures and practices for standardization, revision, clarification, and upgrading of terminology and procedures.

DATES: The meeting will be held Monday, February 9 from 12:00 p.m. to 5:00 p.m. and Tuesday, February 10, 2015 from 8:30 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be held at CGH Technologies, Inc., 600 Maryland Ave. SW., Suite 800W, Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Heather Hemdal, ATPAC Executive Director, 600 Independence Avenue SW., Washington, DC 20597.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App.2), notice is hereby given of a meeting of the ATPAC to be held Monday, February 9 from 12:00 p.m. to 5:00 p.m. and Tuesday, February 10, 2015 from 8:30 a.m. to 5:00 p.m.

The agenda for this meeting will cover a continuation of the ATPAC's review of present air traffic control procedures and practices for standardization, revision, clarification, and upgrading of terminology and procedures. It will also include:

1. Call for Safety Items
2. Approval of minutes of the previous meeting
3. Introduction of New Areas of Concern or Miscellaneous items
4. Items of Interest
5. Status updates to existing Areas of Concern
6. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public but limited to space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statement should notify Ms. Heather Hemdal no later than February 2, 2015. Any member of the public may present a written statement to the ATPAC at any time at the address given above.

Issued in Washington, DC, on December 22, 2014.

Heather Hemdal,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 2014–30358 Filed 12–31–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA–2011–0126]

Reports, Forms, and Record Keeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before March 3, 2015.

ADDRESSES: You may submit comments, identified by the docket number in the heading of this document, by any of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the instructions for submitting comments on the electronic docket site by clicking on ''Help'' or ''FAQ.''
- Hand Delivery: 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.
- Fax: 202–493–2251.

Regardless of how you submit comments, you should mention the docket number of this document.

You may call the Docket Management Facility at 202–366–9826.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://www.dot.gov/privacy.html.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov,* or the street address listed above. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: Kil-Jae Hong, NHTSA, 1200 New Jersey Avenue SE., W52–232, NPO–520, Washington, DC 20590. Ms. Hong's telephone number is (202) 493–0524 and email address is *kil-jae.hong@dot.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) how to enhance the quality, utility, and clarity of the information to be collected; and

(iv) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information for which the agency is seeking approval from OMB:

Title: 49 CFR 575—Consumer Information Regulations (sections 103 and 105) Quantitative Research.

OMB Control Number: Not Assigned.

Form Number: None.

Affected Public: Passenger vehicle consumers.

Requested Expiration Date of Approval: Three years from approval date.

Abstract: The Energy Independence and Security Act of 2007 (EISA), enacted in December 2007, included a requirement that the National Highway Traffic Safety Administration (NHTSA) develop a consumer information and education campaign to improve consumer understanding of automobile performance with regard to fuel economy, greenhouse gas (GHG) emissions and other pollutant emissions; of automobile use of alternative fuels; and of thermal management technologies used on automobiles to save fuel. In order to effectively achieve the objectives of the consumer education program and fulfill its statutory obligations, NHTSA proposed a multi-phased research project to gather the data and apply analyses and results from the project to develop the consumer information program and education campaign. NHTSA has conducted qualitative and quantitative rounds of research with consumers to assess current levels of knowledge surrounding these issues, explore current available fuel economy-related content for clarity and understanding, evaluate potential consumer-facing messages and their potential to encourage consumers to seek more fuel economy-related information from NHTSA, and explore communications channels in which these messages should be present. The research allowed NHTSA to refine the fuel economy-related content and consumer-facing messaging that will be used throughout the consumer education campaign by identifying what relevant issues consumers care more about, within the context of the statutory requirements that NHTSA must inform consumers regarding, and what information they still need to make more informed purchases and driver behavior decisions. These communications materials were then tested in a qualitative round of focus groups to gauge which materials resonated with consumers when it came to messaging on issues including fuel economy versus fuel efficiency, alternative fuels, and greenhouse gases and other emissions.

Estimated Annual Burden: 666.67 hours.

Number of Respondents: 2,000.

NHTSA proposed to conduct two research phases to support creation of communications materials for a consumer education program. For the first phase, NHTSA conducted one type of qualitative research consisting of two (2) focus groups in each of three (3) cities. The results of that research phase were used to inform the quantitative phase of research which this notice addresses. This quantitative research will consist of an online survey that will require approximately 20 minutes for each respondent to complete, and will require 2,000 participants. NHTSA plans to administer this study one (1) time.

The estimated annual burden hours for the second phase of research is 667.67 hours (.333 hours × 2,000 participants). Based on the Bureau of Labor and Statistics' median hourly wage (all occupations) in the May 2010 National Occupational Employment and Wage Estimates, NHTSA estimates that it will take an average of $16.87 per hour for professional and clerical staff to gather data, develop and distribute material. Therefore, the agency estimates that the cost associated with the burden hours is $11,246.67 ($16.87 per hour × 666.67 burden hours).

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Public Participation: Your comments must be written and in English. To ensure that your comments are correctly filed in the docket, please include the Docket Number NHTSA–2011–0126 in your comments. Your comments must not be more than 15 pages long.[1] NHTSA established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments. If you are submitting comments electronically as a PDF (Adobe) file, we ask that the documents submitted be scanned using the Optical Character Recognition (OCR) process, thus allowing the agency to search and copy certain portions of your submissions.[2] Please note that pursuant to the Data Quality Act, in order for the substantive data to be relied upon and used by NHTSA, it must meet the information quality standards set forth in the OMB and Department of Transportation (DOT) Data Quality Act guidelines. Accordingly, we encourage you to consult the guidelines in preparing your comments. OMB's guidelines may be accessed at *http://www.whitehouse.gov/omb/fedreg_reproducible* (last accessed June 2, 2010), and DOT's guidelines may be accessed at *http://regs.dot.gov* (last accessed June 22, 2010).

How do I submit confidential business information?

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given above under **FOR FURTHER INFORMATION CONTACT**. When you send a comment containing confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation.[3]

Will NHTSA consider late comments?

NHTSA will consider all comments received before the close of business on the comment closing date indicated above under **DATES**. To the extent practicable, we will also consider comments received after that date. If interested persons believe that any new information the agency places in the

[1] 49 CFR 553.21.

[2] Optical character recognition (OCR) is the process of converting an image of text, such as a scanned paper document or electronic fax file, into computer-editable text.

[3] 49 CFR part 512.

docket affects their comments, they may submit comments after the closing date concerning how the agency should consider that information. If a comment is received too late for us to practicably consider it in developing a final rule, we will consider that comment as an informal suggestion for future rulemaking action.

How can I read the comments submitted by other people?

You may read the materials placed in the docket for this document (*e.g.,* the comments submitted in response to this document by other interested persons) at any time by going to *http://www.regulations.gov.* Follow the online instructions for accessing the dockets.

You may also read the materials at the NHTSA Docket Management Facility by going to the street addresses given above under **ADDRESSES**.

John Donaldson,

Acting Senior Associate Administrator, Policy and Operations.

[FR Doc. 2014–30728 Filed 12–31–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0068]

Toyota Motor North America, Inc.; Grant of Petition for Temporary Exemption from an Electrical Safety Requirement of FMVSS No. 305

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of grant of a petition for a temporary exemption from a provision of Federal Motor Vehicle Safety Standard (FMVSS) No. 305, *Electric-powered vehicles: electrolyte spillage and electrical shock protection.*

SUMMARY: In accordance with the procedures in 49 CFR part 555, Toyota Motor North America, Inc. (Toyota) petitioned the agency for a temporary exemption from one portion of FMVSS No. 305 that requires manufacturers to maintain a certain level of electrical isolation (or reduce the voltage below specified levels) of high voltage electrical components in an electric vehicle (EV) in the event of a crash. Toyota states that their forthcoming fuel cell vehicle (FCV) models cannot meet this requirement due to certain design characteristics innate to FCVs. Toyota is instead using alternative strategies to help ensure that occupants and first responders are protected in the event of a crash. After reviewing Toyota's petition and the comments received, the agency has decided to grant the petition. The agency has determined that Toyota's petition for exemption would facilitate the development or field evaluation of a low-emission motor vehicle and would not unreasonably reduce the safety level of that vehicle.

DATES: This exemption is effective from June 1, 2015 to May 31, 2017.

FOR FURTHER INFORMATION CONTACT: Jesse Chang, Office of the Chief Counsel, NCC–112, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: (202) 366–2992; Fax: (202) 366–3820.

SUPPLEMENTARY INFORMATION:

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I. Summary of NHTSA's Decision To Grant Toyota's Petition

The subject of Toyota's petition is a portion of the electrical safety requirements in paragraph S5.3 of FMVSS No. 305 that are intended to reduce the risk of high voltage electrical shock to the vehicle's occupants and the first responders in the event of a crash. Toyota stated in its petition that certain design aspects innate to Fuel Cell Vehicles (FCVs) preclude the vehicle from meeting those electrical safety requirements in paragraph S5.3 of FMVSS No. 305 under certain conditions. However, Toyota stated that it will implement various alternative strategies to ensure that the vehicle occupants and first responders are protected from an undue risk of high voltage electrical shock after a crash.

Because they assert that they cannot meet the requirements of FMVSS No. 305 due to design characteristics innate to FCVs, they also state that they cannot comply with the standard at the conclusion of the exemption period. However, they have instead submitted a petition for rulemaking to suggest changes to FMVSS No. 305 to help accommodate FCVs while still ensuring a high level of protection for vehicle occupants and first responders from dangerous electrical shock in the event of a crash.

As further discussed below, we are granting Toyota's petition because the exemption would facilitate the development or field evaluation of a low-emission vehicle and would not unreasonably reduce the safety level of that vehicle. While Toyota petitioned for this exemption under two alternative bases, we have decided to grant Toyota's petition on the basis that it would facilitate the development of a low-emission vehicle. Therefore, this document will not address the merits of Toyota's alternative basis for the petition (prevent the sale of a vehicle whose overall safety is at least equivalent to compliant vehicles).

II. Statutory Authority for Temporary Exemptions

The National Traffic and Motor Vehicle Safety Act (''Motor Vehicle Safety Act''), codified at 49 U.S.C. Chapter 301, provides the Secretary of Transportation authority to exempt, on a temporary basis and under specified circumstances, motor vehicles from a motor vehicle safety standard or bumper standard. This authority is set forth at 49 U.S.C. 30113. The Secretary has delegated the authority for implementing this section to NHTSA.

The Act authorizes the Secretary to grant a temporary exemption to a vehicle manufacturer if it is consistent with the public interest and it meets certain conditions. The relevant condition for Toyota's petition requires the Secretary to find that ''the exemption would make the development or field evaluation of a low-emission motor vehicle easier and would not unreasonably lower the safety level of that vehicle.'' [1]

NHTSA established 49 CFR part 555, *Temporary Exemption from Motor Vehicle Safety and Bumper Standards,* to implement the statutory provisions concerning temporary exemptions. The requirements specified in 49 CFR 555.5 state that the petitioner must set forth the basis of the application by providing the required information under Part 555.6, and the reasons why the exemption would be in the public interest and consistent with the objectives of 49 U.S.C. Chapter 301.

A petition under the basis that the exemption would make easier the development or field evaluation of a low-emission motor vehicle must include the information specified in 49

[1] *See* 49 U.S.C. 30113.

CFR 555.6(c). The main requirements of that section include: (1) Substantiation that the vehicle is a low-emission vehicle; (2) documentation establishing that a temporary exemption would not unreasonably lower the safety of a vehicle; (3) substantiation that a temporary exemption would facilitate the development or field evaluation of the vehicle; and (4) a statement of whether the petitioner intends to conform to the standard at the end of the exemption period.

III. The Electrical Safety Requirement in FMVSS No. 305 and Its Purpose

In 2000, the agency created Federal Motor Vehicle Safety Standard (FMVSS) No. 305 to help facilitate the safe introduction of EVs into the marketplace.[2] While FMVSS No. 305 addresses a number of safety concerns relevant to EVs (*e.g.,* battery retention and electrolyte spillage), paragraph S5.3 of the standard (at issue here) requires EVs to maintain electrical isolation of various major electrical components (*e.g.,* components related to the vehicle's propulsion) after specified crash tests. The purpose of the requirements in S5.3 is to reduce the risk of high voltage electrical shock to the vehicle's occupants and first responders in the event of a crash.[3]

NHTSA published its most recent major update to the S5.3 requirements in 2010.[4] In this update, NHTSA expanded the types of electrical components that would be covered by the requirement and the options available for complying with the requirement. Namely, the agency expanded the coverage of the standard to include other high voltage components of the EV beyond the propulsion battery. Further, the updated requirements recognize the different safety implications between Alternating Current (AC) and Direct Current (DC) by establishing different requirements for each type of electrical component. FMVSS No. 305 further specifies various crash test conditions under which a vehicle is required to meet the aforementioned requirements. Depending on the particular crash scenario (*e.g.,* frontal barrier, rear moving barrier, and side moving deformable barrier), the tests can be conducted at any speed up to a maximum speed of 48, 80, or 54 km/h, respectively.[5]

IV. Overview of Petition

In accordance with 49 U.S.C. 30113 and the procedures in 49 CFR part 555, Toyota Motor North America, Inc. (Toyota) submitted a petition asking the agency for a temporary exemption from the electrical safety requirements in paragraph S5.3 of FMVSS No. 305. They stated that they plan to manufacture FCV models and that certain aspects of their FCV design prevent it from meeting the requirements in S5.3 of FMVSS No. 305.

As described above, the requirements of paragraph S5.3 state that (after certain specified crash tests) a vehicle must maintain an electrical isolation of 500 ohms/volt for AC high voltage sources (and DC high voltage sources without electrical isolation monitoring) or 100 ohms/volt for DC high voltage sources with electrical isolation monitoring. Vehicles subject to FMVSS No. 305 must meet these requirements when tested under any speed up to a maximum speed of 48, 54, or 80 km/h (depending on the particular crash test).

Toyota stated in its petition that its FCVs will be able to meet the requirements of paragraph S5.3 of FMVSS No. 305 under some, but not all, of the specified test speeds. The company stated that under higher speeds (*e.g.,* speeds similar to when an air bag would deploy), an automatic disconnect mechanism activates to ensure that the high voltage components will meet the requirements of paragraph S5.3. However, Toyota stated that the automatic disconnect mechanism in its FCVs will not be triggered in impacts at relatively low speeds. Toyota believes it would not be appropriate to equip FCVs with sensors that would trigger the automatic disconnect mechanism following minor impacts (such as parking lot collisions or curb contacts) because it is not possible to drive the vehicle after the system is disconnected. Toyota stated that its FCV would be unable to meet the requirements of paragraph S5.3 in such low speed crash conditions where the automatic disconnect mechanism is not triggered.[6]

In support of their petition, Toyota stated that this exemption would make the development or field evaluation of a low-emission motor vehicle easier and would not unreasonably lower the safety level of the vehicle.[7] Toyota requests the exemption (under either basis) for 2 years (June 1, 2015 to May 31, 2017) and has stated that it would not produce more than 2,500 exempted FCVs within any 12-month period during the exemption.

In support of its assertion that the exemption would facilitate the development of a low-emission vehicle, Toyota states that its FCVs qualify as a low-emission vehicle because its FCVs will not emit particulate matter. Further, Toyota states that the FCV's noncompliance with paragraph S5.3 of FMVSS No. 305 would not unreasonably lower the safety of the vehicle because the vehicle has additional safety features designed to protect vehicle occupants and first responders in the event of a crash. First, Toyota equipped the FCV high voltage sources with physical barriers that they believe would prevent any direct physical contact with live voltage sources after the crash. Second, Toyota ensured that all physical barriers would be grounded to the chassis with a grounding resistance of less than 0.1 ohms. The company states that this would protect against any indirect contact with high voltage sources. Finally, Toyota states that the high voltage sources would continue to maintain an electrical isolation of 100 ohms/volt. Through the combination of these three attributes, Toyota believes that the noncompliance with paragraph S5.3 would not unreasonably lower the safety of its FCVs.

V. Notice of Receipt

On June 11, 2014, we published in the **Federal Register** (79 FR 33639) a notice of receipt of Toyota's petition for temporary exemption, and provided an opportunity for public comment. We received one comment from American Honda Motor Co., Inc., (Honda) seeking to clarify that their fuel cell vehicle (the Honda FCX Clarity) is compliant with the requirements of FMVSS No. 305 and that their future vehicles will also be compliant with the standard.

In addition, Honda supported Toyota's assertion that the current electrical isolation requirements in S5.3 may not accommodate lower electrical

[2] *See* 65 FR 57980 (Sept. 27, 2000).

[3] *See id.*

[4] *See* 75 FR 33515 (June 14, 2010). NHTSA also answered petitions for reconsideration on this final rule on July 29, 2011 dealing with clarifying the definitions and test procedures of the June 14, 2010 final rule. *See* 76 FR 45436.

[5] The speed condition for each test is specified in paragraphs S6.1 to S6.3.

[6] Additional information is available in Toyota's petition. The petition is available in the docket referenced at the beginning of this document.

[7] Toyota also petitioned under an alternative basis stating that compliance with FMVSS No. 305 would prevent it from selling a motor vehicle with an overall safety level at least equal to the overall safety level of non-exempt vehicles. However, as stated above, we have decided to grant this exemption under the basis that it would facilitate the development of a low-emission vehicle. Thus, we do not reach the merits of Toyota's alternative basis in this document. To view the application, go to *http://www.regulations.gov* and enter the docket number set forth in the heading of this document.

isolation requirements for DC high voltage sources such as fuel cells and propulsion batteries. Honda agreed that vehicles cannot take advantage of the separate electrical isolation requirements specified in S5.3 for DC high voltage sources (100 ohms/volt) in low speed crashes when the automatic disconnect is not triggered. Honda stated that in such low speed crashes, the AC and DC sources are connected and so the isolation resistance measured across the AC source is the combined resistance of the AC and DC sources.[8] In order to obtain an electrical isolation measurement greater than or equal to 500 ohms/volt across the AC high voltage source when the automatic disconnect is not triggered, the DC source would need to have an electrical isolation greater than or equal to 500 ohms/volt.

VI. Agency Analysis and Decision

After reviewing Toyota's petition, the agency has determined that granting a temporary exemption in this case would make the development or field evaluation of a low-emission motor vehicle easier without unreasonably lowering the safety level of that vehicle and would be consistent with the public interest.

a. Makes Easier the Development or Field Evaluation of a Low-Emission Vehicle

First, we conclude that Toyota's FCV models would be considered a low-emission vehicle for the purposes of the § 30113 of the Motor Vehicle Safety Act because FCVs are vehicles that do not emit any air pollutants from their tailpipes.[9] Further, we believe that the temporary exemption would make easier the development of those vehicles. As Toyota stated in their petition, obtaining field information about new technologies (especially information about consumer reaction and real world performance) would facilitate Toyota's development and decisions on potential modifications to future versions of their FCVs. Given the nature of this technology as a zero-emission technology and the information that Toyota intends to obtain from the field operation of these vehicles, we believe that Toyota has fulfilled this criterion.

b. Does Not Unreasonably Lower the Safety of the Vehicle

Second, we conclude that granting this temporary exemption would not unreasonably lower the safety of these vehicles. As Toyota described in their petition, their vehicles would comply with the requirements of FMVSS No. 305 under the higher speed testing conditions. However, the FCVs would be unable to comply with the standard under testing conditions where the automatic disconnect does not activate to separate the AC and DC high voltage. These test conditions would be the lower speed conditions (such as speeds where an air bag would not deploy).

However, we do not believe that this non-compliance would unreasonably lower the safety of Toyota's FCVs in this case for two reasons. First, Toyota intends to design its FCVs to be fully compliant with FMVSS No. 305 at higher crash speeds. Thus, under many of the crash conditions that can occur in the real world, the Toyota FCVs will be no different from any other vehicle with high voltage electrical components that comply with FMVSS No. 305. Second, Toyota stated in its petition that it will implement alternative safety measures to ensure the safety of the vehicle occupants and first responders will be protected from electric shock hazards after a crash. As described above, Toyota intends to use the combination of three additional safety features (a physical barrier to prevent physical contact with the high voltage source + the grounding of the physical barriers to the chassis + the maintaining of an electrical isolation of 100 ohms/volt) to address the safety concern under lower speed crash conditions.

When considering the narrower set of circumstances under which Toyota's FCVs would be non-compliant with the requirements of FMVSS No. 305 in conjunction with the alternative safety countermeasures that Toyota intends to incorporate, we do not believe that granting the exemption would unreasonably lower the safety of Toyota's FCVs.

c. Consistent With the Public Interest

Finally, we believe that granting Toyota's petition is consistent with the public interest. FCVs implement an alternative fuel technology in motor vehicles. They are zero-emissions like battery electric vehicles. However, as stated in Toyota's petition, they can have driving range, refueling time, and cold weather performance advantages over pure battery electric vehicles. We believe that this temporary exemption would not only increase consumer choice in the vehicle market, but would also help demonstrate to the public the viability of this type of electric vehicle technology. Further, we believe that the information Toyota intends to collect through the field operation of these FCVs (*e.g.,* consumer reaction and real world performance information) will contribute to not only Toyota's development of future FCV models but also the aggregate knowledge of real world use of FCVs.

Additionally, we believe that the requested exemption will have a limited impact on *general* motor vehicle safety because Toyota will be limited to an annual production of 2,500 vehicles under this exemption. Further, prospective purchasers will be notified that the vehicle is exempted from the electrical isolation requirements of FMVSS No. 305. Under § 555.9(b), a manufacturer of an exempted vehicle must affix securely to the windshield or side window of each exempted vehicle a label containing a statement that the vehicle conforms to all applicable FMVSSs in effect on the date of manufacture ''except for Standard Nos. [listing the standards by number and title for which an exemption has been granted] exempted pursuant to NHTSA Exemption No.__.'' Under § 555.9(c), this information must also be included on the vehicle's certification label.[10]

VII. Plan To Comply With the Standard at the End of the Exemption Period and Response to Honda's Comment

As Toyota believes that issues inherent with the design of FCVs prevent it from fully complying with the requirements of FMVSS No. 305, Toyota states that it does not anticipate it will be able to comply with the standard in the future. However, it instead stated its intention to petition for rulemaking and recommend to the agency a solution that will ensure the same level of safety as FMVSS No. 305 currently offers while still accommodating the design challenges related to FCVs. We note that Honda also supported the position that this is a technical issue with the standard via their comment that FCVs are unable to take advantage of the lower isolation resistance requirements for DC high voltage sources without an automatic disconnect to separate them from the AC sources.

The agency has already received Toyota's petition for rulemaking on this matter and the agency will be considering the merits of that petition.

[8] The AC and DC high voltage sources are in parallel configuration so that the effective resistance of the combined system is $R_{AC} \times R_{DC}/(R_{AC}+R_{DC})$, where R_{AC} is the isolation resistance of the AC source and R_{DC} is the isolation resistance of the DC source.

[9] A vehicle is considered a low-emission vehicle for the purposes of § 30113 of the Motor Vehicle Safety Act if it emits air pollutants significantly below the standards for new vehicle set under § 202 of the Clean Air Act. Since FCVs do not emit such pollutants, they are considered low-emissions vehicles under § 30113.

[10] *See* 49 CFR part 555.9.

While we have determined in this notice that Toyota's FCV design (along with their alternative safety measures) do not unreasonably degrade safety for the purposes of this exemption, we have not yet made any determinations regarding Toyota's petition for rulemaking.

VIII. Conclusion

In accordance with 49 U.S.C. 30113(b)(3)(B)(iii), we are granting Toyota NHTSA Temporary Exemption No. EX 14–02 from paragraph S5.3 of FMVSS No. 305 provided that Toyota implements the alternative measures to ensure electrical safety as described above. The exemption shall be effective from June 1, 2015 to May 31, 2017, as indicated in the **DATES** section of this document.

Authority: 49 U.S.C. 30113; delegations of authority at 49 CFR 1.95.

Issued in Washington, DC, on December 22, 2014 under authority delegated in 49 CFR 1.95 and 501.5.

David J. Friedman,

Deputy Administrator.

[FR Doc. 2014–30749 Filed 12–31–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Notice of Application for Special Permits

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

ACTION: List of applications for special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before February 2, 2015.

Address Comments to: Record Center, Pipeline and Hazardous Materials, Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on December 8, 2014.

Donald Burger,

Chief, General Approvals and Permits.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
		NEW SPECIAL PERMITS		
16316–N		Green Auto Products International, Inc., Orlando, FL.	49 CFR 171.2(k), 172.202(a)(5)(iii)(b), part 172, subpart H.	To authorize the transportation in commerce of certain used DOT 3AL cylinders that contain oxygen, but not necessarily in an amount qualifying as hazardous material. (modes 1, 2, 3)
16318–N		Technical Chemical Company, Cleburne, TX.	49 CFR 173.304(d), 173.306(a)(3)	To authorize the manufacture, mark, sale and use of a non-DOT specification packaging conforming in part with specification DOT 2Q. (modes 1, 2, 3, 4, 5)
16320–N		Digital Wave Corporation, Centennial, CO.	49 CFR 180.205(g)	To authorize the extension of the service life of certain DOT–CFFC cylinders which are subjected to certain requalification and operational controls. (modes 1, 2, 3, 4, 5)
16321–N		China Oilfield Services Limited Beijing.	49 CFR 173.201, 173.301(f), 173.302, 173.304a.	To authorize the manufacture, mark, sale, and use of certain non-DOT specification cylinders containing certain Division 2.1, 2.2, and Class 3 materials used for oil well sampling. (modes 1, 2, 3, 4)
16323–N		Fibre Drum Sales, Inc., Blue Island, IL.	49 CFR 172.203(a), 172.302(c), 180.352	To authorize installation of a tested inner receptacle of a composite IBC without subjecting the inner receptacle to a leakproofness test after installation. (modes 1, 2, 3)
16331–N		Airgas Specialty Products, Inc., Lawrenceville, GA.	49 CFR 173.301(f), 173.301(g)	To authorize the transportation in commerce of DOT specification cylinders, UN cylinders, tube trailers, and multi-element gas containers containing hydrogen chloride without pressure relief devices. (modes 1, 2, 3)

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
16332–N		Nalco Company, Naperville, IL.	49 CFR 172.302(c), 178.705(c)(1)	To authorize the transportation in commerce of certain existing UN 31A IBCs manufactured of stainless steel and modified with a lid manufactured of Linear Medium Density Polyethylene. (modes 1, 2, 3)
16334–N		ICL Performance Products LP, St. Louis, MO.	49 CFR 178.255–11, 178.274(h)(1)	To authorize the transportation in commerce of an ISO tank with a damaged frame. (mode 1)
16337–N		Volkswagen Group of America (VWGoA), Herndon, VA.	49 CFR 172.102(c)(2), Special Provision A54, ICAO TI Special Provision A99.	To authorize the transportation in commerce of certain lithium ion batteries each with a net weight greater than 35 kg by cargo aircraft only. (mode 4)
16338–N		Orion Polyurethanes, sp. z.o.o. S.K.A. Dzierzoniow.	49 CFR 173.306(a)(3)(v)	To authorize the transportation in commerce of Division 2.1 hazardous materials in certain DOT Specification 2Q non-refillable inside containers which have been tested by an alternative method in lieu of the hot water bath test. (modes 1, 2, 3, 4, 5)
16346–N		FIBA Technologies, Inc., Littleton, MA.	49 CFR 173.301(a)(1), 178.71	To authorize the manufacture, mark, sale and use of Type 2, hoop-wrapped, refillable, composite reinforced UN pressure receptacles. (modes 1, 2, 3)

[FR Doc. 2014–30538 Filed 12–31–14; 8:45 am]
BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Delayed Applications

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

ACTION: List of application delayed more than 180 days.

SUMMARY: In accordance with the requirements of 49 U.S.C. 5117(c), PHMSA is publishing the following list of special permit applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Special Permits and Approvals, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535

Key to "Reason for Delay"

1. Awaiting additional information from applicant
2. Extensive public comment under review
3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis
4. Staff review delayed by other priority issues or volume of special permit applications

Meaning of Application Number Suffixes

N—New application
M—Modification request
R—Renewal Request
P—Party To Exemption Request

Issued in Washington, DC, on December 8, 2014.

Donald Burger,
Chief, General Approvals and Permits.

Application No.	Applicant	Reason for delay	Estimated date of completion
	Modification to Special Permits		
9847–M	FIBA Technologies, Inc. (FIBA), Millbury, MA	4	12–31–2014
14617–M	Western International Gas & Cylinders, Inc., Bellville, TX	4	01–31–2015
13359–M	BASF Corporation, Florham Park, NJ	4	01–31–2015
11903–M	Comptank Corporation Bothwell, ON	4	01–31–2015
15832–M	Baker Petrolite Corporation (BPC), Sugar Land, TX	4	12–31–2014
	New Special Permit Applications		
15767–N	Union Pacific Railroad Company,Omaha, NE	1	12–31–2014
16001–N	VELTEK, Malvern, PA	4	12–31–2014
16039–N	UTLX Manufacturing LLC, Alexandria, LA	4	12–31–2014
16061–N	Battery Solutions, LLC, Howell, MI	4	12–31–2014
16137–N	Diversified Laboratory Repair, Gaithersburg, MD	4	12–31–2014
16118–N	Toyota Motor Sales, U.S.A., Inc., Torrance, CA	4	01–31–2015
16155–N	B.J. Alan Company dba Phantom Fireworks, Canfield, OH	4	12–31–2014
16121–N	U.S. Department of Defense (DOD), Scott AFB, IL	4	01–31–2015
16154–N	Patriot Fireworks, LLC, Ann Arbor, MI	4	12–31–2014
16181–N	Arc Process, Inc., Pflugerville, TX	4	01–31–2015

Application No.	Applicant	Reason for delay	Estimated date of completion
15991–N	Dockweiler, Neustadt-Glewe, Germany	4	12–31–2014
Renewal Special Permits Applications			
11602–R	East Tennessee Iron & Metal, Inc., Rogersville, TN	4	12–31–2014
11860–R	GATX Corporation, Chicago, IL	4	12–31–2014
15580–R	Wisconsin Central Ltd., Homewood, IL	4	12–31–2014
15458–R	Southern States LLC, Hampton, GA	4	01–31–2015

[FR Doc. 2014–30557 Filed 12–31–14; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35890]

TransDistribution Brookfield Railroad Company—Acquisition and Operation Exemption—Sweetener Supply Company, Inc.

TransDistribution Brookfield Railroad Company (TDBR), a noncarrier, has filed a verified notice of exemption [1] under 49 CFR 1150.31 to acquire from Sweetener Supply Company, Inc. (SSC), a noncarrier, and to operate, pursuant to an operating agreement, approximately 2,450 feet (0.46 mile) of rail line referred to as the Brookfield Transload Facility trackage in Brookfield, Ill. There are no mileposts on the line. Spy Glass Illinois, Inc. currently owns the Brookfield Transload Facility trackage and leases the facility and trackage to SSC for the transloading of bulk sugar products.

TDBR certifies that the proposed transaction does not contain any provision or agreement that may limit future interchange of traffic with a third-party connecting carrier. TDBR states that the line is being used to interchange with the BNSF Railway Company.

TDBR also certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and will not exceed $5 million.

TDBR states that it proposes to consummate the transaction on or about January 1, 2015. However, the earliest this transaction can be consummated is January 17, 2015, the effective date of the exemption (30 days after the exemption was officially filed).

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than January 9, 2015 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35890, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on David C. Dillon, Dillon & Nash, Ltd., 111 West Washington Street Suite 1023, Chicago, IL 60602.

Board decisions and notices are available on our Web site at ''*www.stb.dot.gov.*''

Decided: December 23, 2014.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2014–30632 Filed 12–31–14; 8:45 am]

BILLING CODE 4915–01–P

[1] The notice was originally filed on December 11, 2014, but was supplemented on December 18, 2014. Therefore, December 18, 2014, will be the official filing date and the basis for all subsequent dates.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35891]

TransDistribution Ridgeland Railroad Company—Acquisition and Operation Exemption—Sweetener Supply Company, Inc.

TransDistribution Ridgeland Railroad Company (TDRR), a noncarrier, has filed a verified notice of exemption [1] under 49 CFR 1150.31 to acquire from Sweetener Supply Company, Inc. (SSC), a noncarrier, and to operate, pursuant to an operating agreement, approximately 1,230 feet (0.23 mile) of rail line referred to as the Berwyn Transload Facility trackage in Berwyn, Ill. There are no mileposts on the line. The BNSF Railway Company (BNSF) owns the Berwyn Transload Facility trackage and currently leases the facility and trackage to SSC for the transloading of bagged sugar products.

TDRR certifies that the proposed transaction does not contain any provision or agreement that may limit future interchange of traffic with a third-party connecting carrier. TDRR states that the line is being used to interchange with BNSF.

TDRR also certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and will not exceed $5 million.

TDRR states that it proposes to consummate the transaction on or about January 1, 2015. However, the earliest this transaction can be consummated is January 17, 2015, the effective date of the exemption (30 days after the exemption was officially filed).

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than January 9, 2015 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35891, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on David C. Dillon, Dillon & Nash, Ltd., 111 West Washington Street Suite 1023, Chicago, IL 60602.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: December 23, 2014.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2014–30637 Filed 12–31–14; 8:45 am]

BILLING CODE 4915–01–P

[1] The notice was originally filed on December 11, 2014, but was supplemented on December 18, 2014. Therefore, December 18, 2014, will be the official filing date and the basis for all subsequent dates.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35892]

Massachusetts Department of Transportation—Acquisition Exemption—Certain Assets of CSX Transportation, Inc.

The Massachusetts Department of Transportation (MassDOT), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from CSX Transportation, Inc. (CSXT) certain railroad assets and associated right-of-way known generally as the Framingham Secondary, extending from milepost QBF 0.0 at Mansfield, Mass., to milepost QBF 21.2 at Framingham, Mass. (near CP–21), a distance of approximately 21.2 route miles (the Line).

According to MassDOT, the acquisition of the Line is intended to facilitate commuter service by MassDOT's designee, the Massachusetts Bay Transportation Authority (MBTA). MassDOT states that, in the interest of facilitating the MBTA-provided commuter rail service, it will delegate maintenance and dispatching of all train activity on the Line to MBTA.

MassDOT states that, pursuant to a ''Definitive Agreement,'' MassDOT will obtain the right to purchase CSXT's right, title and interest in the right-of-way, trackage, and other physical assets associated with the Line, subject to CSXT's retained exclusive, irrevocable, perpetual, assignable, divisible, licensable, and transferable freight railroad operating easement. MassDOT also states that it will not acquire the right, nor will it have the ability, to provide freight common carrier service over the Line.[1] According to MassDOT, the agreements governing the subject asset sale and post-transaction railroad operations preclude MassDOT from interfering materially with the provision of railroad common carrier service over the Line. MassDOT, however, will be entitled in the future to provide (itself, or through its designated contractor, MBTA) to provide commuter rail service over the Line. MassDOT states that the proposed transaction does not involve any provision or agreement that would limit future interchange with a third-party connecting carrier.

MassDOT certifies that, because it will conduct no freight operations on the line segment being acquired, its revenues from freight operations will not result in the creation of a Class I or Class II carrier.

MassDOT states that it anticipates consummating the transaction on or about March 20, 2015, subject to a Board decision on the concurrently filed motion to dismiss. The earliest this transaction may be consummated is January 18, 2015, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than January 9, 2015 (at least seven days before the exemption becomes effective).

An original and ten copies of all pleadings, referring to Docket No. FD 35892, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606–2832.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: December 22, 2014.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2014–30503 Filed 12–31–14; 8:45 am]

BILLING CODE 4915–01–P

[1] A motion to dismiss the notice of exemption on grounds that the transaction does not require authorization from the Board was concurrently filed with this notice of exemption. The motion to dismiss is addressed in a separate Board decision.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 371X)]

The Alabama Great Southern Railroad Company—Discontinuance of Service Exemption—in St. Tammany Parish, La.

The Alabama Great Southern Railroad Company (AGS), a wholly owned subsidiary of Norfolk Southern Railway Company, filed a verified notice of exemption under 49 CFR pt. 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue service over approximately 3.60 miles of connecting rail lines extending from: (1) Milepost 36.00 NA (near Holly Street) to milepost 38.25 NA (near South Street and Route 190 [Gause Blvd., West]), and (2) milepost NN 35.31 (near Route 11 [Front Street]) to milepost NN 36.66 (near Donya Drive), in St. Tammany Parish, La. The line traverses United States Postal Service Zip Code 70460.

AGS has certified that: (1) No local traffic has moved over the line for at least two years; (2) no overhead traffic has moved over the line for at least two years, and if there were any overhead traffic, it could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance of service shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on February 3, 2015, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA for continued rail service under 49 CFR 1152.27(c)(2)[1] must be filed by January 12, 2015.[2] Petitions to reopen must be filed by January 22, 2015, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to AGS's representatives: William A. Mullins and Crystal M. Zorbaugh, Baker & Miller PLLC, 2401 Pennsylvania Ave. NW., Suite 300, Washington, DC 20037.

[1] Each OFA must be accompanied by the filing fee, which is currently set at $1,600. *See* 49 CFR 1002.2(f)(25).

[2] Because AGS is seeking to discontinue service, not to abandon the line, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historic documentation is required here under 49 CFR 1105.6(c) and 49 CFR 1105.8(b), respectively.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV.''*

Decided: December 23, 2014.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2014–30502 Filed 12–31–14; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 363X]

Norfolk Southern Railway Company—Discontinuance of Service Exemption—in Henry County, Va.

Norfolk Southern Railway Company (NSR) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue service over approximately 1.40 miles of rail line from milepost DW 45.8 (near Highway 220B) to milepost DW 47.2 (near Woodvale Ct.) in Henry County, Va. (the Line). The Line traverses United States Postal Service Zip Code 24112.

NSR has certified that: (1) No local traffic has moved over the Line for at least two years; (2) no overhead traffic has moved over the Line for at least two years and overhead traffic, if there were any, could be rerouted over other Lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) to subsidize continued rail service has been received, this exemption will become effective on February 3, 2015, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 CFR 1152.27(c)(2),[1] must be filed by January 12, 2015.[2] Petitions to reopen must be filed by January 22, 2015, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to NSR's representative: William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave. NW., Suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV.''*

Decided: December 24, 2014.

By the Board, Jonathon P. Binet, Acting Director, Office of Proceedings.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2014–30731 Filed 12–31–14; 8:45 am]

BILLING CODE 4915–01–P

[1] Each OFA must be accompanied by the filing fee, which is currently set at $1,600. *See* 49 CFR 1002.2(f)(25).

[2] Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historic documentation is required here under 49 CFR 1105.6(c) and 49 CFR 1105.8(b), respectively.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35889]

Alabama Southern Railroad, L.L.C.—Lease and Operation Exemption Including Interchange Commitment—The Kansas City Southern Railway Company

Alabama Southern Railroad, L.L.C. (ABS), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to continue to lease from The Kansas City Southern Railway Company (KCS) and operate approximately 85.6 miles of rail lines located between: (1) Milepost 17.0, near Columbus, Miss., and milepost 78.9, near Tuscaloosa, Ala., on the Tuscaloosa Subdivision; (2) milepost 0.0, at Tuscaloosa and milepost 9.3, near Fox, Ala., on the Warrior Branch; and (3) milepost 443.5, at Brookwood Jct., Ala., and milepost 429.1, at Brookwood, Ala., on the Brookwood Branch (the Lines).[1]

ABS states that it has entered into an amended and restated lease agreement, which will extend the term of the lease until November 30, 2024, and make other minor changes to the lease. ABS also states that it will continue to be the operator of the Lines.

According to ABS, the new agreement between ABS and KCS contains an interchange commitment that affects interchange with carriers other than KCS. ABS notes that the affected interchange points are Northport, Ala., Tuscaloosa, Brookwood, and Columbus. As required under 49 CFR 1150.43(h)(1), ABS provided additional information regarding the interchange commitment.

ABS has certified that its projected annual revenues as a result of this transaction will not result in ABS's becoming a Class II or Class I rail carrier, but that its projected annual revenues will exceed $5 million. Accordingly, ABS is required, at least 60 days before this exemption is to become effective, to send notice of the transaction to the national offices of the labor unions with employees on the affected lines, post a copy of the notice at the workplace of the employees on the affected lines, and certify to the Board that it has done so. 49 CFR 1150.42(e). ABS asserts that providing the 60-day notice would serve no useful purpose because ABS already operates the Lines.

ABS, concurrently with its verified notice of exemption, filed a petition for waiver of the 60-day advance labor notice requirement under § 1150.42(e), asserting that: (1) No KCS employee will be affected by the lease because no KCS employee has performed operations or maintenance on the Lines since 2005; (2) no ABS employee will be affected by the lease because ABS will continue to provide the same service and perform the same maintenance as it has since 2005; and (3) providing advance labor notice would be a futile act because the transaction will simply extend the term of the lease agreement between ABS and KCS. ABS's waiver request will be addressed in a separate decision.

ABS states that that it expects to consummate the transaction on or shortly after the effective date of this exemption. The Board will establish in the decision on the waiver request the earliest date this transaction may be consummated.

[1] ABS was granted authority to lease and operate the rail line in *Alabama Southern Railroad—Lease & Operation Exemption—The Kansas City Southern Railway*, FD 34754 (STB served Dec. 2, 2005).

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than January 9, 2015.

An original and 10 copies of all pleadings, referring to Docket No. FD 35889, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Karl Morell, Ball Janik LLP, Suite 225, 655 Fifteenth Street NW., Washington, DC 20005.

Board decisions and notices are available on our Web site at *WWW.STB.DOT.GOV.*

By the Board, Julia Farr, Acting Director, Office of Proceedings.

Raina S. White,

Clearance Clerk.

[FR Doc. 2014–30764 Filed 12–31–14; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Departmental Offices; Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on an information collection that is due for renewed approval by the Office of Management and Budget. The Office of International Affairs within the Department of the Treasury is soliciting comments concerning recordkeeping requirements associated with Reporting of International Capital and Foreign Currency Transactions and Positions—31 CFR part 128.

DATES: Written comments should be received on or before March 3, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments on international capital transactions and positions to: Dwight Wolkow, International Portfolio Investment Data Systems, Department of the Treasury, Room 5422, 1500 Pennsylvania Avenue NW., Washington, DC 20220. In view of possible delays in mail delivery, please also notify Mr. Wolkow by email (*comments2TIC@treasury.gov*), FAX (202–622–2009) or telephone (202–622–1276).

Direct all written comments on foreign currency transactions and positions to: Elizabeth Polich, Department of the Treasury, Room 1328, 1500 Pennsylvania Avenue NW., Washington, DC 20220. In view of possible delays in mail delivery, please also notify Ms. Polich by email (*Elizabeth.Polich@treasury.gov*), FAX (202–622–9068) or telephone (202–622–3861).

FOR FURTHER INFORMATION CONTACT: Requests for additional information on international capital transactions and positions should be directed to Mr. Wolkow. Requests for additional information on foreign currency transactions and positions should be directed to Ms. Polich.

SUPPLEMENTARY INFORMATION:

Title: 31 CFR part 128, Reporting of International Capital and Foreign Currency Transactions and Positions.

OMB Number: 1505–0149.

Abstract: 31 CFR part 128 establishes general guidelines for reporting on United States claims on and liabilities to foreigners; on transactions in securities with foreigners; and on the monetary reserves of the United States as provided for by the International Investment and Trade in Services Survey Act and the Bretton Woods Agreements Act. In addition, 31 CFR part 128 establishes general guidelines for reporting on the nature and source of foreign currency transactions of large U.S. business enterprises and their foreign affiliates. This regulation includes a recordkeeping requirement, § 128.5, which is necessary to enable the Office of International Affairs to verify reported information and to secure additional information concerning reported information as may be necessary. The recordkeepers are U.S. persons required to file reports covered by these regulations. The forms prescribed by the Secretary and covered by this regulation, § 128.1(c), are Treasury International Capital (TIC) Forms BC, BL–1, BL–2, BQ–1, BQ–2, BQ–3, CQ–1, CQ–2, D, S, SLT and Treasury Foreign Currency Forms FC–1, FC–2, and FC–3.

Current Actions: No changes to recordkeeping requirements are proposed at this time.

Type of Review: Extension of a currently approved data collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Record keepers: 2,025.

Estimated Average Time per Respondent: one-third hour per respondent per filing.

Estimated Total Annual Burden Hours: 6,785 hours, based on 20,356 responses per year.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit written comments concerning: (a) Whether the recordkeeping requirements in 31 CFR part 128.5 are necessary for the proper performance of the functions of the Office, including whether the information will have practical uses; (b) the accuracy of the above estimate of the burdens; (c) ways to enhance the quality, usefulness and clarity of the information to be collected; (d) ways to minimize the reporting and/or record keeping burdens on respondents, including the use of information technologies to automate the collection of the data; and (e) estimates of capital or start-up costs of operation, maintenance and purchase of services to provide information.

Elizabeth Polich,

Financial Analyst.

Dwight Wolkow,

Administrator, International Portfolio Investment Data Systems.

[FR Doc. 2014–30751 Filed 12–31–14; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to the Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of 14 individuals and 14 entities whose property and interests in property have been unblocked pursuant to the Foreign Narcotics Kingpin Designation Act (Kingpin Act) (21 U.S.C. 1901–1908, 8 U.S.C. 1182).

DATES: The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons (SDN List) of the 14 individuals and 14 entities identified in this notice whose property and interests in property were blocked pursuant to the Kingpin Act, is effective on December 23, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions

Compliance & Evaluation, Department of the Treasury, Office of Foreign Assets Control, Washington, DC 20220, Tel: (202) 622–2420.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site at *www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on demand service at (202) 622–0077.

Background

On December 3, 1999, the Kingpin Act was signed into law by the President of the United States. The Kingpin Act provides a statutory framework for the President to impose sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and to the benefits of trade and transactions involving U.S. persons and entities.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Secretary of the Treasury consults with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security when designating and blocking the property or interests in property, subject to U.S. jurisdiction, of persons or entities found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; and/or (3) playing a significant role in international narcotics trafficking.

On December 23, 2014, the Associate Director of OFAC removed from the SDN List the 14 individuals and 14 entities listed below, whose property and interests in property were blocked pursuant to the Kingpin Act:

Individuals

1. ALCANTAR PRECIADO, Simon, c/o GRUPO INMOBILIARIO PROFESIONAL BAJA, S.A DE C.V., Tijuana, Baja California, Mexico; c/o PROMOTORA FIN, S.A., Tijuana, Baja California, Mexico; DOB 12 Feb 1964; POB Jalisco, Mexico; nationality Mexico; citizen Mexico; C.U.R.P. AAPS640212HJCLRM09 (Mexico) (individual) [SDNTK].
2. ARCE PINA, Roberto, c/o GRUPO ARIAS–ARCE AGENCIA DE LOCALIZACION DE VEHICULOS, S.A.DE R.L., Tijuana, Baja California, Mexico; c/o STRONG LINK DE MEXICO, S.A. DE C.V., Tijuana, Baja California, Mexico; c/o GRUPO INMOBILIARIO PROFESIONAL BAJA, S.A. DE C.V., Tijuana, Baja California, Mexico; c/o CAJA AMIGO EXPRESS, S.A. DE C.V., Chula Vista, CA 91910; 750 Brookstone Road #201, Chula Vista, CA 91913; 2830 Paradise Ridge Court, Chula Vista, CA 91915; c/o GLOBAL FUNDING SERVICES, CORP., Chula Vista, CA 91910; 660 Bay Boulevard, Suite 205, Chula Vista, CA 91910; DOB 07 Jun 1971; POB Sonora, Mexico; nationality Mexico; citizen Mexico; C.U.R.P. AEPR710607HSRRXB00 (Mexico); Doing business as GLOBAL FUNDING SERVICES, CORP. at 660 Bay Blvd. Suite 205, Chula Vista, CA 91910. Incorporated in California on 4/24/2002 (No. C2288795) (individual) [SDNTK].
3. ARIAS BANALES, Jose de Jesus, Porfirio Diaz 8190 Juarez, Tijuana, Baja California C.P. 22150, Mexico; c/o GRUPO ARIAS–ARCE AGENCIA DE LOCALIZACION DE VEHICULOS, S.A.DE R.L., Tijuana, Baja California, Mexico; c/o CAJA AMIGO EXPRESS, S.A. DE C.V., Tijuana, Baja California, Mexico; c/o DISTRIBUIDOR AUTORIZADO TEQUILA 4 REYES, S.A.DE R.L., Tijuana, Baja California, Mexico; DOB 25 Feb 1971; POB Baja California, Mexico; nationality Mexico; citizen Mexico; R.F.C. IBJ–710225–MC9 (Mexico); C.U.R.P. AIBJ70225HBCRXS07 (Mexico) (individual) [SDNTK].
4. BARNEY CELAYA, Juan Diego, c/o MULTICAJA DE TIJUANA, S.A. DE C.V., Tijuana, Baja California, Mexico; c/o OPERADORA DE CAJA Y SERVICIOS, S.A. DE C.V., Tijuana, Baja California, Mexico; DOB 16 Mar 1959; POB Sonora, Mexico; nationality Mexico; citizen Mexico; C.U.R.P. BACJ590316HSRRLN01 (Mexico) (individual) [SDNTK].
5. BECERRA ZEPEDA, Gabriel, Benito Juarez, Calle 8290, Zona Central, Tijuana, Baja California 22000, Mexico; c/o OPERADORA DE CAJA Y SERVICIOS, S.A. DE C.V., Tijuana, Baja California, Mexico; DOB 16 Oct 1959; POB Michoacan, Mexico; nationality Mexico; citizen Mexico; R.F.C. BEZG–591016–FL4 (Mexico); C.U.R.P. BEZG591016HMNCPB00 (Mexico) (individual) [SDNTK].
6. ESCOBEDO CHAZARO, Raul, P.O. Box 432477, San Diego, CA 92143; c/o COMERCIALIZADORA E IMPORTADORA GARDES, S.A. DE C.V., Tijuana, Baja California, Mexico; c/o ENTREGA DE CORRESPONDENCIA OPORTUNA, S.A. DE C.V., Tijuana, Baja California, Mexico; c/o TERMINADOS BASICOS DE TIJUANA, S.A.DE R.L. DE C.V., Tijuana, Baja California, Mexico; DOB 16 Jun 1965; alt. DOB 16 Jul 1965; POB Distrito Federal, Mexico; nationality Mexico; citizen Mexico; C.U.R.P. EOCR650716HDFSHL08 (Mexico) (individual) [SDNTK].
7. ESPARZA PENA, Jose de Jesus, c/o CAJA AMIGO EXPRESS, S.A. DE C.V., Tijuana, Baja California, Mexico; DOB 15 Nov 1966; POB Baja California, Mexico; nationality Mexico; citizen Mexico; C.U.R.P. EAPJ661115HBCSXS04 (Mexico) (individual) [SDNTK].
8. FERNANDEZ CARBAJAL, Jorge Andres, c/o ANDREA YARI S.A.; c/o FER'SEG S.A.; DOB 26 Feb 1958; nationality Honduras; Passport 14098 (individual) [SDNTK].
9. OCEJO MIRAMONTES, Alfredo Eugenio, Sinaloa, Calle 112 Mexico, Tijuana, Baja California 22150, Mexico; c/o QUINTA REAL JARDIN SOCIAL Y DE EVENTOS, S.A. DE C.V., Tijuana, Baja California, Mexico; Via Rapida Oriente 10950, Altos Rio Tijuana, Tijuana, Baja California, Mexico; DOB 26 May 1964; POB Baja California, Mexico; R.F.C. OEMA–640526–AJ3 (Mexico); C.U.R.P. OEMA640526HBCCRL05 (Mexico) (individual) [SDNTK].
10. PRECIADO ESCOBAR, Ricardo, c/o OPERADORA DE CAJA Y SERVICIOS, S.A. DE C.V., Tijuana, Baja California, Mexico; DOB 13 Nov 1953; POB Baja California, Mexico; nationality Mexico; citizen Mexico; C.U.R.P. PEER531113HBCRSC04 (Mexico) (individual) [SDNTK].
11. ROCHA LOPEZ, Nancy Karina (a.k.a. ROCHA CASTRO, Nancy; a.k.a. ''GUTIERREZ, Nancy R.''), Calle Del Ebano 10850, Tijuana, Baja California C.P. 22420, Mexico; c/o OPERADORA DE CAJA Y SERVICIOS, S.A. DE C.V., Tijuana, Baja California, Mexico; c/o PATRICIA CASA DE CAMBIO, Tijuana, Baja California, Mexico; DOB 28 Aug 1968; POB Sinaloa, Mexico; nationality Mexico; citizen Mexico; C.U.R.P. ROLN680828MSLCPN04 (Mexico) (individual) [SDNTK].
12. RUIZ DE CHAVEZ MARTINEZ, Arturo, La Quemada No. 427, Colonia Navarte, Mexico City, Distrito Federal, Mexico; DOB 27 Jul 1961; POB Mexico City, Distrito Federal, Mexico; nationality Mexico; citizen Mexico; C.U.R.P. RUMA610727HDFZRR07 (Mexico) (individual) [SDNTK].
13. SOTO VEGA, Ivonne (a.k.a. SOTO DE GOMEZ, Ivonne; a.k.a. SOTO VEGA DE GOMEZ, Ivonne; a.k.a. ''LA PANTERA''), Ave. Las Conchas 643, Colonia Playas de Tijuana Secc. Coronado, Tijuana, Baja California CP 22200, Mexico; Pso. Centenario 9971, Colonia Zona Urbana Rio Tijuana, Tijuana, Baja California CP 22320, Mexico; c/o MULTISERVICIOS SIGLO, S.A. DE C.V., Tijuana, Baja California, Mexico; DOB 22 Oct 1953; alt. DOB 25 Oct 1953; POB Tijuana, Baja California, Mexico; R.F.C. SOVI–531022–QIA (Mexico) (individual) [SDNTK].
14. TORRES RAMIREZ, Federico Carlos, Carillo Puerto, Calle 8317 2, Zona Central, Tijuana, Baja California, Mexico;

c/o STRONG LINK DE MEXICO, S.A. DE C.V., Tijuana, Baja California, Mexico; c/o MULTICAJA DE TIJUANA, S.A. DE C.V., Tijuana, Baja California, Mexico; DOB 04 Nov 1959; POB Zacatecas, Mexico; nationality Mexico; citizen Mexico; R.F.C. TORF–591104–SA7 (Mexico); C.U.R.P. TORF591104HZSRMD07 (Mexico) (individual) [SDNTK].

Entities

1. CAJA AMIGO EXPRESS, S.A. DE C.V., Calle 4, Entre Constitucion y Revolucion, Zona Centro, Tijuana, Baja California, Mexico; Calle 4, Entre Conot & Revo, Tijuana, Baja California, Mexico; Boulevard Agua Caliente, Tijuana, Baja California, Mexico; Diaz Ordaz, 9B Del Prado, Entre Bugambilias y Azucenas, Tijuana, Baja California, Mexico; 660 Bay Boulevard, Suite 205, Chula Vista, CA 91910; R.F.C. CAE–990224–BA3 (Mexico) [SDNTK].
2. COMERCIALIZADORA E IMPORTADORA GARDES, S.A. DE C.V., Carrillo Puerto, Calle 2025 21–A, Zona Central, Tijuana, Baja California, Mexico; Huixquilucan, Distrito Federal, Mexico; R.F.C. CIG–920206–F64 (Mexico) [SDNTK].
3. DISTRIBUIDOR AUTORIZADO TEQUILA 4 REYES, S.A.DE R.L., Tijuana, Baja California, Mexico [SDNTK].
4. ENTREGA DE CORRESPONDENCIA OPORTUNA, S.A. DE C.V., Madero 941 21 A, Entre Carrillo Puerto y Diaz Miron, Zona Central, Tijuana, Baja California, Mexico; R.F.C. ECO–990920–7H6 (Mexico) [SDNTK].
5. GRUPO ARIAS–ARCE AGENCIA DE LOCALIZACION DE VEHICULOS, S.A.DE R.L., Rufino Tamayo 9970, Rio Tijuana, Tijuana, Baja California, Mexico; R.F.C. GAA–990226–SW8 (Mexico) [SDNTK].
6. GRUPO INMOBILIARIO PROFESIONAL BAJA, S.A DE C.V., Carrillo Puerto, Calle 8317 4, Zona Central, Tijuana, Baja California, Mexico; R.F.C. GIP–951219–8P9 (Mexico) [SDNTK].
7. MODULO DE CAMBIOS (a.k.a. MODULO DE CAMBIO; a.k.a. MODULO DE CAMBIO–MULTISERVICIO; a.k.a. MODULOS DE CAMBIO), Calle 2 y Moderno, Zona Centro, Tijuana, Baja California, Mexico; Benito Juarez 8290, C.P. 22000, Tijuana, Baja California, Mexico [SDNTK].
8. MULTICAJA DE TIJUANA, S.A. DE C.V. (f.k.a. CASA DE CAMBIO DEL OESTE), Avenida Lazaro Cardenas 1702 18, Otay Constituyentes, Tijuana, Baja California, Mexico; Carrillo Puerto, Calle 291, Zona Central, Tijuana, Baja California, Mexico; Blvd. Insurgentes 2120, Porvenir, Tijuana, Baja California, Mexico; Insurg-Campos S/N BCO., Insurgentes, Tijuana, Baja California, Mexico; 3A. y Madero, 291, Zona Centro, Tijuana, Baja California, Mexico; Calle 3 y Madero, Zona Centro, Tijuana, Baja California, Mexico; Centro Comercial Otay, Tijuana, Baja California, Mexico; R.F.C. MTI–920115–RR6 (Mexico) [SDNTK].
9. OPERADORA DE CAJA Y SERVICIOS, S.A. DE C.V., Diaz Ordaz Blvd., 9B del Prado, Tijuana, Baja California, Mexico; Blvd. Agua Caliente 9231, Cacho, Tijuana, Baja California, Mexico; R.F.C. OCS–920326–850 (Mexico) [SDNTK].
10. PATRICIA CASA DE CAMBIO, Calle Puerto 291, Zona Centro, Tijuana, Baja California, Mexico [SDNTK].
11. PROMOTORA FIN, S.A. (a.k.a. PROFINSA; a.k.a. PROMOTORA FIN, S.A. DE C.V.), Agua Caliente Blvd. 122 A, Cacho, Tijuana, Baja California, Mexico; Calle 3ra, Carrillo Puerto 216, 4to Piso, Zona Centro, Tijuana, Baja California, Mexico; 3ra. Carrillo Puerto 216 1, Zona Central, Avenida Madero y Avenida Negrete, Tijuana, Baja California, Mexico; R.F.C. PFI–801023–519 (Mexico) [SDNTK].
12. QUINTA REAL JARDIN SOCIAL Y DE EVENTOS, S.A. DE C.V., Avenida Via Rapida Oriente 10950, Zona Rio Tijuana, Tijuana, Baja California, Mexico; R.F.C. QRJ–020528–BQ7 (Mexico) [SDNTK].
13. STRONG LINK DE MEXICO, S.A. DE C.V., Avenida C. Flores Magon 8013, Aquiles Serdan y Reforma, Tijuana Centro, Tijuana, Baja California, Mexico; Flores Magon 8013, Esquina Ninos Heroes, Zona Central, Tijuana, Baja California, Mexico; R.F.C. SLM–020812–2F4 (Mexico) [SDNTK].
14. TERMINADOS BASICOS DE TIJUANA, S.A.DE R.L. DE C.V., Lago Chapultepec, 90 Lago, Laguna de los Terminos y Lago Chalco, Tijuana, Baja California, Mexico; R.F.C. TBT–030115–AUA (Mexico) [SDNTK].

Dated: December 23, 2014.

Gregory T. Gatjanis,

Associate Director, Office of Global Targeting, Office of Foreign Assets Control.

[FR Doc. 2014–30736 Filed 12–31–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to Executive Order 12978

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of the individuals whose property and interests in property have been unblocked pursuant to Executive Order 12978 of October 21, 1995, ''Blocking Assets and Prohibiting Transactions With Significant Narcotics Traffickers''.

DATES: The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons (SDN List) of the two individuals identified in this notice whose property and interests in property were blocked pursuant to Executive Order 12978 of October 21, 1995, is effective on December 23, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Department of the Treasury, Office of Foreign Assets Control, Washington, DC 20220, Tel: (202)622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treasury.gov/ofac*) or via facsimile through a 24-hour fax-on demand service at (202) 622–0077.

Background

On October 21, 1995, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (IEEPA), issued Executive Order 12978 (60 FR 54579, October 24, 1995) (the Order). In the Order, the President declared a national emergency to deal with the threat posed by significant foreign narcotics traffickers centered in Colombia and the harm that they cause in the United States and abroad.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The foreign persons listed in an Annex to the Order; (2) any foreign person determined by the Secretary of Treasury, in consultation with the Attorney General and the Secretary of State: (a) To play a significant role in international narcotics trafficking centered in Colombia; or (b) to materially assist in, or provide financial or technological support for or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to the Order; and (3) persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated pursuant to the Order.

On December 23, 2014, the Associate Director of OFAC removed from the SDN List the two individuals listed below, whose property and interests in property were blocked pursuant to the Order:

1. BRISENO MAR, Gloria Elisa (a.k.a. BRISENO, Lizzy; a.k.a. OCHOA, Gloria Elisa), c/o INVERSIONES Y REPRESENTACIONES S.A., Medellin, Colombia; c/o MC

OVERSEAS TRADING COMPANY S.A. DE C.V., Guadalajara, Jalisco, Mexico; c/o LIZZY MUNDO INTERIOR, Guadalajara, Jalisco, Mexico; DOB 16 Aug 1965; POB Durango, Mexico; Passport 99140015920 (Mexico); C.U.R.P. BIMG650816MDGRRL05 (Mexico) (individual) [SDNT].

2. NUNEZ BEJARANO, Carlos Eduardo, Carrera 24B Oeste No. 2–04, Cali, Colombia; DOB 07 Sep 1938; POB Buga, Valle, Colombia; Cedula No. 2729563 (Colombia) (individual) [SDNT].

Dated: December 23, 2014.

Gregory T. Gatjanis,

Associate Director, Office of Foreign Assets Control.

[FR Doc. 2014–30737 Filed 12–31–14; 8:45 am]

BILLING CODE 1810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designations, Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of 4 individuals whose property and interests in property have been blocked pursuant to the Foreign Narcotics Kingpin Designation Act (Kingpin Act) (21 U.S.C. 1901–1908, 8 U.S.C. 1182).

DATES: The designation by the Director of OFAC of the 4 individuals identified in this notice pursuant to section 805(b) of the Kingpin Act is effective on December 23, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Office of Foreign Assets Control, U.S. Department of the Treasury, Washington, DC 20220, Tel: (202) 622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available on OFAC's Web site at *http://www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on-demand service at (202) 622–0077.

Background

The Kingpin Act became law on December 3, 1999. The Kingpin Act establishes a program targeting the activities of significant foreign narcotics traffickers and their organizations on a worldwide basis. It provides a statutory framework for the imposition of sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and the benefits of trade and transactions involving U.S. companies and individuals.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Secretary of the Treasury, in consultation with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security may designate and block the property and interests in property, subject to U.S. jurisdiction, of persons who are found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; or (3) playing a significant role in international narcotics trafficking.

On December 23, 2014, the Director of OFAC designated the following 4 individuals whose property and interests in property are blocked pursuant to section 805(b) of the Kingpin Act.

Individuals

1. GASTELUM SERRANO, Cesar (a.k.a. ''LA SENORA''), Culiacan, Sinaloa, Mexico; DOB 30 Apr 1968; POB Sinaloa, Culiacan, Mexico; nationality Mexico; C.U.R.P. GASC680430HSLSRS07 (Mexico) (individual) [SDNTK].
2. GASTELUM SERRANO, Alfredo; DOB 20 Aug 1971; POB Culiacan, Sinaloa, Mexico; nationality Mexico; C.U.R.P. GASA710820HSLSRL04 (Mexico) (individual) [SDNTK].
3. GASTELUM SERRANO, Jaime (a.k.a. ''KIO''); DOB 28 Nov 1972; POB Culiacan, Sinaloa, Mexico; nationality Mexico; C.U.R.P. GASJ721128HSLSRM06 (Mexico) (individual) [SDNTK].
4. GASTELUM SERRANO, Guadalupe Candelario; DOB 02 Feb 1964; POB Culiacan, Sinaloa, Mexico; nationality Mexico; C.U.R.P. GASG640202HSLSRD01 (Mexico) (individual) [SDNTK].

Dated: December 23, 2014.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

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Part II

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Farm Service Agency

7 CFR Part 718

Commodity Credit Corporation

7 CFR Parts 1400, 1421, 1425, et al.

Marketing Assistance Loans, Loan Deficiency Payments, and Sugar Loans; Final Rule

DEPARTMENT OF AGRICULTURE

Farm Service Agency

7 CFR Part 718

Commodity Credit Corporation

7 CFR Parts 1400, 1421, 1425, 1427, 1434, and 1435

RIN 0560–AI28

Marketing Assistance Loans, Loan Deficiency Payments, and Sugar Loans

AGENCY: Commodity Credit Corporation and Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: The Farm Service Agency (FSA) is revising regulations on behalf of the Commodity Credit Corporation (CCC) as required by the Agricultural Act of 2014 (2014 Farm Bill) to update the Marketing Assistance Loan (MAL) and Loan Deficiency Payments (LDP) Programs for wheat, feed grains, soybeans, oilseeds, peanuts, pulse crops, cotton, honey, wool and mohair. In general, the 2014 Farm Bill extends the existing programs with the minor changes that are implemented in this rule, including a revised formula for upland cotton loan rates. This rule also amends the regulations for the Economic Adjustment Assistance for Users of Upland Cotton Program, the Extra Long Staple (ELS) Cotton Competitiveness Payment Program, and the Sugar Program to reflect that the programs were extended by the 2014 Farm Bill. Most of the provisions in this rule have already been implemented, beginning with the 2014 crop year.

DATES: *Effective Date:* January 2, 2015.

FOR FURTHER INFORMATION CONTACT: DeAnn Allen; phone (202) 720–9889. Persons with disabilities who require alternative means of communication (Braille, large print, audio tape, etc.) should contact the USDA Target Center at (202) 720–2600 (voice).

SUPPLEMENTARY INFORMATION:

Background

FSA administers the MAL and LDP Programs for CCC. The 2014 Farm Bill (Pub. L. 113–79), extends the existing MAL and LDP programs for the 2014 through 2018 crop years with the minor changes that are implemented by this rule. Sections 1201 through 1210 and 1301 of the 2014 Farm Bill authorize the continuation of the MAL and LDP programs, the related assistance programs for cotton, and the Sugar Program. The changes required by the 2014 Farm Bill include a new formula for upland cotton base loan rates, removing the option to use commodity certificates to repay a MAL, and setting the payment rate for Economic Adjustment Assistance for Users of Upland Cotton Program at 3 cents per pound. This rule also makes discretionary changes to clarify the regulations and to remove expired provisions.

This rule updates 7 CFR parts 718, 1400, 1421, 1425, 1427, 1434, and 1435 to implement the mandatory changes required by the 2014 Farm Bill and the discretionary clarifying changes and technical corrections. All applicable handbooks and forms are also being updated with conforming changes. An Extension of Authorization was published in the **Federal Register** on March 28, 2014 (79 FR 17388–17390), announcing the continuation of the MAL, LDP, and Sugar Programs for the 2014 crop year.

The 2014 Farm Bill changes in this rule have already been implemented for the 2014 crop year.

Existing MAL and LDP Program

Producers of eligible commodities can apply for MALs or LDPs, subject to terms and conditions as specified in applicable regulations; application deadlines are specified in FSA handbooks. MALs are 9-month loans with the commodity pledged as collateral for the loan. A producer who is eligible for MAL may choose to receive LDP in lieu of receiving a MAL. LDPs allow the producer to receive a payment when the county-level price for that commodity is below the loan rate, instead of pledging the commodity as collateral for MAL. The general structure of the MAL and LDP Programs are not changing with this rule. The 2014 Farm Bill does not change core eligibility requirements for producers or commodities, and it changes the loan rate only for upland cotton.

MALs and LDPs are available beginning with harvest or shearing season for each commodity and extend through the marketing year for that particular commodity. Nearly all MALs are nonrecourse loans, meaning that the commodity is collateral for MALs and may be delivered at maturity as full payment for an outstanding MAL. (Recourse loans are available for a few commodities for which long term storage is not readily available, meaning that the collateral cannot be delivered as full payment for MALs.) MALs and LDPs must be requested on or before the final loan availability date for the applicable commodity. Producers may repay the MAL at a rate that is the lesser of the loan rate plus interest or an alternative repayment rate as determined and announced by the U.S. Department of Agriculture (USDA). The repayment rate is based on average market prices for the preceding 30 days, or an alternative rate set by a similar method established by the Secretary. If the market price as reflected in the repayment rate falls below a loan rate specified in the 2014 Farm Bill for that commodity, producers can redeem a MAL at the repayment rate, or deliver the MAL commodity to CCC.

As an alternative to receiving a MAL, a producer can forgo a MAL, and instead, may obtain an LDP on their crop, if LDP is currently available for the applicable commodity and the producer is eligible for MAL. LDPs allow the producer to receive a payment when the repayment rate posted for a commodity is below the loan rate for that commodity.

Upland Cotton National Loan Rate Change

The 2014 Farm Bill specifies the national loan rates for the 2014 through 2018 crop years for the eligible loan commodities. Except for upland cotton, these loan rates are unchanged from the most recent rates for the 2013 crop year that were authorized by the Food, Conservation, and Energy Act of 2008 (commonly referred to as the 2008 Farm Bill), as amended by the American Taxpayer Relief Act, (Pub. L. 112–240).

Section 1202(a)(6) of the 2014 Farm Bill (7 U.S.C. 9032(a)(6)) sets the base loan rate for upland cotton at no less than $0.45/lb. or more than $0.52/lb. based on the average of the adjusted prevailing world price for the two immediately preceding marketing years. This change is designed to make the loan rate more reflective of prevailing market prices, and serves to limit the impact of elevated market prices on the loan rate while allowing any price declines below 52 cents to be reflected in lower future base loan rates.

The average upland cotton adjusted world price in recent years has been well above 52 cents per pound, so the new formula that uses a moving average of previous year prices results in a base loan rate for cotton MALs of 52 cents per pound for 2014 and 2015.

Commodity Certificate References Removed

The 2014 Farm Bill does not include commodity certificates as an option for repaying MALs. Therefore, this rule removes all references to commodity certificates in the regulations and removes §§ 1421.110 and 1427.22, which included the provisions for commodity certificates.

The use of commodity certificates was previously authorized through 2009, so this change should not impact any current MAL or LDP program participants.

Sugar Program

The 2014 Farm Bill reauthorizes the Sugar Program without change. This rule removes references to specific dates and previous legislation in 7 CFR part 1435, ''Sugar Program.''

Payment Limitations and Adjusted Gross Income

Section 1605 of the 2014 Farm Bill establishes payment and income limitations that apply to 2014 and subsequent crop, program, or fiscal year benefits. FSA previously implemented the payment and income limitations through the final rule published on April 14 (79 FR 21086–21118). The payment and income limitations are specified in 7 CFR part 1400.

For the 2014 through 2018 crop years, the payment limit on the total amount of payments received, directly or indirectly, from market loan gains and LDPs, together with Price Loss Coverage and Agriculture Risk Coverage Program payments, is $125,000 per person or legal entity for all commodities except peanuts. Peanuts have a separate payment limit of $125,000 per person or legal entity for these same programs. Attribution of payments under 7 CFR part 1400 applies in administering the payment limitation. The average Adjusted Gross Income (AGI) limit for most FSA and CCC programs is $900,000. The $900,000 limit is for total average AGI, as opposed to the prior multiple limits for farm and non-farm income, and the separate limit for conservation programs. Producers exceeding payment limits or AGI can apply for and receive a MAL, but the MAL must be repaid at principal and interest or the producer must forfeit the commodity to CCC in satisfaction of the loan debt.

This rule makes conforming changes to AGI and payment limitation references throughout 7 CFR parts 1421, 1425, 1427, and 1434. It also makes a technical correction to 7 CFR part 1400 to correctly specify which programs require a person to be actively engaged in farming for program eligibility.

Summary of Discretionary and Clarifying Changes in This Rule

In addition to implementing the 2014 Farm Bill changes, FSA is making changes resulting from our retrospective review of the regulations. Most of the changes are clarifying changes to make the regulations clear and consistent.

Many of the changes in this rule are to 7 CFR part 1421, ''Grains and Similarly Handled Commodities—Marketing Assistance Loans and Loan Deficiency Payments for 2008 through 2012.'' This rule removes references to the DCP and ACRE programs that are no longer authorized, removes references to specific crop years and certain legislation, clarifies a number of provisions, and removes the option of delivering an additional 10 percent of the commodity when transferring farm-stored MAL collateral into warehouse storage. This rule also removes the option of determining a reasonable yield by using the yields from 3 similar farms. This rule amends other parts primarily to be consistent with part 1421, and with the current part 1400 regulations.

In 7 CFR part 1425, ''Cooperative Marketing Associations,'' (CMA) this rule clarifies market loan gain and LDP distribution to CMA members.

In 7 CFR part 1427, ''Cotton,'' this rule removes references to obsolete programs and clarifies dates for the cotton programs that the 2014 Farm Bill reauthorizes.

The 2014 Farm Bill reauthorizes the Economic Adjustment Assistance for Users of Upland Cotton Program and continues the payment rate of 3 cents per pound, which it has been since August 1, 2012. This rule removes the references to the previous 4 cents per pound rate.

In 7 CFR part 1434, ''Nonrecourse Marketing Assistance Loan and LDP Regulations for Honey,'' this rule removes all references to specific forms.

New and Revised Definitions

This rule amends §§ 1421.3 and 1434.3, ''Definitions,'' to add a definition for ''calling a loan'' to clarify the process of accelerating or moving forward the maturity date of an outstanding MAL. This is the process CCC uses when the terms and conditions of the MAL note and security agreement are violated, such as when a producer incorrectly certifies a loan quantity or makes any fraudulent representation with respect to obtaining a loan, or removes or disposes of a farm-stored commodity pledged as collateral for a loan without authorization. A loan is also called to protect CCC's interest or in emergency situations when there is physical damage to the storage structure putting the loan collateral at risk.

FSA is adding definitions for ''market loan gain'' and ''locked in repayment rate'' to § 1421.3 to clarify their meaning. Market loan gain is the sum of loan rate, minus the repayment rate, on loans repaid at an amount that is less than the loan rate. The total of market loan gains cannot exceed the producer's applicable payment limitation according part 1400 of this chapter. Locked in repayment rate means an announced repayment rate on a disbursed MAL. The repayment rate can only be locked in one time for a designated quantity; if multiple locked in rates were in effect for different loan quantities, the oldest rate is always applied first.

The definition of ''Control or Recording FSA County Office'' is changed to ''Recording FSA County Office.'' FSA now refers to the FSA county offices that control a multi county producer's files as the ''recording FSA county office.''

In 7 CFR part 1425, ''Cooperative Marketing Associations,'' this rule adds definitions for ''LDP'' and for ''market loan gain.'' These definitions add consistency with 7 CFR part 1421.

In 7 CFR part 1427, ''Cotton,'' this rule clarifies the definition for ''cooperative marketing association,'' and ''warehouse receipt,'' and removes a definition for ''commodity certificate exchange.'' These changes are being made to add consistency with 7 CFR part 1421 and with current practice.

In 7 CFR part 1434, ''Nonrecourse Marketing Assistance Loan and LDP Regulations for Honey,'' this rule adds definitions for ''LDP'' and ''calling a loan,'' to add clarity and for consistency with 7 CFR part 1421.

All of these changes are being made to add clarity and to add consistency within the regulations.

Requesting MALs and LDPs

Currently, all MAL and LDP applications must be submitted to the FSA county office where the farm is located or to the producer's administrative county. This amendment to § 1421.7 clarifies that producers may now submit an MAL or LDP application at any FSA county office. This rule amends § 1421.7 to specify that a producer may submit a request for a MAL or LDP at any FSA county office. The receiving FSA county office will forward the MAL or LDP request to the administrative county office that is responsible for administering programs for the farm on which the commodity is produced. The administrative county office will process and approve the MAL or LDP. This is expected to provide better service to producers.

MAL Service Fees

A service fee is subtracted from the MAL principal at the time of disbursement. The service fee is used to pay for administrative costs including security filings and lien searches. This rule does not change the amount of the

service fee. There is no service fee for LDPs.

This rule makes a small editorial change to reflect that the service fee may be paid to either FSA or to the loan servicing agent. Therefore, in order to allow flexibility in depositing the proceeds of these fees, the words ''to CCC'' have been removed from §§ 1421.104, 1427.13, 1427.169, and 1434.11. This is a technical correction that clarifies how the funds may be deposited, which is consistent with current policy.

Changes to Production Calculations

For production calculations, this rule removes references to using production from three similar farms in the same county to determine an eligible commodity production. Instead there will be an option to use production as determined reasonable by the county committee. The option of using ''similar farms in the same county'' to determine an eligible commodity production in § 1421.5(e), and ''3 similar farms'' in § 1421.304 have been removed to implement this change. Section 1421.304(c) has also been amended to include the methods for determining the production for a graze-out payment and is applicable to subpart D of part 1421.

Specifically, § 1421.304(c) is being revised to specify that the payment yield will be:

(1) The yield for the loan commodity on the farm in effect for the calculation of Price Loss Coverage as specified in 7 CFR part 1412;

(2) For a farm for which Agricultural Risk Coverage is elected, the payment yield that would otherwise be in effect for that loan commodity on the farm in the absence of such election as specified in 7 CFR part 1412; or

(3) In the case of a farm for which no payment yield is established for the loan commodity on the farm, an appropriate yield as determined by the COC.

Maturity Dates and Repayment Using Collateral

This rule revises the maturity date provisions for MALs to specify that maturity dates are no later than the last day of the 9th calendar month following the month in which the loan was approved. This change to §§ 1421.101 and 1427.7 is needed so that the regulations reflect the current way that MALs are made.

Prior to this change, the MAL maturity date was determined by the date of disbursement. When all MALs were disbursed by checks from the FSA county offices, the date of approval and date of disbursement were generally the same. That is no longer the case. All FSA disbursements are now made through the National Payment System for Electronic Funds Transfers or the U.S. Department of Treasury, if a check is needed, and are available between 2 and 7 days following approval.

Section 1203(b) of the 2014 Farm Bill prohibits the Secretary from extending the MAL term for any loan commodity. Although this provision has been in previous farm bills, and is current policy, it was not in the regulations. This rule adds a provision to specify that the maturity date of a MAL may not be extended.

This rule also clarifies how CCC will take possession of collateral if MALs are not repaid by the maturity date. Warehouse stored loan collateral is forfeited to CCC on the day following maturity if the loan is not repaid. Farm-stored loan collateral is handled differently because the producer still holds the collateral. This rule clarifies the procedure for farm-stored MALs to specify that if the loan is not repaid, CCC has the right to acquire title of the MAL collateral and to sell or otherwise take possession of such collateral without any further action by the producer. The producer may deliver the MAL collateral in accordance with instructions issued by FSA. CCC will not accept delivery of any quantity in excess of 110 percent of the outstanding farm-stored MAL quantity.

Commingling Eligible and Ineligible Commodities

It will no longer be a requirement that FSA verify loan quantity, at the producer's expense, when MAL commodities are co-mingled with ineligible commodities. The service has rarely been required and there are other processes in place to verify the loan quantity. This rule amends § 1421.105 to no longer make this a mandatory requirement, although the producer may still request this service.

Electronic Warehouse Receipts

This rule revises multiple sections of the regulations to clarify the use of electronic warehouse receipts (EWRs). Many commodity warehouses have moved away from paper warehouse receipts and use EWRs issued through a provider approved by FSA's Deputy Administrator for Commodity Operations (DACO) as provided for in the regulations for the United States Warehouse Act in 7 CFR part 735. The use of EWRs is accepted by most financial institutions, and meets current commodity marketing industry standards. EWRs have been approved and used for MALs and LDPs for cotton, peanuts, and rice for a number of years. DACO has approved a provider of EWRs for soybeans and a number of grains with the possibility of additional MAL and LDP commodities moving towards EWRs in the future. Benefits to utilizing EWRs for MALs include eliminating the storage of paper receipts, improving and simplifying the tracking of price support benefits, eliminating the mailing of paper receipts following loan repayment or loan forfeiture, eliminating the possibility of losing a paper receipt in the mail, and improving turnaround time from application to disbursement. CCC must be the holder of EWRs for any commodity under MAL. EWRs are also acceptable production evidence for LDPs.

Transfers of MAL Collateral

The applicable loan rate for MALs is based on the loan rate where the commodity is stored when the loan is initially disbursed. During the loan term, a producer may request authorization to move the MAL commodity to another storage location. A MAL commodity moved from one farm location for farm stored MALs to another farm location will maintain the original loan rate. In the past, commodities transferred from farm stored to warehouse stored also acquired the loan rate to match the rate for the new storage location, in addition to allowing the producer to transfer up to an additional 10 percent and receive an additional disbursement of the MAL commodity.

This rule removes the provisions allowing a 10 percent extra quantity for transfers of collateral from farm to warehouse storage during the loan term in § 1421.108. This simplifies the regulations and will not impact most producers; for the 2013 crop year, FSA processed 3 farm to warehouse transfers out of 30,311 total loans. A producer can still obtain a new, separate MAL or LDP on any amount delivered that is over the loan quantity if it is not beyond the MAL or LDP availability date for the specific commodity as specified in § 1421.7.

For example, if the collateral for a disbursed farm stored MAL for 10,000 bushels (Bu.) is moved to a warehouse, the loan rate applicable to the warehouse loan will be the same as the original loan rate no matter which county the warehouse is in, and the loan quantity of the warehouse loan cannot be over 10,000 Bu. If the warehouse stored quantity is 9,950 Bu., the producer will owe CCC for the difference applicable to the 50 Bu. times the loan rate. If the warehouse stored is more than 10,000, the producer can request a new MAL for the additional

quantity or, if applicable, LDP on any amounts over the 10,000 Bu., if the new MAL request is within the MAL or LDP availability date for the commodity.

This change which will have minimal impact due to the small number of farm to warehouse MAL transfers requested.

Producer Liability

This rule clarifies that the producer is liable for the amount of the MAL. As currently stated in 7 CFR 1421.105(e)(5), CCC will not assume any loss in quantity or quality of the MAL collateral for farm-stored MALs. This applies to all MALs and therefore this rule adds that provision to the regulations for honey and cotton loans. This is not a change in policy, but FSA is adding to the regulations to add clarity and consistency. For example, weather related damages to a grain bin does not exclude the responsibility on the producer to repay loan collateral that can no longer be safely stored for MAL.

MAL Settlement

Commodities that are collateral for MALs must be delivered to a warehouse with a CCC storage agreement. If a warehouse with a CCC storage agreement is not locally available, then CCC may offer the commodity for local sale. This includes isolated farm stored lots where a local elevator is not available and it is not cost effective for CCC to pay excess haul. In these situations, CCC deposits the sales proceeds but settles with the producer using the quantity and quality factors of the commodity sold. This rule amends 7 CFR part 1421 to clarify that for both non-recourse and recourse local sales, the producer will be responsible for any costs incurred by CCC, which will be deducted from the sales proceeds. Specific changes are being made in 7 CFR 1421.111. If after the settlement or the local sale of a recourse loan is finalized, the value is greater than the amount owed, that extra will be paid to the producer. If an amount is still owed CCC, a receivable for such difference will be established. These changes are consistent with current policy and merely add clarification to the regulations.

CMAs

CMAs can obtain MALs and LDPs on behalf of their members. The regulations for CMAs are specified in 7 CFR part 1425. This rule revises the regulations to be consistent with the new payment limitation and AGI requirements for market loan gains and LDPs. Specifically, this rule clarifies that CMAs are required to monitor LDPs they receive on behalf of their members for payment limitation and AGI amounts applied to market loan gains and LDPs.

Cotton

The 2014 Farm Bill reauthorizes and extends existing cotton MAL and LDP provisions, which are located at 7 CFR part 1427. It also extends the authorization for the Economic Adjustment Assistance for Users of Upland Cotton Program and ELS Cotton Competitiveness Payment Program.

This rule amends 7 CFR part 1427 to remove outdated references, and to clarify definitions consistent with the changes being made to part 1421.

Current FSA policy instructs county offices to not issue payments for less than $10 unless requested by the producer, and, in most instances, debts of less than $25 are disregarded. FSA is revising § 1427.20, which specified a limit of $9.99 to disregard debts, to be consistent with this policy.

As specified in section 1207 of the 2014 Farm Bill, the value of assistance provided for the Economic Adjustment Assistance to users of upland cotton will be 3 cents per pound effective beginning on August 1, 2013. Therefore, this rule amends the beginning date of the program in §§ 1427.100(a) and 1427.101(a) from ''August 1, 2008'', to ''August 1, 2013''.

The regulations in 7 CFR 1427 subpart E provide the regulations for the approval of cotton warehouses. This rule amends the subpart to remove specific form numbers and OMB control numbers for those forms.

The regulations for the ELS Cotton Competitiveness Payment Program are revised to remove specific dates for the program. The ELS Program is reauthorized by the 2014 Farm Bill without change.

Honey

The 2014 Farm Bill reauthorizes and extends existing honey MAL and LDP provisions. This rule makes conforming changes to make part 1434 consistent with other MAL and LDP regulations, and to remove specific form numbers.

This rule also clarifies how producers and CCC will be paid if a MAL is not repaid by the maturity date. There are no CCC approved warehouses for honey and all nonrecourse marketing assistance loans not repaid by the loan maturity date are therefore disposed of through local sale. The value of the settlement for eligible honey will be made on the basis of the color of the unprocessed honey as determined by an official Agricultural Marketing Service grade. If the value of the honey at settlement is less than the amount due, the producer will pay CCC the amount of the difference plus interest on the difference. If the value is greater, the excess will be paid to the producer.

Other Miscellaneous Changes

This rule removes references to specific crop years. This rule also removes references to the ACRE program, which was not reauthorized by the 2014 Farm Bill.

FSA now uses the term ''receivable'' instead of ''claim'' as the term for amounts owed. The term ''claim'' is therefore replaced with ''receivable'' in this rule.

In addition, nonsubstantive housekeeping changes are being made to the regulations to fix typographical errors and add to the clarity, readability, and consistency of the regulations. These changes do not represent substantive policy or administrative changes. For example, these changes include replacing the words ''marketing assistance loan'' with the acronym ''MAL,'' replacing the words ''loan deficiency payment'' with the acronym ''LDP,'' replacing references to ''service center'' with ''county office,'' and replacing ''shall.''

Technical Correction

In addition to the specific MAL and LDP changes, this rule is making a technical correction for a minor organizational error that relates to MAL and other FSA administered programs. The correction will renumber paragraphs that were published incorrectly in the Agriculture Risk Coverage (ARC) and Price Loss Coverage (PLC) Programs final rule, which was published on September 26, 2014 (79 FR 57703–57721). In 7 CFR 718.8, ''Administrative County,'' paragraph (f) should be paragraph (e)(3) and paragraph (g) should be paragraph (f). This rule corrects those inadvertent errors.

Notice and Comment

In general, the Administrative Procedure Act (APA, 5 U.S.C. 553) requires that a notice of proposed rulemaking be published in the **Federal Register** and interested persons be given an opportunity to participate in the rulemaking through submission of written data, views, or arguments with or without opportunity for oral presentation, except when the rule involves a matter relating to public property, loans, grants, benefits, or contracts. The regulations to implement the provisions of Title I and the administration of Title I of the 2014 Farm Bill are exempt from the notice and comment provisions of 5 U.S.C. 553

and the Paperwork Reduction Act (44 U.S.C. chapter 35), as specified in section 1601(c)(2) of the 2014 Farm Bill.

Effective Date

The Administrative Procedure Act (5 U.S.C. 553) provides generally that before rules are issued by Government agencies, the rule is required to be published in the **Federal Register**, and the required publication of a substantive rule is to be not less than 30 days before its effective date. One of the exceptions is when the agency finds good cause for not delaying the effective date. Subsection 1601(c)(2) of the 2014 Farm Bill makes this final rule exempt from notice and comment. Therefore, using the administrative procedure provisions in 5 U.S.C. 553, FSA finds that there is good cause for making this rule effective less than 30 days after publication in the **Federal Register**. This rule allows FSA to make the changes to the MAL and LDP regulations in time for the new loan rates to be effective for 2015. Therefore, this final rule is effective when published in the **Federal Register**.

Executive Orders 12866 and 13563

Executive Order 12866, ''Regulatory Planning and Review,'' and Executive Order 13563, ''Improving Regulation and Regulatory Review,'' 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 emphasized the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

The Office of Management and Budget (OMB) designated this rule as not significant under Executive Order 12866 and, therefore, OMB has not reviewed this final rule.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), generally requires an agency to prepare a regulatory analysis of any rule whenever an agency is required by APA or any other law to publish a proposed rule, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rule is not subject to the Regulatory Flexibility Act because as noted above, this rule is exempt from notice and comment rulemaking requirements of the APA and no other law requires that a proposed rule be published for this rulemaking initiative.

Environmental Review

The environmental impacts of this final rule have been considered in a manner consistent with the provisions of the National Environmental Policy Act (NEPA, 42 U.S.C. 4321–4347), the regulations of the Council on Environmental Quality (40 CFR parts 1500–1508), and the FSA regulations for compliance with NEPA (7 CFR part 799). The 2014 Farm Bill reauthorizes the MAL and LDP Programs and they are to be continued with no changes to the loan rates except for cotton, and there are no other changes to the basic structure of the programs. This rule will remove the references to the program years that previously limited the programs to 2008 through 2012, and make some other minor discretionary changes to add clarity to the regulations. As such, FSA has determined that the discretionary provisions identified in this final rule are minor and administrative in nature, intended to clarify the mandatory requirements of the programs, as defined in the 2014 Farm Bill, and do not constitute a major Federal action that would significantly affect the quality of the human environment, individually or cumulatively. Therefore, FSA will not prepare an environmental assessment or environmental impact statement for this regulatory action.

Executive Order 12372

Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' requires consultation with State and local officials that would be directly affected by proposed Federal financial assistance. The objectives of the Executive Order are to foster an intergovernmental partnership and a strengthened Federalism, by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance and direct Federal development. For reasons specified in the final rule related notice regarding 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), the programs and activities in this rule are excluded from the scope of Executive Order 12372.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, ''Civil Justice Reform.'' This rule will not preempt State or local laws, regulations, or policies unless they represent an irreconcilable conflict with this rule. This rule has retroactive effect for the 2014 crop year, and as specified by the 2014 Farm Bill and explained in this rule, certain provisions are effective beginning August 1, 2013. Before any judicial actions may be brought regarding the provisions of this rule, the administrative appeal provisions of 7 CFR parts 11 and 780 are to be exhausted.

Executive Order 13132

This rule has been reviewed under Executive Order 13132, ''Federalism.'' The policies contained in this rule do not have any substantial direct effect on States, on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government, except as required by law. Nor does this rule impose substantial direct compliance costs on State and local governments. Therefore consultation with the States is not required.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of 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.

FSA has assessed the impact of this rule on Indian tribes and determined that this rule does not, to our knowledge, have tribal implications that require tribal consultation under Executive Order 13175. If a Tribe requests consultation, FSA will work with the USDA Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions, and modifications identified in this rule are not expressly mandated by the 2014 Farm Bill.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA, Pub. L. 104–4) requires Federal agencies to assess the effects of their regulatory actions of State, local, and Tribal governments or the private sector. Agencies generally must prepare a written statement, including cost benefits analysis, for proposed and final

rules with Federal mandates that may result in expenditures of $100 million or more in any 1 year for State, local or Tribal governments, in the aggregate, or to the private sector. UMRA generally requires agencies to consider alternatives and adopt the more cost effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no Federal mandates, as defined in Title II of UMRA, for State, local and Tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

SBREFA

SBREFA normally requires that an agency delay the effective date of a major rule for 60 days from the date of publication to allow for Congressional review. This rule is not a major rule under SBREFA (Pub. L. 104–121). Therefore, FSA is not required to delay the effective date for 60 days from the date of publication to allow for Congressional review. Accordingly, this rule is effective on the date of publication in the **Federal Register.**

Federal Assistance Programs

The title and number of the Federal Domestic Assistance Program in the Catalog of Federal Domestic Assistance, to which this rules applies is the Commodity Loans and Loan Deficiency Payments—10.051.

Paperwork Reduction Act

The regulations in this rule are exempt from requirements of the Paperwork Reduction Act (44 U.S.C. Chapter 35), as specified in Section 1601(c)(2)(B) of the 2014 Farm Bill, which provides that these regulations be promulgated and administered without regard to the Paperwork Reduction Act.

E-Government Act Compliance

FSA 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 718

Acreage allotments, Drug traffic control, Loan programs-agriculture, Marketing quotas, Price support programs, Reporting and recordkeeping requirements.

7 CFR Part 1400

Agriculture, Loan programs-agriculture, Conservation, Price support programs.

7 CFR Part 1421

Barley, Feed grains, Grains, Loan Programs-agriculture, Oats, Oilseeds, Peanuts, Price support programs, Reporting and recordkeeping requirements, Soybeans, Surety bonds, Warehouses and Wheat.

7 CFR Part 1425

Agricultural commodities, Confidential business information, Cooperatives and Reporting and recordkeeping requirements.

7 CFR Part 1427

Cotton, Cottonseeds, Loan programs-agriculture, Packaging and containers, Price support programs, Reporting and recordkeeping requirements, Surety bonds and Warehouses.

7 CFR Part 1434

Honey, Loan programs-agriculture, Price support programs and Reporting and recordkeeping requirements.

7 CFR part 1435

Loan programs-agriculture, Penalties, Price support programs, Reporting and recordkeeping requirements, Sugar.

For the reasons discussed above, CCC and FSA amend 7 CFR parts 718, 1400, 1421, 1425, 1427, 1434, and 1435 as follows:

PART 718—PROVISIONS APPLICABLE TO MULTIPLE PROGRAMS

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

Authority: 7 U.S.C. 1501–1531, 1921–2008v, 7201–7334, and 15 U.S.C. 714b.

Subpart A—General Provisions

■ 2. Amend § 718.8 as follows:
■ a. In paragraph (e)(1), remove the word ''and'';
■ b. In paragraph (e)(2), remove the period and add the word and punctuation ''; and'' in its place; and
■ c. Redesignate paragraph (f) as paragraph (e)(3) and redesignate paragraph (g) as paragraph (f).

PART 1400—PAYMENT LIMITATION AND PAYMENT ELIGIBILITY

■ 3. The authority citation for part 1400 continues to read as follows:

Authority: 7 U.S.C. 1308, 1308–1, 1308–2, 1308–3, 1308–3a, 1308–4, and 1308–5.

§ 1400.1 [Amended]

■ 4. Amend § 1400.1 as follows:
■ a. Redesignate paragraphs (a)(2) and (3) as paragraphs (a)(3) and (2), respectively;
■ b. In redesignated paragraph (a)(2), remove ''1421 and'' and add ''1421, 1427, and'' in their place;
■ c. In paragraphs (a)(8) and (b)(2), remove the reference to ''(a)(2)'' and add a reference to ''(a)(3)'' in its place; and
■ d. In paragraph (b)(1), remove the reference to ''(3)'' and add a reference to ''(2)'' in its place.

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES—MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS

■ 5. Revise the authority citation for part 1421 to read as follows:

Authority: 7 U.S.C. 7231–7237, 7931–7936, and 9031- 40, 15 U.S.C. 714b and c.

■ 6. Revise the part heading to read as shown above.

Subpart A—General

■ 7. Amend § 1421.1 as follows:
■ a. Revise paragraph (a);
■ b. In paragraph (b)(1), remove the words ''marketing assistance'' and add the word ''MAL'' in their place and remove the words ''loan deficiency payment programs'' and add the words ''LDP Programs'' in their place;
■ c. In paragraph (b)(2), remove the words ''Loan deficiency payments shall'' and add the words ''LDPs will'' in their place;
■ d. In paragraph (c), remove the words ''Marketing assistance loans'' and add the word ''MALs'' in their place;
■ e. In paragraph (d), remove the words ''marketing assistance loans'' and add the word ''MALs'' in their place;
■ f. In paragraphs (c) and (d), remove the words ''loan deficiency payments'' and add the words ''LDPs'' in their place; and
■ g. Add paragraph (e).

The revisions and addition read as follows:

§ 1421.1 Applicability and interest.

(a) The regulations in this subpart are applicable to crops of barley, small and large chickpeas, corn, grain sorghum, lentils, oats, dry peas, peanuts, rice, wheat, wool, mohair, oilseeds and other crops designated by Commodity Credit Corporation (CCC). These regulations specify the general provisions under which Marketing Assistance Loans (MALs) and Loan Deficiency Payments (LDPs) will be administered by CCC. Additional terms and conditions are in the additional documents required to receive MALs and LDPs. In any case in which money must be refunded to CCC in connection with this part, interest will be due to run from the date of disbursement of the sum to be refunded.

This provision will apply, unless waived by the Deputy Administrator, irrespective of any other rule.

* * * * *

(e) Adjusted Gross Income (AGI) and payment limitation provisions specified in part 1400 of this chapter apply to this part.

§ 1421.2 [Amended]

■ 8. Amend 1421.2 as follows:

■ a. In paragraph (a), remove the words ''marketing assistance loan'' and add the word ''MAL'' in their place and remove the words ''loan deficiency payment program'' and add the words ''LDP Programs'' in their place and remove the word ''shall'' both times it appears and add the word ''will'' in its place;

■ b. In paragraph (e), remove the words ''marketing assistance loan'' and add the word ''MAL'' in their place and remove the words ''loan deficiency payment program'' and add the words ''LDP Programs'' in their place; and

■ c. In paragraph (f), remove the words ''marketing assistance loan'' and add the word ''MAL'' in their place and remove the words ''loan deficiency payment'' and add the word ''LDP'' in their place and remove the word ''shall'' and add the word ''will'' in its place.

■ 9. Amend § 1421.3 as follows:

■ a. Add, in alphabetical order, definitions for ''Calling a loan'', ''Locked in repayment rate'', ''Market loan gain'', and ''Recording FSA county office'';

■ b. Remove the definitions ''Commodity certificate exchange'' and ''Control or recording FSA County office'' and ''Crop year'';

■ c. Revise the definitions of ''Crop'', ''Incorrect certification'', and ''Loan deficiency payment (LDP)'';

■ d. In the definition of ''Charges'', remove the word ''loan'' and add the words ''a MAL'' in its place;

■ e. In the definition of ''Designated Marketing Association'', remove the words ''marketing assistance loans'' and add the word ''MALs'' in their place and remove the words ''loan deficiency payments'' and add the word ''LDPs'' in their place;

■ f. In the definition of ''Loan settlement'', remove the words ''effective with the 2009 through 2012'' and add the words ''for the applicable'' in their place;

■ g. In the terms ''Unauthorized disposition'' and ''Unauthorized removal'', remove the word ''loan'' each time it appears and add the word ''MAL'' in its place; and

■ h. In the definition of ''Warehouse receipt'', paragraph (2), add the word and punctuation ''(EWR)'' after the word ''receipt''.

The revisions and additions read as follows:

§ 1421.3 Definitions.

* * * * *

Calling a loan is accelerating or moving forward the maturity date of an outstanding MAL. A MAL can be called when, as determined by CCC, the terms and conditions of the MAL note and security agreement are violated, a producer incorrectly certifies a loan quantity or makes any fraudulent representation with respect to obtaining a loan, removing or disposing of a farm-stored commodity pledged as collateral for a loan without authorization, to protect CCC's interest, or in emergency situations.

* * * * *

Crop means with respect to a year, commodities harvested in that year. Therefore, the referenced crop year of a commodity means commodities that when planted were intended for harvest in that calendar year.

* * * * *

Incorrect certification means the certifying of a quantity of a commodity for the purpose of obtaining a MAL or LDP in excess of the quantity eligible for such MAL or LDP or the making of any fraudulent representation with respect to obtaining MALs or LDPs.

Locked in repayment rate means an announced repayment rate on a disbursed MAL that the producer has locked in for 60 calendar days. All locked in repayment rates expire within 14 calendar days before the loan maturity date. MAL can be repaid either at principal plus interest or the repayment rate in effect on the date the repayment is made. The repayment rate can only be locked in one time for a designated quantity and, if multiple locked in repayment rates are in effect for quantities under MAL that have not had a locked in repayment rate, the oldest rate is always applied first.

* * * * *

Loan deficiency payment (LDP) means a payment made in lieu of a MAL when the CCC-determined value, which is based on the current local price in a county, is below the applicable county loan rate. The payment is the difference between the two rates times the eligible quantity.

* * * * *

Market loan gain is the loan rate, minus the repayment rate on loans repaid at a rate that is less than the loan rate. The total of all market loan gains received by a producer for an applicable crop year cannot exceed the producer's applicable payment limitation as specified in part 1400 of this chapter. A producer's adjusted gross income must also be below the limit as specified in part 1400 of this chapter to receive a market loan gain.

* * * * *

Recording FSA County Office is the FSA County Office that records eligibility data for producers designated as multi-county producers.

* * * * *

■ 10. Amend § 1421.4 as follows:

■ a. In paragraph (a)(2)(v), remove the words ''for 2009 and Subsequent Crops, Programs, or Fiscal Years'';

■ b. Revise paragraph (a)(2)(ix);

■ c. In paragraph (b), remove the words ''shall be'' both times they appear and add the word ''is'' in their place, remove the words ''marketing assistance loans'' and add the word ''MALs'' in their place, and remove the words ''loan deficiency payment'' and add the word ''LDP'' in their place;

■ d. In paragraph (c) introductory text, remove the words ''marketing assistance loans'' and add the word ''MALs'' in their place, and remove the words ''loan deficiency payments'' and add the words ''LDPs'' in their place;

■ e. In paragraph (c)(2), remove the words ''marketing assistance loan'' and add the word ''MAL'' in their place, and remove the words ''loan deficiency payment'' and add the words ''LDP'' in their place;

■ f. Revise paragraph (d);

■ g. Revise paragraphs (e)(1)(ii) and (f);

■ h. In paragraphs (e)(1)(iii) and (2) remove the word ''loan'' each time it appears and add the word ''MAL'' in its place;

■ i. In paragraph (g), remove the word ''shall'' and add the word ''will'' in its place, remove the words ''marketing assistance loan'' both times it appears and add the word ''MAL'' in their place, and remove the words ''loan deficiency payment'' both times it appears and add the word ''LDP'' in their place; and

■ j. Add paragraph (h).

The revisions and addition read as follows:

§ 1421.4 Eligible producers.

(a) * * *

(2) * * *

(ix) 7 CFR part 1412—Agriculture Risk Coverage, Price Loss Coverage, and Cotton Transition Assistance Programs; and

* * * * *

(d) If more than one producer executes a note and security agreement with CCC, each such producer is jointly and severally liable for any violation of the terms and conditions of the note and security agreement and the regulations in this part. Each such producer also

remains liable for repayment of the entire MAL amount until the MAL is fully repaid without regard to such producer's claimed share in the commodity pledged as collateral for the MAL. In addition, such producer may not amend the note and security agreement with respect to the producer's claimed share in such commodities, or MAL proceeds, after execution of the note and security agreement by CCC.

(e) * * *

(1) * * *

(ii) Not allowed an FSA representative access to the site where commodities pledged as collateral for MALs were stored, or otherwise failed to cooperate in the settlement of MAL; or

* * * * *

(f) A CMA may obtain a MAL and LDP on eligible production of a MAL commodity on behalf of its members who are eligible to receive MALs or LDPs with respect to a crop of a commodity. For purposes of this subpart, the term ''producer'' includes a CMA.

* * * * *

(h) A producer must meet the requirements of actively engaged in farming, cash rent tenant, and member contribution as specified in part 1400 of this chapter to be eligible for LDPs and market loan gains.

■ 11. Amend § 1421.5 as follows:

■ a. In paragraph (a) introductory text, remove the word ''loan'' and add the word ''MAL'' in its place;

■ b. In paragraph (c)(1), remove the words ''for a loan'' and add the words ''for a MAL'' in its place and remove the words ''marketing assistance loan'' and add the word ''MAL'' in their place;

■ c. In paragraph (c)(5), remove the words ''marketing assistance loans'' and add the word ''MALs'' in their place and remove the words ''loan deficiency payments'' and add the word ''LDPs'' in their place;

■ d. In paragraph (d)(2), remove the word ''loan'' and add the word ''MAL'' in its place;

■ e. In paragraph (e), remove the words ''or similar farms in the same county; or'' and add the word ''or'' in their place; and

■ f. Revise paragraph (f).

The revision reads as follows:

§ 1421.5 Eligible commodities.

* * * * *

(f) A commodity that is purchased, substituted, or acquired by sale, gift, or exchange of an existing harvested, sheared, or slaughtered commodity, or through any other transaction is ineligible to be pledged as collateral for a MAL; in addition an LDP will not be made with respect to such commodities.

§ 1421.6 [Amended]

■ 12. Amend § 1421.6 as follows:

■ a. In paragraph (a), remove the words ''marketing assistance loans'' and add the word ''MALs'' in their place, remove the words ''marketing assistance loan'' both times they appear and add the word ''MAL'' in their place, and remove the words ''loan deficiency payment'' both times they appear and add the word ''LDP'' in their place;

■ b. In paragraph (b), introductory text, remove the words ''marketing assistance loan'' and add the word ''MAL'' in their place; and remove the words ''the loan'' and add the words ''the MAL'' in its place;

■ c. In paragraph (b)(2) and (b)(3) remove the word ''loan'' each time it appears and add the word ''MAL'' in its place;

■ d. In paragraph (c) introductory text, remove the words ''a loan commodity'' and add the words ''an eligible commodity'' in their place;

■ e. In paragraph (c)(3), remove the words ''loan deficiency rate'' and add the words ''LDP rate'' in their place;

■ f. In paragraph (f), remove the words ''cooperative marketing association'' each time they appear and add the acronym ''CMA'' in their place;

■ g. In paragraph (h)(2), remove the words ''CCC loan'' and add the word ''MAL'' in their place; and

■ h. Revise paragraph (i) introductory text.

The revision reads as follows:

§ 1421.6 Beneficial interest.

* * * * *

(i) Commodities produced under a contract in which the title to the seed remains with the entity providing the seed to the producer, including contracts for the production of hybrid seed, genetically modified commodities, and other specialty seeds as approved in writing by CCC, are eligible to be pledged as collateral for a MAL or a LDP may be made with respect to such production if, at the time of the request for such a MAL or LDP, the producer has not:

* * * * *

■ 13. Amend § 1421.7 as follows:

■ a. Revise the heading; and

■ b. Revise paragraphs (a), (b), and (c) introductory text.

The revisions read as follows:

§ 1421.7 Requesting MALs and LDPs.

(a) A producer may apply for a MAL or LDP at any FSA county office. The receiving FSA county office will forward the MAL or LDP request to the administrative county office, as specified in part 718 of this title, that is responsible for administrating programs for the farm on which the commodity was produced. The administrative county office will process and approve the MAL or LDP.

(b) A MAL or LDP may be requested in person, by mail, or by electronic format designated by CCC. Forms prescribed by CCC may be obtained from the FSA Web site.

(c) To receive a MAL or LDP for an eligible commodity, a producer must execute a note and security agreement or LDP application on or before the applicable final loan availability date, as follows:

* * * * *

■ 14. Amend § 1421.8 as follows:

■ a. Revise paragraphs (a), (b)(1) introductory text, and (b)(2);

■ b. Remove paragraph (b)(1)(i) and redesignate (b)(1)(ii) and (iii) as (b)(1)(i) and (ii), respectively;

■ c. Revise paragraph (c).

The revisions read as follows:

§ 1421.8 Eligible quantity.

(a) With respect to MALs and LDPs for:

(1) Farm-stored commodities, all determinations of weight and quality, except as otherwise agreed to or required by CCC, will be determined at the time of delivery of the commodity to CCC or at the time the LDP application is filed for measured requests, if applicable, or selected for spot-check for certified requests.

(2) Warehouse-stored commodities, all determinations of grade, weight and quality, except as otherwise agreed to or required by CCC, will be determined at the time the MAL is forfeited to CCC.

(b)(1) A producer may, before the final MAL availability date for obtaining a MAL for a commodity, repledge as collateral for securing a MAL any commodity that had been previously pledged as collateral for a MAL, except with respect to:

* * *

(2) The commodity repledged as security for the subsequent MAL will have the same maturity date, under § 1421.101 as the original MAL.

(c)(1) The MAL documents will not be presented for disbursement unless the commodity subject to the note and security agreement is an eligible harvested commodity, is in existence, and is in authorized farm or warehouse storage, as determined by CCC. If the commodity was not either an eligible commodity, in existence, or in authorized storage at the time of disbursement, the total amount

disbursed under the MAL and charges plus interest must be refunded promptly by the producer.

(2) CCC will limit the total quantity for MAL or LDP disbursement to 100 percent of the quantity of such MAL or LDP application. A producer may obtain a separate MAL or LDP before the final loan availability date for the commodity for quantities in excess of 100 percent of such quantity if such quantities are otherwise eligible.

■ 15. Amend § 1421.9 as follows;

■ a. Revise paragraphs (c) and (f); and

■ b. Remove paragraph (g).

The revisions read as follows:

§ 1421.9 Basic loan rates.

* * * * *

(c) Subject to adjustment as specified in paragraph (f) of this section, in case of forfeiture, for all commodities except rice and peanuts, warehouse-stored MALs will be disbursed at levels based on the basic county MAL rate for the county where the commodity is stored.

(1) For rice, subject to adjustment as specified in paragraph (f) of this section, in case of forfeiture, warehouse-stored MALs will be disbursed at levels based on the milling yields times the whole and broken kernel MAL rates.

(2) For peanuts, warehouse-stored MALs will be disbursed at levels based on National loan rates by peanut type, adjusted for the schedule of premiums and discounts on the basis of grade, quality, and other factors specified on warehouse receipts.

* * * * *

(f) For all crop years, premiums and discounts will not apply for all eligible loan commodities at loan disbursement, except for peanuts. However, premiums and discounts will apply if the eligible loan commodities are forfeited or delivered to CCC and any deficiency must be repaid to CCC.

■ 16. Amend § 1421.10 as follows:

■ a. Revise paragraphs (a) introductory text, (c)(1), and (d);

■ b. Revise paragraphs (h)(5)(i), (ii), and (iii);

■ c. In paragraph (j)(1), (j)(2), (m) introductory text, and (p)(2) remove the word ''loan'' each time it appears and add the word ''MAL'' in its place;

■ d. Revise paragraphs (j)(7) through (j)(10) and add paragraph (j)(11); and

■ e. Revise paragraphs (k) introductory text, (l), and (m)(2).

The revisions and additions read as follows:

§ 1421. 10 Loan repayment rates.

(a) For the applicable crop years of barley, corn, grain sorghum, oats, wheat, dry peas, lentils, chickpeas, oilseeds, wool, mohair, and other crops as designated by CCC (other than peanuts, long grain rice, medium grain rice, and confectionery and each other kind of sunflower seed (other than oil sunflower seed)), a producer may repay a nonrecourse MAL at a rate that is the lesser of:

* * * * *

(c) * * *

(1) A producer may repay a nonrecourse MAL for peanuts at a rate that is the lesser of:

* * * * *

(d) For peanuts, the Secretary will require the repayment of handling and other associated costs paid under § 1421.104 for all peanuts pledged as collateral for a MAL that are redeemed under this section.

* * * * *

(h) * * *

(5) * * *

(i) The last Wednesday of July in the calendar year following the year the rice crop was harvested, or in which the rice MAL matures,

(ii) The last Wednesday of the latest month the rice MAL matures, or

(iii) If Tuesday is not a normal business day, the price determination may be made on the next work day and announced the following day, on or after 7 a.m. Eastern Standard Time.

* * * * *

(j) * * *

(7) For multiple locked in requests, the oldest unexpired locked in repayment rate is applied first.

(8) The completed and signed form can be submitted in person, by facsimile, or electronically.

(9) The requests cannot be canceled, terminated, or changed after approval.

(10) The locked in applicable repayment rate will transfer to any MAL disbursed outside of the originating county where the commodity was stored.

(11) Once a repayment rate is locked in it cannot be extended.

(k) If a producer fails to repay a MAL within the time prescribed by CCC under the terms and conditions of the request to lock in a market loan repayment rate, the producer may repay the MAL:

* * * * *

(l) When the proceeds of the sale of the commodity are needed to repay all or a part of a farm-stored MAL, the producer must request and obtain prior written approval on a CCC-approved form and comply with the terms and conditions of such form, to remove a specified quantity of the commodity from storage. Approval does not constitute release of CCC's security interest in the commodity or release of producer liability for amounts due CCC for the MAL indebtedness if payment in full is not received by the FSA county office. Failure to repay a MAL within the time period prescribed by CCC in the case of a farm-stored loan and delivery of the pledged collateral to a buyer is a violation of the agreement. In the case of such violation, the producer must repay the loan principal and interest or another amount as determined by the Deputy Administrator, FSA, as specified in § 1421.109.

(m) * * *

(2) An amount less than the principal amount of the MAL and charges plus interest under the terms and conditions specified by CCC at the time the producer redeems the collateral for such MAL.

* * * * *

■ 17. Revise § 1421.11(a) and (b) to read as follows:

§ 1421.11 Spot checks.

(a) CCC may inspect the collateral for MALs, and producers with such MALs must allow CCC reasonable access to the farm and storage facility as necessary to conduct ''spot check'' collateral inspections. Spot checks are intended to verify that the quality and quantity of farm-stored commodities pledged as collateral for MALs are maintained by the producer.

(b) LDPs are selected for spot check to ensure that all eligibility requirements, as required by CCC, are met in order to receive such LDP.

* * * * *

■ 18. Revise § 1412.12(a) introductory text, (a)(1)(i) through (x), and (b) to read as follows:

§ 1421.12 Production evidence.

(a) Producers who redeem MAL collateral at the prevailing world market price for rice, or the alternative repayment rate for all other commodities, as CCC determines or receives an LDP may be required to provide CCC with:

(1) * * *

(i) Evidence of sales;

(ii) Delivery evidence;

(iii) Load summaries from warehouse, processor, or buyer;

(iv) Warehouse receipts including EWRs;

(v) Paid measurement service;

(vi) Spot check measurements with paid measurement service;

(vii) Cleaning tickets for seed;

(viii) Scale tickets, if not issued by the producer for the producer's own production;

(ix) Core tests for wool and mohair; or

(x) Maximum eligible quantity as determined by CCC.

* * * * *

(b) A producer who fails to provide acceptable evidence of production is be required to repay the market loan gain or LDP and charges, plus interest, as determined by CCC.

■ 19. Amend § 1421.14 as follows:

■ a. Revise the section heading;

■ b. In paragraph (a) introductory text, remove the word ''loans'' and add the word ''MALs'' in its place; and

■ c. Revise paragraph (b).

The revision reads as follows:

§ 1421.14 Obtaining peanut MALs.

* * * * *

(b) The MAL documents will not be presented for disbursement unless the peanuts pledged as collateral for the MAL are eligible as specified in § 1421.8. If the peanuts were ineligible at the time of the disbursement, the total amount disbursed under MAL, or as an LDP, plus charges and interest will be refunded promptly.

Subpart B—Marketing Assistance Loans

■ 20. Amend § 1421.101 as follows:

■ a. Revise paragraph (a)(1); and

■ b. Add paragraph (b).

The revision and addition read as follows:

§ 1421.101 Maturity dates.

(a)(1) All MALs will mature on demand by CCC and no later than the last day of the 9th calendar month following the month in which the note and security agreement is filed and approved except for transferred MAL collateral. The maturity date for transferred MAL collateral will be the maturity date applicable to the original MAL that was transferred.

* * * * *

(b) The maturity date of any MAL may not be extended.

■ 21. Revise § 1421.102(a)(2)(i), (ii), (3), and (5) to read as follows.

§ 1421.102 Adjustment of basic loan rates.

(a) * * *

(2) * * *

(i) Crop year specific schedules of premiums and discounts, the MAL rate will be adjusted for the higher of the discount for test weight or grade based on test weight.

(ii) Additional schedule of discounts, the MAL rate will be reduced to 20 percent of the county loan rate.

(3) With respect to commodities harvested, excluding silage or hay, as other than grain and pledged as collateral for a nonrecourse MAL, the MAL rate will be discounted to 30 percent of the county loan rate.

* * * * *

(5) With respect to Segregation 2 and 3 peanuts as determined by CCC, the MAL rate will be discounted to 35 percent of the applicable loan rate.

■ 22. Revise § 1421.103(b) to read as follows:

§ 1421.103 Authorized storage.

* * * * *

(b) CCC may reduce the quantity of a commodity pledged as collateral for a MAL made available under paragraph (a)(2) of this section to not more than 75 percent of such otherwise eligible quantity in order to protect the interests of CCC. CCC may also limit the length of time the commodity may be stored on-ground or in temporary structures to not more than 90 days. A MAL made with respect to such commodity that is not moved to a structure specified in (a)(2) within 90 days of the date the MAL was disbursed may be called by CCC.

* * * * *

■ 23. Amend § 1421.104 as follows:

■ a. Revise the section heading and paragraphs (a)(2), (3), and (c);

■ b. In paragraph (b), remove the words ''to CCC''; and

■ c. Remove paragraph (d).

The revisions read as follows:

§ 1421.104 Making MALs.

(a) * * *

(2) The cost for terminating the financing statement for MALs disbursed under this part before the end of the term will be paid by the producer.

(3) If there are any liens or encumbrances on the commodity pledged as collateral for a MAL made under this part, waivers that fully protect CCC's interest must be obtained even though the liens or encumbrances are satisfied from MAL proceeds disbursed under this part. No additional liens or encumbrances will be placed on the commodity after such a MAL is approved.

* * * * *

(c) To ensure proper storage of peanuts for which a MAL is made under this section, the Secretary will pay reasonable handling and other associated costs (other than storage) incurred at the time at which the peanuts are placed in a warehouse stored MAL. Such rates will be available in the State and county FSA offices.

■ 24. Amend § 1421.105 as follows:

■ a. Revise the section heading;

■ b. In paragraph (a) introductory text, remove the words ''loan shall and add the word ''MAL'' in its place;

■ c. Revise paragraphs (a)(1), (b) introductory text, (c)(2), (d)(1)(ii), (2), (e)(1), (3), and (5);

■ d. In paragraph (a)(2), remove the word ''Have'' and add the word ''Has'' in its place; and

■ e. Add paragraph (f).

The revisions and addition read as follows:

§ 1421.105 Farm-stored MALs.

(a) * * *

(1) Certifies the quantity of such commodity on the MAL application, or;

* * * * *

(b) The State committee may establish a MAL percentage not to exceed a percentage CCC establishes or it may apply quality discounts to the loan rate in each year for each commodity on a statewide basis or for specified areas within the State. Before approving a county committee request to establish a different loan percentage, or to apply quality discounts, the State committee will consider conditions in the State or areas within a State to determine if the MAL percentage should be reduced below the maximum MAL percentage or the quality discounts should be applied to the basic county MAL rate to provide CCC with adequate protection. MALs disbursed based upon loan percentages previously lowered and loan rates adjusted for quality will not be altered if conditions within the State or areas within the State change to substantiate removing such reductions. Percentages established or loan rates adjusted for quality under this section will apply only to new MALs and not to outstanding MALs. In determining loan percentages or the necessity to apply quality discounts, the State committee will consider any factor at its discretion, including the following:

* * * * *

(c) * * *

(2) In all other instances, if the producer intends to move MAL collateral from a designated structure to an undesignated structure, the producer must request prior approval from the county committee in writing. The producer may request that the eligible or ineligible commodity be measured by a representative of the county office, at the producer's expense, before commingling, but such measurement is not required. Prior to commingling, with respect to wool and mohair, a representative of the FSA county committee may determine an average production of the wool and mohair in a manner approved by CCC.

* * * * *

(d) * * *

(1) * * *

(ii) Individual MALs for their share of the commodity that is commingled in a farm storage facility with commodities owned by other producers if such other producers execute an agreement that provides that such producers will obtain the permission of a representative of the county committee before removal of any quantity of the commodity from the storage facility. All producers who store a commodity in a farm storage facility in which commodities that have been pledged as collateral for a MAL will be liable for any damage incurred by CCC for the deterioration or unauthorized removal or disposition of such commodities.

(2) In such cases, each producer must execute a note and security agreement with CCC, and each such producer will be jointly and severally liable for the violation of the terms and conditions of the note and the requirements of this part. Each producer is also liable for repayment of the entire MAL amount until the MAL is fully repaid without regard to their share in the commodity pledged as collateral. In addition, such producer may not amend the note and security agreement for the producer's claimed share in such commodities, or MAL proceeds, after execution of the note and security agreement by CCC.

(e)(1) A producer, when requesting a MAL, will designate in writing specific storage structures.

* * * * *

(3) Movement of MAL collateral to any other structures not designated or the disposal of such loan collateral without prior written approval of the county committee, will subject the producer to administrative actions.

* * * * *

(5) CCC will not assume any loss in quantity or quality of the MAL collateral for farm-stored MALs.

(f) If the producer does not pay CCC the total amount due in accordance with a MAL by the maturity date, CCC has the right to acquire title to the MAL collateral and to sell or otherwise take possession of such collateral without any further action by the producer. With respect to farm-stored MALs, the producer may, as CCC determines, deliver the MAL collateral in accordance with instructions issued by CCC. CCC will not accept delivery of any quantity of a commodity in excess of 110 percent of the outstanding farm-stored MAL quantity. If a quantity in excess of 110 percent of the outstanding farm-stored MAL quantity is shown on the warehouse receipt or other documents, the producer must provide replacement warehouse receipts and delivery documents. If the warehouse receipt and such other documents applicable to the settlement are not replaced to reflect the excess amount, CCC will provide for such corrected documents and apply charges for such service, if any, to the producer's account as charges for settlement on the MAL.

■ 25. Revise § 1421.106 section heading, and paragraphs (a), (c), and (d) introductory text to read as follows:

§ 1421.106 Warehouse-stored MAL collateral.

(a) A commodity may be pledged as collateral for a warehouse-stored MAL in the quantity delivered to CCC for storage at a warehouse that meets standards for approval at part 1423 of this chapter. Such quantity is the net weight specified on the warehouse receipt or supplemental certificate.

* * * * *

(c) If more than one producer executes a note and security agreement with CCC, each such producer is jointly and severally liable for the violation of the terms and conditions of the note and the regulations in this part. Each such producer also remains liable for repayment of the entire MAL amount until the MAL is fully repaid without regard to such producer's claimed share in the commodity pledged as collateral for the MAL. In addition, such producer may not amend the note and security agreement with respect to the producer's claimed share in such commodities, or MAL proceeds, after execution of the note and security agreement by CCC.

(d) Storage rates that CCC has approved to be deducted from MAL proceeds are available in FSA State and county offices and other USDA service centers. Deductions are based upon entries on the warehouse receipt or supplemental certificate, but the storage rate is not to exceed the storage rate CCC has approved. No storage deduction is to be made if written evidence acceptable to CCC is submitted indicating that:

* * * * *

■ 26. Amend § 1421.107 as follows:

■ a. Revise paragraphs (a), (c), (h) introductory text, (h)(2)(ii), and (i)(2);

■ b. In paragraph (h)(2)(iii), remove the words ''shall represent'' and add the word ''represents'' in their place;

■ c. In paragraphs (h)(2)(i) and (iv), remove the word ''shall'' and add the word ''must'' in its place; and

■ d. Add paragraph (k).

The revision and addition read as follows:

§ 1421.107 Warehouse receipts.

(a) Warehouse receipts for MALs tendered to CCC as specified in § 1421.3 may either be paper or electronic. All receipts, whether paper or electronic, must meet all the applicable provisions of this section and this part, and CCC program document requirements. EWRs must be issued by a provider approved by CCC.

* * * * *

(c) If the receipt is issued for a commodity that is owned by the warehouse operator either solely, jointly, or in common with others, the fact of such ownership is to be stated on the receipt. In States where the pledge of warehouse receipts issued by a warehouse operator on the warehouse operator's commodity is invalid, the warehouse operator may offer the commodity to CCC for a MAL if such warehouse is licensed under the U.S. Warehouse Act.

* * * * *

(h) If a warehouse receipt indicates that the commodity tendered for MAL grades ''infested'' or ''contains excess moisture,'' or both, the receipt must be accompanied by a supplemental certificate in order for the commodity to be eligible for a MAL. The grade, grading factors, and quantity to be delivered must be shown on the certificate as follows:

* * * * *

(2) * * *

(ii) When a supplemental certificate is issued under paragraphs (g)(1) and (h)(2)(i) of this section, the grade, grading factors, and the quantity shown on such certificate will supersede the entries for such items on the warehouse receipt.

* * * * *

(i) * * *

(2) Warehouse receipts and the commodities represented by such receipts may be subject to a lien for warehouse charges. For all commodities except peanuts, the producer who pledged such a receipt as collateral for a MAL under this part pays to CCC all costs incurred by CCC as result of the existence of the lien. In no event is a warehouse operator entitled to satisfy such a lien by sale of the commodities when CCC is the holder of such receipt.

* * * * *

(k) If the warehouse issues an EWR for the commodity, the producer must notify the EWR provider to make CCC the holder of the EWR and to secure an affirmation verifying that CCC has been made the holder of the EWR.

■ 27. Amend § 1421.108 as follows:

■ a. In paragraph (a), introductory text, remove the word ''loan'' and add the word ''MAL'' in its place both times it appears; and

■ b. Revise paragraphs (a)(1), (b), and (c) introductory text.

The revisions read as follows:

§ 1421.108 Transfers and reconciliations.

(a) * * *

(1) Transfer of all or part of the farm-stored MAL collateral to an authorized warehouse will be made through the pledge of warehouse receipts for the commodity placed under a warehouse-stored MAL. The loan rate of the transferred MAL will be the same as the loan rate of the original MAL. The MAL quantity for the warehouse-stored MAL cannot exceed the loan quantity transferred from the farm-stored MAL.

* * * * *

(b) The producer must request county committee approval before the transfer of a warehouse-stored MAL to a farm-stored MAL. The county committee may approve the transfer of part or all of a warehouse-stored MAL at any time during the MAL period. Quantities pledged as collateral for a farm-stored MAL will be based on a measurement or a calculation of average production of wool and mohair, by a representative of the county office before approving the farm-stored MAL. The producer must immediately repay the amount by which the farm-stored MAL is less than the warehouse-stored MAL and charges plus interest on the shortage. The maturity date of the farm-stored MAL is the maturity date applicable to the warehouse-stored MAL that was transferred.

(c) Upon the filing of the Reconcentration Agreement and Trust Receipt by the producer and warehouse operator, CCC may, during the MAL period, approve the reconcentration in another authorized warehouse for all or part of a commodity that is pledged as collateral for a warehouse-stored MAL. Any such approval will be subject to the terms and conditions in the Reconcentration Agreement and Trust Receipt. A producer may, before the new warehouse receipt is delivered to CCC, pay CCC:

* * * * *

■ 28. Amend § 1421.109 as follows:

■ a. Revise paragraphs (a)(1), (2), and (3), (d), and (e)(2);

■ b. In paragraphs (e)(1)(i) and (ii) remove the word ''loan'' and add the word ''MAL'' in its place;

■ c. Revise paragraphs (f)(1) and (2), (g), (h), (j), (l) introductory text, and (l)(1);

■ d. In paragraphs (k), and (l)(2) remove the word ''loan'' and add the word ''MAL'' in its place each time it appears;

■ e. In paragraph (m), remove the words ''shall be'' and add the word ''is'' in their place; and

■ f. Revise paragraphs (n), (o), and (p).

The revisions read as follows:

§ 1421.109 Personal liability of the producer.

(a) * * *

(1) Provide an incorrect certification of the quantity or make any fraudulent or erroneous representation for the MAL;

(2) Remove or dispose of a quantity of commodity that is collateral for a CCC farm-stored MAL without prior written approval from CCC in accordance with § 1421.10; or

(3) Violate the terms and conditions of the note and security agreement, which will cause harm or damage to CCC in that funds may be disbursed to the producer for a quantity of a commodity that is not actually in existence or for a quantity on which the producer is not eligible. If CCC determines that the producer has violated the terms and conditions of the applicable forms prescribed by CCC, liquidated damages will be assessed on the quantity of the commodity that is involved in the violation.

* * * * *

(d) Liquidated damages assessed in accordance with this section will be determined by multiplying the quantity involved in the violation by 10 percent of the MAL rate applicable to the MAL note.

(e) * * *

(2) Did not act in good faith when the violation was committed, liquidated damages will be assessed in accordance with paragraph (d) of this section, and administrative actions will be taken in accordance with paragraph (h) of this section. The MAL is required to be redeemed at the rate at which the MAL was disbursed, plus interest and any other charges assessed under the note and security agreement.

(f) * * *

(1) Acted in good faith when the violation occurred, liquidated damages will be assessed according to paragraph (d) of this section, and the commodity involved in the violation must be redeemed at the rate at which the MAL was disbursed, plus interest and any other charges assessed under the note and security agreement.

(2) Did not act in good faith about the violation, liquidated damages will be assessed in accordance with paragraph (d) of this section and administrative actions will be taken in accordance with paragraph (h) of this section. The MAL must be redeemed at the rate at which the MAL was disbursed, plus interest and any other charges assessed under the note and security agreement.

(g) If the producer fails to pay such amount within 30 days from the date of notification of violations as provided in paragraphs (e)(1) and (f)(1) of this section, the producer must immediately repay the MAL at the rate at which the MAL was disbursed plus interest, and any other charges assessed under the note and security agreement.

(h) For violations as specified in paragraphs (e)(2) and (f)(2) of this section, the producer must immediately repay the MAL at the rate at which the MAL was disbursed plus interest, and any other charges assessed under the note and security agreement. If the MAL has already been repaid, any market loan gain previously realized on the MAL, plus interest, is immediately due to CCC. CCC will demand delivery of any remaining MAL collateral if the MAL and any other charges and interest are not repaid within the 30 calendar day notification period specified in paragraph (g) of this section.

* * * * *

(j) If the MAL is accelerated, the producer may not repay the MAL at the alternative loan repayment rate, unless authorized by CCC.

* * * * *

(l) The MAL plus other charges are payable to CCC upon demand if a producer:

(1) Makes any fraudulent representation in obtaining a MAL, maintaining, or settling a MAL; or

* * * * *

(n) If the amount disbursed under a MAL or in settlement of the MAL, exceeds the amount authorized by this part, the producer is liable for repayment of the excess and charges, plus interest.

(o) If the amount collected from the producer in satisfaction of the MAL is less than the amount required under this part, the producer is personally liable for repayment of the amount of such difference and charges, plus interest.

(p) In the case of joint MALs, the personal liability for the amounts specified in this section is joint and several on the part of each producer signing the note.

* * * * *

§ 1421.110 [Removed and Reserved]

■ 29. Remove and reserve § 1421.110.

■ 30. Amend § 1421.111 as follows:

■ a. Revise the section heading;

■ b. Revise paragraphs (a) and (f); and

■ c. Add paragraphs (g) and (h).

The revisions and additions read as follows:

§ 1421.111 MAL settlement.

(a) The value of MALs at settlement will be determined by CCC on the following basis:

(1) For nonrecourse MALs, the schedule of premiums and discounts for the commodity, provided that if the value of the eligible delivered collateral at settlement is:

(i) Less than the amount due, the producer will pay to CCC the amount of such deficiency and charges, plus interest on such deficiency; or

(ii) More than the amount due, the amount of such excess will be paid to the producer or, if applicable, to the producer and applicable secured creditors of the producer.

(2) For recourse MALs, full repayment of principal plus interest is required. As specified in § 1421.113, recourse MAL collateral may not be delivered or forfeited to CCC in satisfaction of indebtedness.

(3) If CCC sells the commodity described in paragraph (a)(1) and (a)(2) of this section in settlement of the MAL, the sales proceeds will be applied to the amount owed as follows:

(i) For nonrecourse MALs, CCC will in all instances retain all proceeds obtained from the sale of the eligible commodity and will not make any payment of any amount of such proceeds to any party, including the producer who has satisfied their obligation under the MAL through delivery of the commodity to CCC. CCC will settle with the producer based on the quality and quantity of the commodity; or

(ii) For recourse MALs, the sales proceeds from the eligible collateral will be applied to the amount owed CCC by the producer. The producer will be responsible for any costs incurred by CCC in completing the sale and CCC will deduct the amount of these costs from the sale proceeds. If:

(A) The amount received from the sale of the collateral is less than the amount due, the producer will pay to CCC the amount of such deficiency and costs, plus interest on the remaining amount owed; or

(B) The amount received from the sale of the collateral is greater than the sum of the amount due, the amount of such excess will be paid to the producer or, if applicable, to the producer and applicable secured creditor of the producer.

* * * * *

(f) Premiums and discounts will apply to all eligible loan commodities that are forfeited and delivered to CCC. There will not be any additional adjustments for peanuts at settlement, because such premiums and discounts will be accounted for when a peanut MAL is made.

(g) If a deficiency exists after the collateral securing a nonrecourse MAL has been delivered to CCC or a recourse MAL sold under a local sale, a receivable for such deficiency will be established as specified in part 1403 of this chapter.

(h) CCC will not assume any loss in quantity or quality of the loan collateral for any farm-stored MALs.

■ 31. Amend § 1421.112 as follows:

■ a. Revise paragraph (a);

■ b. In paragraph (b) introductory text, remove the word ''loan'' and add the word ''MAL'' in its place; and

■ c. In paragraph (b)(2), remove the word ''claim'' and add the word ''receivable '' in its place.

The revisions read as follows:

§ 1421.112 Foreclosure.

(a)(1) Upon maturity and nonpayment of a warehouse-stored MAL, title to the unredeemed collateral securing the MAL will immediately vest in CCC.

(2) Upon maturity and nonpayment of a farm-stored MAL, title to the unredeemed collateral will automatically transfer to CCC upon CCC demand.

(3) When CCC acquires title to the unredeemed collateral, CCC will not pay for any market value that such collateral may have in excess of the MAL indebtedness, (the unpaid amount of the note and charges plus interest).

* * * * *

■ 32. Amend § 1421.113 as follows:

■ a. Revise the section heading and paragraph (a); and

■ b. In paragraph (b), remove the word ''must'' and add the words ''is required to'' in its place.

The revisions read as follows:

§ 1421.113 Recourse MALs.

(a) CCC will make recourse MALs available to eligible producers of high moisture corn, high moisture grain sorghum and other eligible loan commodities as determined by the Deputy Administrator, Farm Programs.

* * * * *

Subpart C—Loan Deficiency Payments

■ 33. Amend § 1421.200 as follows:

■ a. Revise paragraph (a);

■ b. In paragraph (b) introductory text, remove the words ''loan deficiency payments'' and add the word ''LDPs'' in their place;

■ c. In paragraph (b)(2), remove the word ''loan'' and add the word ''MAL'' in its place; and

■ d. Add paragraph (e).

The revision and addition read as follows:

§ 1421.200 Applicability.

(a) During the MAL availability period, LDPs will be made available to eligible producers when the alternative repayment rate is less than the applicable county loan rate.

* * * * *

(e) AGI and payment limitation requirements apply as specified in part 1400 of this chapter.

■ 34. Revise § 1421.201(a) and (c) to read as follows:

§ 1421.201 LDP rate.

(a) The LDP rate for a crop will be the amount by which the loan rate for the crop exceeds the rate at which CCC has announced that producers may repay their MALs as specified in § 1421.10.

* * * * *

(c) The LDP applicable to such crop will be computed by multiplying the LDP rate, as determined under paragraph (b) of this section, by the quantity of the crop the producer is eligible to pledge as collateral for a nonrecourse MAL for which the LDP is requested.

■ 35. Revise § 1421.202(b) to read as follows:

§ 1421.202 LDP quantity.

* * * * *

(b) Two or more producers may obtain a single joint LDP for commodities that are stored in the same storage facility. Two or more producers may obtain individual LDPs for their share of the commodity that is stored commingled in a farm storage facility with commodities for which an LDP has been requested and will be liable for any damage incurred by CCC for incorrect certification of such commodities under § 1421.203.

* * * * *

■ 36. Amend § 1421.203 as follows:

■ a. Revise paragraphs (a)(2), and (e)(1);

■ b. In paragraph (e)(2) remove the word ''loans'' and add the word ''MALs'' in its place; and

■ c. Revise paragraphs (e)(3), (g), and (h).

The revisions read as follows:

§ 1421.203 Personal liability of the producer.

(a) * * *

(2) That violation of the terms and conditions of the LDP request, as applicable, will cause harm or damage to CCC in that funds may be disbursed to the producer for a quantity of a commodity that is not actually in existence or for a quantity on which the

producer is not eligible. If CCC determines that the producer has violated the terms and conditions of the applicable forms prescribed by CCC, liquidated damages will be assessed on the quantity of the commodity that is involved in the violation.

* * * * *

(e) * * *

(1) Accelerate the maturity date on the producer's outstanding farm-stored MALs;

* * * * *

(3) Deny LDPs for the current and 2 following crop years unless production evidence is presented to CCC. Depending on the severity of the violation, the county committee may deny future farm-stored MALs and LDPs without production evidence.

* * * * *

(g) If the amount disbursed under LDPs exceeds the amount authorized by this part, the producer is liable for repayment of such excess and liquidated damages, plus interest.

(h) In the case of joint LDPs, the personal liability for the amounts specified in this section is joint and several on the part of each producer signing the LDP application.

* * * * *

■ 37. Revise the heading for subpart D to read as follows:

Subpart D—Grazing Payments for Wheat, Barley, Oats, and Triticale

■ 38. Revise § 1421.300(a) to read as follows:

§ 1421.300 Applicability.

(a) The regulations in this subpart are applicable to the eligible acreage planted to wheat, barley, oats, or triticale that is grazed by livestock and not harvested in any other manner. This subpart specifies the terms and conditions under which a grazing payment will be made by CCC in lieu of an LDP.

* * * * *

§ 1421.301 [Amended]

■ 39. Amend § 1421.301, in paragraph (a), by removing the ''shall'' both times it appears and adding the word ''will'' in its place and by removing the words ''the Farm Service Agency (FSA)'' and adding the word ''FSA'' in their place.

■ 40. Amend § 1421.302 as follows:

■ a. In paragraph (a), remove the words ''2008 through 2012'' and add the word ''applicable'' in their place; and

■ b. Revise paragraphs (d)(1) and (f).

The revisions read as follows:

§ 1421.302 Eligible producer and eligible land.

* * * * *

(d)(1) A producer must, at the time the LDP agreement is signed, meet all other eligibility criteria for obtaining LDPs including AGI and payment limitation requirements as specified in part 1400 of this chapter.

* * * * *

(f) Producers who elect to graze their wheat, barley, oats, or triticale will not be eligible for an indemnity under the Federal Crop Insurance Program provisions of Chapter IV of this title or a payment under the Noninsured Crop Assistance Program authorized under part 1437 of this chapter.

■ 41. Revise § 1421.303 to read as follows:

§ 1421.303 Time and method for application.

(a) Application for the program provided in this subpart must be received, at the FSA county office that is responsible for administering programs for the farm, no earlier than the date on which eligible crops would normally be harvested and no later than the final loan availability date as determined in accordance with § 1421.5.

(b) The application must describe the land to be grazed and, in accordance with standards set by CCC, the tract or field location.

(c) The COC will determine the first harvest date, taking into account the date on which such crops are normally harvested locally for any purpose.

(d) Where multiple producers are involved, the application must specify each producer's share in the crop.

(1) A producer may only receive payments under this subpart that are commensurate with that producer's share in the crop as specified on the application.

(2) Should a person who is entitled to receive a payment under this subpart die, that payment, as earned, may be made to other persons as provided for in the rules specified in part 707 of this title.

(3) Third parties may also receive payments to the extent provided for in part 707 of this title for other situations involving an incapacitation of the producer.

(e) Refusals to allow CCC to verify information on any application or report used for this subpart can result in program ineligibility and producers must provide CCC, FSA, and its agent access to the property involved and to all records as may be relevant to the making of payments under this subpart.

(f) False statements will disqualify the producer from the program and may be subject to other sanctions including criminal sanctions.

■ 42. Revise § 1421.304(a), (c), and (d) to read as set forth below:

§ 1421.304 Payment amount.

(a) The grazing payment rate will be the LDP in effect for the farm on the date which the producer submits a complete program application to CCC. For triticale, the grazing rate will be equal to the LDP rate in effect for the predominant class of wheat in the county where the farm is located as of the date the application is filed.

* * * * *

(c) The payment yield will be:

(1) The yield for the loan commodity on the farm in effect for the calculation of Price Loss Coverage as specified in part 1412 of this chapter;

(2) For a farm for which Agriculture Risk Coverage is elected, the payment yield that would otherwise be in effect for that loan commodity on the farm in the absence of such election as specified in part 1412 of this chapter; or

(3) In the case of a farm for which no payment yield is established for the loan commodity on the farm, an appropriate yield as determined by the COC.

(d) No payment may be received or retained under this subpart to the extent that the payment, were they considered to be LDPs, would place that person over the per person per year payment limit that applies to LDPs. The producer agrees that the CCC may collect any payment considered to be an overpayment by reason of this subsection by withholding LDPs until the matter is resolved, by treating the LDP as being not payable to the extent that a grazing refund would otherwise be due, by setoff, or by any other means available to CCC.

* * * * *

§ 1421.305 [Amended]

■ 43. Amend § 1421.305(a) introductory text, by removing the words ''shall be'' and adding the word ''is'' in their place.

■ 44. Amend § 1421.306 as follows:

■ a. Revise paragraph (a);

■ b. In paragraph (b), remove the words ''shall be'' and add the word ''are'' in their place; and

■ c. Revise paragraph (c).

The revisions read as follows:

§ 1421.306 Refunds; joint and several liability.

(a) In the event there is a failure to comply with any term, requirement, or condition for payment arising under this application, of this subpart, and if any refund of a payment to CCC becomes due for that or other reason in

connection with the application, of this subpart, all payments made under this subpart to any producer are to be refunded to CCC together with interest as determined in accordance with paragraph (c) of this section and late-payment charges as provided for in part 1402 of this chapter.

* * * * *

(c) Interest is applicable to refunds required from the producer. Interest will be charged at the rate of interest which the United States Treasury charges CCC for funds, as of the date CCC made such benefits available. Interest will accrue from the date such benefits were made available to the date of repayment but the interest rate will increase to reflect any increase in the rate charged to CCC by Treasury for any percent of time for which the interest assessment is collected. CCC may waive the accrual of interest if CCC determines that the cause of the erroneous determination was not due to any action of the producer.

* * * * *

Subpart E—Designated Marketing Associations for Peanuts

■ 45. Revise § 1421.400 to read as follows:

§ 1421.400 Applicability.

(a) This subpart specifies the terms and conditions under which an entity that is a DMA of peanut producers, or a subsidiary of such an entity, may qualify as a DMA, as defined in § 1421.3. DMAs may process peanut MALs and LDPs on behalf of producers.

(b) This subpart only applies with respect to peanut MALs and peanut LDPs.

■ 46. Amend § 1421.401 as follows:

■ a. In paragraph (a) introductory text, remove the words ''marketing loans'' and add the word ''MALs'' in their place and remove the words ''loan deficiency payments'' and add the word ''LDPs'' in their place;

■ b. In paragraph (a)(2), remove the word ''shall'';

■ c. Revise paragraph (a)(7);

■ d. In paragraph (b) introductory text, remove the word ''shall''; and

■ e. In paragraph (b)(1), remove the words ''program regulations'' and add the words ''MAL and LDP regulations'' in their place.

The revision reads as follows:

§ 1421.401 DMA responsibilities.

(a) * * *

(7) Collect MAL repayments from producers or buyers and transmit those funds to CCC;

* * * * *

■ 47. Revise § 1421.402 section heading and paragraphs (a) introductory text and (4), and (b) to read as follows:

§ 1421.402 DMA eligibility to process MALs and LDPs.

(a) A DMA is eligible to process any MAL or LDPs only if approved in advance to handle such matters by the Farm Service Agency pursuant to this part; and

* * * * *

(4) The DMA does not take title at any time to any peanuts for which it processes MALs or LDPs, irrespective of whether such title is taken before or after those activities are performed. If such title or interest is taken, the DMA is required to return to CCC the full amount of the CCC proceeds disbursed with respect to the peanuts; and

* * * * *

(b) The DMA's activities under this part are to be conducted only with respect to peanuts and only for producers and peanuts that meet all the eligibility requirements of this part. Such requirements include, but are not limited to, the requirement of § 1421.6 that the producer must have the beneficial interest in the peanuts while the peanuts are under MAL or when the LDP is received and must be the only person that has had such an interest in the peanuts prior to that time except as allowed by § 1421.6.

■ 48. Revise § 1421.403(a) introductory text, to read as follows:

§ 1421.403 DMA approval.

(a) Entities wishing to apply to be a DMA enabled to perform MAL and LDP functions under this part for peanuts must submit an application for such approval to FSA in a form approved by CCC. That application will include the following:

* * * * *

■ 49. Revise § 1421.404 to read as follows:

§ 1421.404 Financial security.

(a) In order to be approved to handle MALs and LDPs, a DMA must:

(1) Have a current net worth ratio of at least 1:1; and

(2) Provide security equal to $100,000 or a greater amount as determined by CCC.

(b) [Reserved]

■ 50. Revise § 1421.405 to read as follows:

§ 1421.405 Liability.

(a) DMAs must indemnify CCC against any claim or loss by CCC in connection with the processing of any MALs or LDPs or other activity carried out by the DMA. If CCC pays any claim or suffers a loss as a result of the actions of DMA, or if a refund otherwise becomes due to CCC, payment in the amount of such losses or refund, plus interest, may be set-off by CCC from the financial security provided by DMA as required by this subpart. If the amount of the loss exceeds the amount of the financial security, such amount is paid to CCC by DMA with interest. Interest and other charges may be assessed consistent with § 1403.9 of this chapter. Remedies provided in this section or part are in addition to other remedies or penalties, whether civil, criminal or otherwise, as may apply.

(b) If a DMA becomes liable to CCC under paragraph (a) of this section or otherwise in connection with this subpart, such DMA is not eligible to process an LDP or MAL until the receivable amount owed CCC is paid in full, and the full amount of financial security required by this subpart has been restored.

§ 1421.406 [Amended]

■ 51. Amend § 1421.406 as follows:

■ a. In paragraph (a) introductory text, remove the word ''shall'' and add the word ''must'' in its place;

■ b. In paragraph (a)(2), remove the word ''loan'' and add the word ''MAL'' in its place;

■ c. In paragraph (b), remove the word ''loans'' and add the word ''MALs'' in its place, and remove the word ''shall'' and add the word ''must'' in its place; and

■ d. In paragraphs (d)(2) and (e), remove the word ''shall'' and add the word ''must'' in its place.

■ 52. Revise § 1421.407(b) to read as follows:

§ 1421.407 Suspension and termination.

* * * * *

(b) *Termination.* The DMA agreement may be terminated by the DMA upon 30 calendar days' written notice to CCC. CCC may cancel the agreement at any time. Upon termination DMA must immediately cease processing MAL or LDP requests and documents except as needed to preserve CCC's position with respect to existing MALs or LDPs.

§ 1421.408 [Amended]

■ 53. Amend § 1421.408 as follows:

■ a. In paragraph (a) introductory text, remove the word ''loans'' and add the words ''MALs and LDPs'' in its place; and

■ b. In paragraph (a)(8) remove the word ''peanuts'' and add the word ''peanut'' in its place.

■ 54. Revise § 1421.409 to read as follows:

§ 1421.409 Monitoring AGI and payment limitations.

(a) DMAs are required to monitor their producers' AGIs and may not permit repayments with a market loan gain on peanut MALs or process peanut LDPs for those producers with annual AGI over the allowable limit as specified in part 1400 of this chapter.

(b) DMAs are required to monitor their producers' payment limit and not process market loan gains on peanut MALs or peanut LDPs that would produce a gain over the payment limit as specified in part 1400 of this chapter.

§ 1421.410 [Amended]

■ 55. Amend § 1421.410 by removing the word ''shall'' and adding the word ''must'' in its place.

§ 1421.411 [Amended]

■ 56. Amend § 1421.411 by removing the word ''shall'' and adding the word ''may'' in its place.

■ 57. Revise § 1421.413 to read as follows:

§ 1421.413 Liens and waivers.

(a) DMAs performing MAL-related functions pursuant to the authority in this subpart must determine, to the same extent as required for MALs handled by FSA county offices, whether a lien on the peanuts exists by performing or obtaining a lien search for all peanuts to be pledged for each MAL, except that the cost associated with such lien search and any necessary lien waivers is borne by the DMA. If a lien exists, the DMA must obtain, on an approved CCC form, a signed waiver from each lienholder with an interest in any such lien.

(b) [Reserved]

■ 58. Amend § 1421.415 as follows:

■ a. Redesignate paragraphs (a) through (e) as paragraphs (a)(1) through (a)(5), redesignate the introductory text as paragraph (a), and reserve paragraph (b);

■ b. In newly redesignated paragraph (a) introductory text, remove the word ''shall'' and add the word ''must'' in its place;

■ c. Revise newly redesignated paragraph (a)(1); and

■ d. In newly redesignated paragraph (a)(2), remove the words ''electronic warehouse receipt'' both times they appear and add the word ''EWR'' in their place.

The revision reads as follows:

§ 1421.415 Processing marketing assistance loans.

(a) * * *

(1) Make all the determinations that are a precondition for a MAL, including all producer eligibility requirements, lien determinations, and if requested by the producer, enter into a power of attorney agreement with the producer.

* * * * *

■ 59. Amend § 1421.416 as follows:

■ a. In paragraph (a) introductory text, remove the word ''shall'' and add the word ''must'' in its place;

■ b. Revise paragraph (a)(1); and

■ c. In paragraph (a)(4) remove the word ''loan'' and add the word ''MAL'' in its place.

The revision reads as follows:

§ 1421.416 Processing loan deficiency payments.

(a) * * *

(1) In addition to other determinations that are required, the DMA must determine whether the producer exceeds the AGI limits and has sufficient eligibility under the applicable payment limit to allow the receipt of the LDP. If the producer is over the AGI limit or there is not sufficient payment limitation eligibility, the DMA cannot process the request.

* * * * *

§ 1421.417 [Amended]

■ 60. Amend § 1421.417 as follows:

■ a. In paragraph (c), remove the words ''shall be'' in both places and add the words ''are to be'' in their place; and

■ b. In paragraph (d), remove the word ''shall'' and add the words ''is to'' in their place.

■ 61. Amend § 1421.418 as follows:

■ a. Revise paragraph (a) introductory text; and

■ b. In paragraph (b) introductory text, remove the word ''shall'' and add the word ''must'' in its place.

The revision reads as follows:

§ 1421.418 Submitting MAL and LDP documentation to FSA.

(a) Until such time as an alternative FSA MAL- or LDP-making system is made available to DMAs, within 3 business days of any DMA prepared disbursement, the DMA must separately group and submit to FSA:

* * * * *

§ 1421.419 [Amended]

■ 62. Amend § 1421.419(a) introductory text, by removing the words ''shall be'' and adding the word ''is'' in their place.

■ 63. Revise § 1421.420 to read as follows:

§ 1421.420 Inspections and reviews.

The books, documents, papers, and records of the DMA and parent company must be maintained for 6 years after the applicable crop year and be made available to CCC for inspection and examination at all reasonable times. At any time after an application is received, CCC has the right to examine all books, documents, papers, and determine whether the DMA is operating or has operated in accordance with the regulations in this part, any articles of incorporation, articles of association, partnership documents, agreements with producers, the representations made by the DMA in its application for approval, and, where applicable, its agreements with CCC. If the DMA is determined to be not complying with this part or any of its agreements, CCC will take appropriate action as provided in elsewhere in this subpart or other action CCC determines appropriate.

§§ 1421.4, 1421.9, 1421.10, 1421.13, 1421.101. 1421.102, 1421.103, 1421.105, 1421.106, 1421.108, 1421.109, 1421.111, 1421.113, 1421.200 [Amended]

■ 64. In addition to the amendments set forth above, in 7 CFR part 1421, remove the words ''marketing assistance loan'' and add, in their place, the word ''MAL'' wherever they appear in the following places:

■ a. In § 1421.4 (e)(1) introductory text and (e)(1)(i);

■ b. In § 1421.9 (a) and (b);

■ c. In § 1421.10 (e) introductory text and (i) introductory text;

■ d. In § 1421.13(a)(2);

■ e. In § 1421.101(a)(2);

■ f. In § 1421.102(a)(1);

■ g. In § 1421.103(a)(1);

■ h. In § 1421.105 (c) introductory text, (c)(1), and (d)(1)(i) ;

■ i. In § 1421.106(b);

■ j. In § 1421.108 (c)(1) and (2);

■ k. In § 1421.109 (a) introductory text, (e) introductory text, and (f) introductory text;

■ l. In § 1421.111(b)(2);

■ m. In § 1421.113(c); and

■ n. In § 1421.200(b)(1).

§§ 1421.3, 1421.100 [Amended]

■ 65. In addition to the amendments set forth above, in 7 CFR part 1421, remove the words ''marketing assistance loans'' and add, in their place, the word ''MALs'' wherever they appear in the following places:

■ a. In § 1421.3 in the definition of ''high moisture state''; and

■ b. In § 1421.100.

§§ 1421.8, 1421.13, 1421.200, 1421.201, 1421.202, 1421.203 [Amended]

■ 66. In addition to the amendments set forth above, in 7 CFR part 1421, remove the words ''loan deficiency payment'' and add, in their place, the word ''LDP'' wherever they appear in the following places:

■ a. In § 1421.8 in newly redesignated paragraph (b)(1)(ii);
■ b. In § 1421.13(a)(1);
■ c. In § 1421.200(c)(1), (2), and (d);
■ d. In § 1421.201(b);
■ e. In § 1421.202 (a) and (c); and
■ f. In § 1421.203 (a) introductory text, (a)(1), (b), (c)(1) and (2).

§§ 1421.2, 1421.102, 1421.106, 1421.107, 1421.108, 1421.109, 1421.111, 1421.112, 1421.203, 1421.300, 1421.301, 1421.304, 1421.305, 1421.306, 1421.417, 1421.418, 1421.419 [Amended]

■ 67. In addition to the amendments set forth above, in 7 CFR part 1421, remove the word ''shall'' each time it appears and add, in its place, the word ''will'' wherever they appear in the following places:
■ a. § 1421.2(c);
■ b. § 1421.102(a)(4);
■ c. § 1421.106(e) introductory text and (f);
■ d. § 1421.107(g)(2);
■ e. § 1421.108(a)(2);
■ f. § 1421.109(c), (e)(1), and (i) introductory text;
■ g. § 1421.111(c) introductory text and (c)(1);
■ h. § 1421.112(b)(1);
■ i. § 1421.203(e) introductory text and (f) introductory text;
■ j. § 1421.300(b);
■ k. § 1421.301(c) introductory text and (d);
■ l. § 1421.304(b);
■ m. § 1421.305(b);
■ n. § 1421.306(d) and (e);
■ o. § 1421.417(e);
■ p. § 1421.418(d); and
■ q. § 1421.419(b).

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

■ 68. The authority citation for part 1425 continues to read as follows:

Authority: 7 U.S.C. 1441 and 1421, 7 U.S.C. 7931–7939; and 15 U.S.C. 714b, 714c, and 714j.

■ 69. Revise § 1425.1 to read as follows:

§ 1425.1 Applicability.

(a) This part specifies the terms and conditions an approved Cooperative Marketing Association (CMA) must meet to obtain marketing assistance loans (MALs) and loan deficiency payments (LDPs) from CCC on behalf of its members.

(b) A CMA meeting the requirements of this part may obtain MALs and LDPs for any eligible commodity for which a MAL and LDP program is in effect.

■ 70. Revise § 1425.2 to read as follows:

§ 1425.2 Administration.

(a) On behalf of the Commodity Credit Corporation (CCC), the Farm Service Agency (FSA) will administer the provisions of this part under the general direction and supervision of the Deputy Administrator for Farm Programs.

(b) In the field, the provisions of this part will be administered by the State and county FSA committees.

■ 71. Amend § 1425.3 as follows:
■ a. Revise the introductory text;
■ b. In the definition of ''Approved cooperative marketing association'', remove the word ''loan'' and add the word ''MAL'' in its place;
■ c. In the definition of ''Authorized commodity'', remove the words ''marketing assistance loans'' and add the word ''MALs'' in their place and remove the words ''Loan deficiency payments'' and add the word ''LDPs'' in their place;
■ d. In the definition of ''Eligible commodity'', remove the word ''loan'' and add the word ''MALs'' in its place, and remove the word ''LDP'' and add the word ''LDPs'' in its place;
■ e. Add, in alphabetical order, a definition for ''Loan deficiency payment'';
■ f. In the definition of ''Loan pool'', remove the word ''loans'' and add the word ''MALs'' in its place, and remove the word ''LDP's'' and add the word ''LDPs'' in its place;
■ g. Remove the definition of ''Market gain''; and
■ h. Add, in alphabetical order, a definition of ''Market loan gain''.

The revisions and addition read as follows:

§ 1425.3 Definitions.

The definitions in this section are applicable for all purposes of program administration. The terms defined in parts 718 of this title and parts 1421 and 1427 of this chapter are also applicable, except where those definitions conflict with the definitions in this section.

* * * * *

Loan deficiency payment (LDP) means a payment made in lieu of a MAL when the CCC-determined value, which is based on the current local price in a county, is below the applicable county loan rate. The payment is the difference between the two rates times the eligible quantity.

* * * * *

Market loan gain is the loan rate, minus the repayment rate on loans repaid at a rate that is less than the loan rate. The total of all market loan gains received by a producer for an applicable crop year cannot exceed the producer's applicable payment limitation as specified in part 1400 of this chapter. A producer's adjusted gross income must also be below the limit as specified in part 1400 of this chapter to receive a market loan gain.

* * * * *

■ 72. Amend § 1425.4 as follows:
■ a. Revise paragraph (a), introductory text;
■ b. In paragraph (a)(6), remove the word ''loan'' and add the word ''MAL'' in its place;
■ c. In paragraph (a)(7), remove the words ''CCC loan'' and add the word ''MAL'' in their place:
■ d. In paragraph (b)(1), remove the words ''shall disclose'' and add the word ''discloses'' in their place;
■ e. In paragraph (c) introductory text, remove the word ''shall'' and add the word ''must'' in its place; and
■ f. In paragraph (c)(2), remove the word ''loan'' and add the word ''MAL'' in its place.

The revision reads as follows:

§ 1425.4 Approval.

(a) For a cooperative to be eligible to participate in the MAL and LDP Programs as an approved CMA, the cooperative must submit an application to CCC. The application must include:

* * * * *

■ 73. Revise § 1425.6 to read as follows:

§ 1425.6 Approved CMAs.

(a) CCC may approve a CMA to participate in the MAL and LDP program as:

(1) Unconditionally approved; or

(2) Conditionally approved.

(b) If CCC determines a CMA is in substantial but not total compliance with the requirements of this part, CCC may make the approval conditional on the CMA achieving full compliance within a reasonable period of time, as specified in the notification of conditional approval.

(c) A CMA is approved to participate in the MAL and LDP program until the CMA's approval is suspended or terminated by CCC.

■ 74. Amend § 1425.7 as follows:
■ a. Revise paragraphs (a) and (d); and
■ b. In paragraph (e), remove the word ''shall'' and add the word ''will'' in its place wherever it appears.

The revision reads as follows:

§ 1425.7 Suspension and termination of approval.

(a) CCC may suspend a CMA from obtaining MALs and LDPs when CCC determines the CMA has violated any of its agreements with CCC or the CMA has not:

(1) Operated according to the CMA's application for approval or its last recertification submission;

(2) Complied with applicable regulations; or

(3) Corrected deficiencies of the CMA's operation as noted by CCC.

* * * * *

(d) If a CMA does not have any MALs outstanding, it may voluntarily terminate its participation in the MAL and LDP program through written notice to CCC.

* * * * *

§ 1425.9 [Amended]

■ 75a. Amend § 1425.9(a) by removing the word ''shall'' and adding the word ''must'' in its place.

§ 1425.10 [Amended]

■ 75b. Amend § 1425.10 by removing the word ''shall'' and adding the word ''must'' in its place.

§ 1425.14 [Amended]

■ 76. Amend § 1425.14(a) introductory text, by removing the word ''loan'' and adding the word ''MAL'' in its place.

§ 1425.15 [Amended]

■ 77. Amend § 1425.15, by removing the word ''shall'' and adding the word ''will'' in its place.

■ 78. Revise § 1425.16 to read as follows:

§ 1425.16 Payment limitation and adjusted gross income provisions.

(a) CMAs must apply any market loan gains received on behalf of members to the loan pool for distribution. However, CMAs must also monitor market loan gains they receive from CCC on behalf of their members and must not obtain market loan gains for a member above the member's payment limitation determined as specified in part 1400 of this chapter.

(b) CMAs must monitor LDPs they receive from CCC on behalf of their members and not obtain LDPs for a member whose AGI is above the limit specified in part 1400 of this chapter.

■ 79. Amend § 1425.17 as follows:

■ a. Revise paragraphs (c) introductory text, (1), and (3);

■ b. Add paragraph (c)(6);

■ c. In paragraph (d)(2), remove the words ''a loan'' and add the words ''a MAL'' in their place;

■ d. Revise paragraph (e) ;

■ e. In paragraphs (f) remove the word ''loan'' and add the word ''MAL'' in its place.

■ f. In paragraph (g) remove the word ''Loans'' and add the word ''MALs'' in its place;

■ g. Revise paragraphs (h) through (m);

■ h. In paragraph (n) introductory text, remove the word ''loan'' and add the word ''MAL'' in its place; and

■ i. Add paragraph (o).

The revisions and additions read as follows:

§ 1425.17 Eligible commodity and pooling.

* * * * *

(c) A loan pool is eligible for MALs and LDPs if:

(1) All of the commodity in the loan pool is eligible for MALs or LDPs, except as provided in paragraphs (d) and (e) of this section;

* * * * *

(3) The commodity was delivered and the members are eligible for MALs and LDPs;

* * * * *

(6) Members agree to refund to the CMA, if requested by the CMA, any denied market loan gain or LDP benefit realized when the proceeds from the loan pool are distributed to the CMA members.

* * * * *

(e) A CMA may include a commodity in a pool that is ineligible based on FSA records if the producer has certified to the CMA the commodity is eligible. (For example, an otherwise eligible commodity that is not reflected on a timely filed FSA acreage report.) CCC will specify a time period during which CMAs may obtain MALs or LDPs on the applicable quantity while the eligibility status is resolved. If the final resolution is that the commodity was ineligible, the CMA must repay any MALs outstanding with principal plus interest and any market loan gains obtained plus interest from the date of receiving the market loan gain through the repayment date.

* * * * *

(h) A CMA must have identity-preserved loan pool commodities stored in approved warehouses while the commodities are pledged as collateral for MAL.

(i) Comingled commodities with MAL eligibility stored on a farm or in a warehouse may be transferred to an authorized warehouse.

(j) Commodities pledged as collateral for MALs must be free and clear of all liens and encumbrances based on a CMA's financial agreements or the CMA must obtain and complete a lien waiver form. When liens are applicable based on CMA financial agreements, the CMA must provide CCC the completed lien waiver form. CMAs must not take any action to cause a lien or encumbrance to be placed on a commodity after a MAL is approved.

(k) If a MAL or LDP is obtained for any quantity in a loan pool, allocations of costs and expenses among separate pools for the commodity in the pool will be made according to generally accepted accounting principles.

(l) A CMA must not apply marketing losses from a commodity not used to obtain a MAL or LDP against the marketing proceeds of a commodity used to obtain a MAL or LDP.

(m) CMAs will not carry forward losses from one loan pool and apply them against a subsequent loan pool without CCC's authorization. CCC may grant authorization when it determines that carrying forward the loss complies with the MAL or LDP Program intent.

* * * * *

(o) Denied market loan gain or denied LDP benefits will be based on payment limitation attribution as specified in part 1400 of this chapter, and must be repaid to CCC by the CMA receiving the MAL or LDP proceeds.

■ 80. Amend § 1425.18 as follows;

■ a. In paragraph (a)(1) introductory text, remove the word ''shall'' and add the word ''must'' in its place;

■ b. In paragraph (a)(1)(ii), remove the word ''loans'' and add the word ''MALs'' in its place and remove the word ''LDP's'' and add the word ''LDPs'' in its place;

■ c. In paragraphs (a)(1)(iii) and (2), remove the word ''loan'' each time it appears and add the word ''MAL'' in its place;

■ d. In paragraph (b)(1), remove the word ''shall'' both times it appears and add the word ''must'' in its place and remove the reference to'' § 1425.4(b)(7)'' and add a reference to ''§ 1425.4(a)(5)'' in its place;

■ e. In paragraph (b)(3), remove the word ''Loan'' and add the word ''MAL'' in its place; and remove the word ''loans'' and add the word ''MALs'' in its place;

■ f. Revise paragraph (b)(4); and

■ g. Add paragraph (c).

The revision and addition read as follows:

§ 1425.18 Distribution of proceeds.

* * * * *

(b) * * *

(4) When notified by CCC that MAL and LDP distributions to a member are required to be reduced for a program year, farm, or crop, a CMA must not make subsequent pool distributions and must reimburse CCC for distributions previously issued, if applicable.

(c) CMAs must apply market loan gains to the payment limit that is earned on date of redemption for their members when the CMA distributes the pool funds.

■ 81. Revise § 1425.19 to read as follows:

§ 1425.19 Member cooperatives.

(a) A CMA may obtain MALs or LDPs on behalf of a member cooperative when the member cooperative is itself a CMA operating in accordance with this part. For example, a cooperative of producers may be a member of a CMA that markets a commodity.

(b) If the CMA is approved according to § 1425.6, and otherwise meets all the requirements of this part, the MALs and LDPs submitted by members of that CMA will be eligible.

§ 1425.21 [Amended]

■ 82. Amend § 1425.21 as follows:

■ a. In paragraph (a) introductory text, remove the word ''loan'' and add the word ''MAL'' in its place;

■ b. In paragraph (a)(2), remove the words ''loans and LDP's'' and add the words ''MALs and LDPs'' in its place; and

■ c. In paragraph (b) introductory text, (1), and (2), remove the word ''shall'' and add the word ''must'' in its place.

■ 83. Amend § 1425.22 as follows:

■ a. In paragraph (a), remove the word ''shall'' both times it appears and add the word ''must'' in its place;

■ b. In paragraph (b), remove the words ''shall have'' and add the word ''has'' in its place; and

■ c. Add paragraph (c).

The addition reads as follows:

§ 1425.22 Inspection and investigation.

* * * * *

(c) CCC reserves the right to determine examinations of CMAs based on:

(1) A 3-year rotation; or

(2) The previous crop year MAL or LDP activity if market loan gain and LDP activity increases substantially.

§ 1425.23 [Amended]

■ 84. In § 1425.23(a) and (b), remove the word ''shall'' and add the word ''must'' in its place.

§ 1425.24 [Removed and Reserved]

■ 85. Remove and reserve § 1425.24.

PART 1427—COTTON

■ 86. The authority citation for part 1427 is revised to read as follows:

Authority: 7 U.S.C. 7231–7237, 7931–7936, 9011, and 9031–40, 15 U.S.C. 714b and c.

■ 87. Amend § 1427.1 as follows:

■ a. Revise paragraphs (a), (b), and (d);

■ b. In paragraph (c), remove the words ''Marketing assistance loans and loan deficiency payments'' and add the words ''MALs and LDPs'' in their place; and

■ c. Remove paragraph (e).

The revisions read as follows:

§ 1427.1 Applicability.

(a) The regulations in this subpart are applicable to crops of upland cotton and extra long staple cotton. This part specifies the general provisions under which the Marketing Assistance Loans (MAL) and Loan Deficiency Payment (LDP) Programs will be administered by the Commodity Credit Corporation (CCC). Eligibility to receive MALs and LDPs is subject to additional terms and conditions that are in the MAL note and security agreement and the LDP application. The provisions in this part apply to the 2014 and subsequent crops.

(b) The basic loan rate, the schedule of premiums and discounts, and forms applicable to the cotton MAL and LDP Programs are available from FSA offices. The forms for use in connection with the programs in this subpart will be prescribed by CCC.

* * * * *

(d) Adjusted gross income (AGI) and payment limitation provisions specified in part 1400 of this chapter are applicable to MALs and LDPs.

■ 88. Amend § 1427.2 as follows:

■ a. Revise paragraph (a);

■ b. In paragraph (c) introductory text, remove the word ''shall'' both times it appears and add the word ''will'' in its place;

■ c. In paragraph (e), remove the words ''marketing assistance and loan deficiency payment programs'' and add the words ''MAL and LDP Programs'' in their place; and

■ d. In paragraph (f), remove the words ''marketing assistance loan and loan deficiency payment'' and add the words ''MAL and LDP'' in their place.

The revision reads as follows:

§ 1427.2 Administration.

(a) The MAL and LDP Programs will be administered under the general supervision of the Executive Vice President, CCC, or a designee and will be carried out by FSA employees, and state and county committees.

* * * * *

■ 89. Amend § 1427.3 as follows:

■ a. Revise the introductory text;

■ b. Remove the definitions for ''Approved cooperative marketing association'', ''Commodity certificate exchange'', and ''Loan deficiency payment'';

■ c. Add, in alphabetical order, definitions for ''Cooperative marketing association'', and ''Loan deficiency payment (LDP)''; and

■ d. Revise the definition of ''Warehouse receipt''.

The revisions and additions read as follows:

§ 1427.3 Definitions.

The definitions in this section apply for all purposes of program administration regarding the cotton loan and LDP programs. The terms defined in part 718 of this title and parts 1412, 1421, 1423, 1425, and 1434 of this chapter also apply, except where they conflict with definitions in this section.

* * * * *

Cooperative marketing association (CMA) means a cooperative marketing association, approved as specified in part 1425 of this chapter, that has executed a Cotton Cooperative Loan Agreement.

* * * * *

Loan deficiency payment (LDP) means a payment made in lieu of a MAL when the CCC-determined value, which is based on the current local price in a county, is below the applicable county loan rate. The payment is the difference between the two rates times the eligible quantity.

* * * * *

Warehouse receipt means a receipt containing the required information specified in this part that may or may not be certificated for delivery for a futures-pricing contract, and is an electronic warehouse receipt record issued by such warehouse recorded in a central filing system or systems maintained in one or more locations that are approved by FSA to operate such system.

* * * * *

■ 90. Amend § 1427.4 as follows:

■ a. In paragraph (a)(1) remove the words and punctuation ''trust,or'' and add the words and punctuation ''trust, or'' in their place;

■ b. In paragraph (b) remove the words ''shall be'' both times it appears and add the word ''is'' in their place;

■ c. Revise paragraphs (d)(1), (e), and (f); and

■ d. Add paragraph (g).

The revisions and addition read as follows:

§ 1427.4 Eligible producer.

* * * * *

(d)(1) If more than one producer executes a note and security agreement with CCC, each such producer is jointly and severally liable for the violation of the terms and conditions of the note and the regulations in this part. Each such producer also remains liable for repayment of the entire MAL amount until the MAL is fully repaid without regard to such producer's claimed share in the commodity pledged as collateral for the MAL. In addition, such producer may not amend the note and security agreement with respect to the

producer's claimed share in such commodities, or loan proceeds, after execution of the note and security agreement by CCC.

* * * * *

(e) A CMA may obtain MALs and LDPs on eligible cotton on behalf of its members who are eligible to receive loans or LDPs for a crop of cotton. For purposes of this subpart, the term ''producer'' includes a CMA.

(f) In case of death, incompetency, or disappearance of any producer who is entitled to the payment of any sum in settlement of a MAL or LDP, payment will, upon application to CCC, be made to the person(s) who would be entitled to the producer's payment under the regulations in part 707 of this title.

(g) Adjusted gross income (AGI) and payment limitation provisions specified in part 1400 of this chapter apply to producer eligibility for MALs and LDPs.

■ 91. Amend § 1427.5 as follows:

■ a. In paragraph (a) introductory text, remove the words ''loan deficiency payments'' and add the word ''LDPs'' in their place, and remove the words ''loan deficiency payment'' and add the word ''LDP'' in their place;

■ b. In paragraph (a)(1) introductory text, remove the words ''loan deficiency payment'' and add the word ''LDP'' in their place, and remove the words ''loan deficiency payments'' and add the word ''LDPs'' in their place;

■ c. In paragraph (a)(1)(i), add the word ''FSA'' immediately before the word ''county'';

■ d. Revise paragraph (b) introductory text;

■ e. In paragraph (b)(2), remove the words ''a loan deficiency payment'' and add the words ''an LDP'' in their place;

■ f. Revise paragraph (b)(5);

■ g. In paragraphs (b)(6) and (b)(8), remove the words ''a loan deficiency payment'' and add the words ''an LDP'' in their place;

■ h. Revise paragraph (b)(10);

■ i. Revise paragraph (e);

■ j. In paragraph (g) introductory text, remove the words ''a loan deficiency payment'' and add the words ''an LDP'' in their place;

■ k. Revise paragraphs (g)(3), the undesignated quoted text following paragraph (j)(2), and (l) introductory text;

■ l. Remove paragraph (n) and redesignate paragraph (o) as paragraph (n); and

■ m. Revise newly redesignated paragraph (n).

The revisions read as follows:

§ 1427.5 General eligibility requirements.

* * * * *

(b) For a bale of cotton to be eligible to be pledged as collateral for a MAL or a subject of an LDP application, the bale must:

* * * * *

(5) Not be compressed to universal density at a warehouse where side pressure has been applied and not be a flat or modified flat bale; * * *

(10) Be packaged in materials that meet the specifications adopted by the Joint Cotton Industry Bale Packaging Committee sponsored by the National Cotton Council of America for the applicable year or that are identified and approved by the Joint Industry Bale Packaging Committee as experimental packaging materials for the applicable crop year, except that producers approved for the outside storage of ELS cotton as provided for in § 1427.10(e) must assure that the packaging materials used for bales stored outside must meet the materials, sealing, and humidity specifications contained in the outside-storage addendum to their ELS cotton MAL agreement.

* * * * *

(e) To be eligible to receive MALs and LDPs, a producer must have beneficial interest in the cotton that is tendered to CCC for a MAL or LDP. For the purposes of this part, the term ''beneficial interest'' refers to a determination by CCC that a person has the requisite title to and control of cotton that is tendered to CCC as collateral for a MAL or is the cotton that will be used to determine an LDP. A determination of whether a person has beneficial interest in cotton is made by CCC in accordance with this part and is not based upon a determination under any State law or any other regulation of a Federal agency.

* * * * *

(g) * * *

(3) Have control of the cotton from the time of planting through the date the producer has elected to determine the LDP rate. To have control of the cotton, such person must have complete decision making authority regarding whether an LDP will be requested with respect to the cotton; when the loan deficiency rate will be selected; and where the cotton will be maintained prior to the date on which the LDP rate will be determined;

* * * * *

(j) * * *

(2) * * *

Notwithstanding any other provision of this option to purchase or any other contract, title and control of the cotton and beneficial interest in the cotton as specified in 7 CFR 1427.5 will remain with the producer until the buyer exercises this option to purchase the cotton. This option to purchase will expire, notwithstanding any action or inaction by either the producer or the buyer, at the earlier of:

* * * * *

(l) Commodities produced under a contract in which the title to the seed remains with the entity providing the seed to the producer, including contracts for the production of hybrid seed, genetically modified commodities, and other specialty seeds as approved in writing by CCC, are eligible to be pledged as collateral for a MAL and an LDP may be made with respect to such production if at the time of the request for such a loan or payment the producer has not:

* * * * *

(n) If MALs or LDPs are made available to producers through a CMA under part 1425 of this chapter, the beneficial interest in the cotton must always have been held by the producer-member who delivered the cotton to the CMA or its member, except as otherwise provided in this section. Cotton delivered to such a CMA will not be eligible to receive a MAL or an LDP if the producer-member who delivered the cotton does not retain the right to share in the proceeds from the marketing of the cotton as provided in part 1425 of this chapter.

■ 92. Revise the heading for § 1427.6 to read as follows:

§ 1427.6 Disbursement of MALs.

* * * * *

■ 93. Amend § 1427.7 as follows:

■ a. Revise the section heading;

■ b. In paragraph (a)(1), remove the words ''filed under'' and add the words ''approved as specified in'' in their place, and

■ c. Add paragraphs (d) and (e).

The revision and additions read as follows:

§ 1427.7 Maturity of MALs.

* * * * *

(d) CCC will not assume a loss on MAL collateral stored in a warehouse for any reason.

(e) The maturity date of any MAL may not be extended.

■ 94. Amend § 1427.8 as follows:

■ a. Revise the section heading;

■ b. In paragraph (a), add the word ''FSA'' before the word ''State''; and

■ c. Remove paragraph (e).

The revision reads as follows:

§ 1427.8 Amount of MALs.

* * * * *

§ 1427.9 [Amended]

■ 95. Amend § 1427.9, in paragraph (a), by removing the words ''loan deficiency

payment'' and adding the words ''LDP'' in their place and removing the words ''an AMS'' and adding the words ''an Agricultural Marketing Service (AMS)'' in their place.

■ 96. Amend § 1427.10 as follows:

■ a. In paragraph (a)(2), add the word ''FSA'' immediately before the word ''State'';

■ b. Revise paragraph (e); and

■ c. In paragraph (f), remove the word ''tocrops'' and add the words ''to crops'' in its place.

The revision reads as follows:

§ 1427.10 Approved storage.

* * * * *

(e) The approved storage requirements provided in this section may be waived by CCC if the producer requests an LDP pursuant to the LDP provisions in § 1427.23.

* * * * *

■ 97. Revise § 1427.13(a), (d) introductory text, and (d)(2) to read as follows:

§ 1427.13 Fees, charges and interest.

(a) A producer must pay a nonrefundable loan service fee to CCC at the time of loan disbursement or, if applicable, to a loan servicing agent, at a rate determined by CCC. The fee is in addition to a cotton clerk fee specified in paragraph (b) of this section. The fee amounts are available in FSA State and county offices and are shown on the note and security agreement. Fees will be deducted from the loan proceeds.

* * * * *

(d) For each crop of upland cotton, the producer, as defined in the Cotton Research and Promotion Act (7 U.S.C. 2101), must remit to CCC an assessment that will be transmitted by CCC to the Cotton Board and will be deducted from the:

* * * * *

(2) LDP proceeds for a crop of cotton and will be at a rate equal to up to one percent of the LDP amount.

* * * * *

■ 98. Amend § 1427.15 as follows:

■ a. Revise paragraphs (a) and (b)(1);

■ b. In paragraph (b)(2) introductory text, remove the words ''marketing assistance loan or loan deficiency payment'' and add the words ''MAL or LDP'' in their place;

■ c. Revise paragraph (c)(1) introductory text;

■ d. In paragraph (c)(1)(ii), remove the words ''marketing assistance loan or loan deficiency payment'' and add the words ''MAL or LDP'' in their place;

■ e. Revise paragraphs (c)(2), (3), and (d); and

■ f. In paragraph (e), remove the words ''marketing assistance loan or loan deficiency payment'' and add the words ''MAL or LDP'' in their place.

The revisions read as follows:

§ 1427.15 Special procedure where funds are advanced.

(a) The special procedure in this section is provided to assist persons or firms that, in the course of their regular business of handling cotton for producers, have made advances to eligible producers on cotton eligible to be pledged as collateral for a MAL or to receive an LDP. A person, firm, or financial institution that has made advances to eligible producers on eligible cotton may also obtain reimbursement for the amounts advanced under this procedure.

(b) * * *

(1) If such person or firm is entitled to reimbursement from the proceeds of the MALs or LDPs for the amounts advanced and has been authorized by the producer to deliver the loan or LDP documents to a FSA county office for disbursement of the loans or LDPs; and

* * * * *

(c)(1) All MAL or LDP documents will be mailed, sent electronically, or delivered to the appropriate FSA county office and will show the entire proceeds of the MALs or LDPs, except for CCC loan service charges and research and promotion fees, for disbursement to:

* * *

(2) The documents will be accompanied by a Transmittal Schedule of Loan and LDP Documents (Transmittal) on a form prescribed by CCC, in original and two copies, numbered serially for each FSA county office by the person, firm, or financial institution that made the MAL or LDP advance. The Transmittal will show the amounts invested by the person, firm, or financial institution in the MALs or LDPs.

(3) Upon receipt of the MAL or LDP documents and Transmittal, the FSA county office will stamp one copy of the Transmittal to indicate receipt of the documents and return this copy to the person, firm, or financial institution.

(d) The person, firm, or financial institution will be deemed to have invested funds in the loans or LDP as of the date MAL or LDP documents acceptable to CCC were delivered to a FSA county office or, if received by mail, the date of mailing as indicated by postmark or the date of receipt in a FSA county office if no postmark date is shown. Patron postage meter date stamp will not be recognized as a postmark date.

* * * * *

■ 99. Amend § 1427.18 as follows:

■ a. Revise paragraph (a)(1) introductory text;

■ b. In paragraph (a)(1)(i), remove the words ''marketing assistance loan or loan deficiency payment'' and add the words ''MAL or LDP'' in their place;

■ c. Add paragraph (a)(1)(vii); and

■ d. Revises paragraph (b), (c), (d), (e), (g)(2), (k)(1), and (k)(2) introductory text.

The revisions and addition read as follows:

§ 1427.18 Liability of the producer.

(a)(1) If a producer makes any fraudulent representation in obtaining a MAL or LDP or in maintaining or settling a loan, or disposes of or moves the loan collateral without the prior written approval of CCC, such loan or LDP will be payable upon demand by CCC. The producer will be liable for:

* * *

(vii) CCC will not assume any loss pertaining to cotton stored in a warehouse for any reason.

* * * * *

(b) If the amount disbursed under a MAL, or in settlement thereof, or LDP exceeds the amount authorized by this subpart, the producer will be liable for repayment of the difference, plus interest. In addition, the commodity pledged as collateral for the loan will not be released to the producer until the difference is repaid.

(c) If the amount collected from the producer in satisfaction of the MAL or LDP is less than the amount required under this subpart, the producer will be personally liable for repayment of the amount of the difference plus applicable interest.

(d) If more than one producer executes a note and security agreement or LDP application with CCC, each producer is jointly and severally liable for the violation of the terms and conditions of the note and security agreement or LDP application and this subpart. Each producer also remains liable for repayment of the entire loan or LDP amount until the loan is fully repaid without regard to their share in the cotton pledged as collateral for the loan or for which the LDP was made. In addition, the producer may not amend the note and security agreement or LDP application for the producer's claimed share in the cotton after execution of the note and security agreement or LDP application by CCC.

(e) The producer and CCC agree that it will be difficult, if not impossible, to prove the amount of damages to CCC if a producer makes any fraudulent representation in obtaining a loan or LDP, in maintaining or settling a loan, or disposing of or moving the loan

collateral without the prior written approval of CCC. Accordingly, if CCC determines that the producer has violated the terms or conditions of their requests for a loan or any applicable form required by CCC, liquidated damages will be assessed on the quantity involved in the violation. Liquidated damages assessed in accordance with this section will be determined by multiplying the quantity involved in the violation by 10 percent of the MAL rate applicable to the loan note.

* * * * *

(g) * * *

(2) Call the applicable MAL involved in the violation and require repayment of any market loan gain previously realized for the applicable loan, plus any interest previously waived and any storage paid by CCC, and for an LDP, require repayment of the LDP and charges plus interest from the date the LDP was made.

* * * * *

(k)(1) Notwithstanding any other provision of this part, for ELS cotton stored as provided in § 1427.10(f), the producer is liable for all costs associated with the storage of the cotton while it is stored outside. CCC will make no storage payment or any other payment with respect to ELS cotton stored as provided in § 1427.10(f).

(2) The producer of ELS cotton that is stored as provided in § 1427.10(f) must:

* * * * *

■ 100. Amend § 1427.19 as follows:

■ a. Revise the section heading;

■ b. In paragraph (c)(1)(ii), add the word ''FSA'' immediately before the word ''county'';

■ c. In paragraph (e) remove the words ''market gain'' both times they appear and add the words ''market loan gain'' in their place;

■ d. Revise paragraph (h)(1), remove paragraph (h)(2), and redesignate paragraphs (h)(3) and (4) as paragraphs (h)(2) and (3);

■ e. In newly redesignated paragraph (h)(3)(i), remove the words ''Farm Service Agency'' and add the word ''FSA'' in their place;

■ f. In newly redesignated paragraph (h)(3)(ii), remove the words ''Cooperative Marketing Association'' and add the word ''CMA'' in their place; and

■ g. Add paragraph (l).

The revisions and addition read as follows:

§ 1427.19 Repayment of MALs.

* * * * *

(h) * * *

(1) The warehouse storage rates for cotton crops under loan will be the lower of:

(i) The tariff storage rate for the warehouse for the 2005 crop or, for any warehouse not in existence in 2005, a CCC-assigned average 2005 crop tariff rate for the county or area; or

(ii) The storage rate for 2006 crop cotton reduced by 10 percent.

* * * * *

(l) A producer who receives a market loan gain or LDP and later is determined to have been ineligible must refund the market loan gain or LDP to CCC.

■ 101. Revise § 1427.20 to read as follows:

§ 1427.20 Handling payments of $9.99 or less and collections not exceeding $24.99.

(a) Amounts of $9.99 or less will be paid to the producer only upon request.

(b) Deficiencies of $24.99 or less, including interest, may be disregarded unless CCC demands in writing that they be paid.

■ 102. Revise § 1427.21(e) to read as follows:

§ 1427.21 Settlement.

* * * * *

(e) If CCC sells the commodity described in paragraph (a) of this section in settlement of the recourse loan, the sales proceeds will be applied to the amount owed CCC by the producer. The producer is responsible for any costs incurred by CCC in completing the sale and CCC will deduct the amount of these costs from the sales proceeds. When CCC sells any cotton obtained by forfeiture under a MAL, CCC will, in all instances, retain all proceeds obtained from the sale of the cotton and will not make any payment of any amount of such proceeds to any party, including the producer who had satisfied their obligation under the loan through forfeiture of the cotton to CCC.

* * * * *

§ 1427.22 [Removed and Reserved]

■ 103. Remove and reserve § 1427.22.

■ 104. Amend § 1427.23 as follows:

■ a. Revise the section heading;

■ b. In paragraph (a)(2), remove the words ''a loan deficiency payment'' and add the words ''an LDP'' in their place;

■ c. In paragraph (a)(3) introductory text, remove the words ''Service Center'' and add the words ''county office'' in their place;

■ d. In paragraphs (a)(3)(i) and (ii), remove the words ''a loan deficiency payment'' and add the words ''an LDP'' in their place; and

■ e. Revise paragraphs (b), (c), (d), and (e) introductory text.

The revisions read as follows:

§ 1427.23 Cotton LDPs.

* * * * *

(b) The LDP applicable to a crop of cotton will be computed by multiplying the applicable LDP rate, as determined under paragraph (c) of this section, by the quantity of the crop the producer is eligible to pledge as collateral for a loan, excluding any quantity for which the producer obtains a MAL.

(c) The LDP rate for a crop of upland cotton will be the amount by which the loan rate determined for a bale of such crop exceeds the adjusted world price, as determined by CCC under § 1427.25, in effect on the day the request is received by the FSA county office, loan servicing agent, or cotton commercial bank. In no case will the LDP rate for a bale exceed the value of the bale had it been pledged as collateral for a MAL.

(d) The total amount of any LDPs that a person may receive is subject to AGI and payment limitation requirements specified in part 1400 of this chapter.

(e) If the producer enters into an agreement with CCC on or before the date of ginning a quantity of eligible upland cotton, and the producer has the beneficial interest in such quantity as specified under § 1427.5(c) on the date the cotton was ginned, and the producer meets all the other requirements in paragraph (a) of this section on or before the final date to apply for an LDP under § 1427.5, the LDP rate applicable to such cotton will be:

* * * * *

§ 1427.25 [Amended]

■ 105. Amend § 1427.25 as follows:

■ a. In paragraph (b), remove the words ''the 2008 through 2012 crops of upland cotton and to the 2007 crop to the extent provided in § 1427.1'' and add the words ''crops of upland cotton'' in their place; and

■ b. In paragraph (d), remove the words ''continuing through the last Thursday of March 2014 (March 27, 2014)''.

Subpart C—Economic Adjustment Assistance to Users of Upland Cotton

■ 106. Revise § 1427.100 to read as follows:

§ 1427.100 Applicability.

(a) These regulations specify the terms and conditions under which CCC will make payments to eligible domestic users who have entered into an Upland Cotton Domestic User Agreement with CCC to participate in the upland cotton domestic user program.

(b) CCC will specify the forms to be used in administering the Economic

Adjustment Assistance to Users of Upland Cotton program.

§ 1427.101 [Amended]

■ 107. Amend § 1427.101, in paragraph (a) introductory text, by removing the words ''on or after August 1, 2008''.

§ 1427.104 [Removed and Reserved].

■ 108. Remove and reserve § 1427.104.

■ 109. Amend § 1427.105 as follows:

■ a. Redesignate paragraphs (a) through (d) as paragraphs (b) through (e) and add new paragraph (a);

■ b. In newly designated paragraph (b) introductory text, remove the words ''as specified in § 1427.104'' and add the words ''of 3 cents per pound'' in their place; and

■ c. Revise newly redesignated paragraph (e).

The addition and revision read as follows:

§ 1427.105 Payment.

(a) The payment rate for purposes of calculating payments as specified in this subpart is 3 cents per pound.

* * * * *

(e) All payments received by the eligible domestic user of upland cotton must be used for purposes specified in 7 U.S.C. 9037(c)(3), which include but are not limited to, acquisition, construction, installation, modernization, development, conversion, or expansion of land, plant, buildings, equipment, facilities, or machinery. Such capital expenditures must be directly attributable and certified as such by the user for the purpose of manufacturing upland cotton into eligible cotton products in the United States.

Subpart D—Recourse Seed Cotton Loans

■ 110. Revise § 1427.160(a) and (c) to read as follows:

§ 1427.160 Applicability.

(a) This subpart is applicable to crops of upland and extra long staple seed cotton. This subpart specifies the terms and conditions under which recourse seed cotton loans will be made available by CCC. Such loans will be available through March 31 of the year following the calendar year in which such crop is normally harvested. CCC may change the loan availability period to conform to State or locally imposed quarantines. Additional terms and conditions are in the note and security agreement that must be executed by a producer in order to receive such loans.

* * * * *

(c) A producer must, unless otherwise authorized by CCC, request the loan at the FSA county office that, under part 718 of this title, is responsible for administering programs for the farm on which the cotton was produced. All note and security agreements and related documents necessary for the administration of the recourse seed cotton loan program will be prescribed by CCC and will be available at FSA State and county offices.

* * * * *

■ 111. Revise § 1427.161(a) to read as follows:

§ 1427.161 Administration.

(a) The Recourse Seed Cotton Loan Program that is applicable to a crop of cotton will be administered under the general supervision of the Executive Vice President, CCC, or a designee and will be carried out in the field by FSA State and county committees.

* * * * *

■ 112. Revise § 1427.163 to read as follows:

§ 1427.163 Disbursement of loans.

(a) A producer or the producer's agent must request a loan at the FSA county office for the county that, under part 718 of this title, is responsible for administering programs for the farm on which the cotton was produced and which will assist the producer in completing the loan documents, except that CMAs designated by producers to obtain loans on their behalf may, unless otherwise authorized by CCC, obtain loans through a central FSA county office designated by the State committee.

(b) Disbursement of each loan will be made by the FSA county office of the county that is responsible for administering programs for the farm on which the cotton was produced, except that CMAs designated by producers to obtain loans in their behalf may, unless otherwise authorized by CCC, obtain disbursement of loans at a central FSA county office designated by the State committee. Service charges will be deducted from the loan proceeds.

(1) The producer or the producer's agent must not present the loan documents for disbursement unless the cotton is in existence and in good condition.

(2) If the cotton is not in existence and in good condition at the time of disbursement, the producer or the agent must immediately return the check issued in payment of the loan or, if the check has been negotiated, the total amount disbursed under the loan, and charges plus interest must be refunded promptly.

■ 113. Revise § 1427.165(b) to read as follows:

§ 1427.165 Eligible seed cotton.

* * * * *

(b) The quality of cotton that may be pledged as collateral for a loan is the estimated quality of lint cotton in each lot of seed cotton as determined by the FSA county office, except that if a control sample of the lot of cotton is classed by an AMS Cotton Classing Office or other entity approved by CCC, the quality for the lot is the quality shown on the applicable documentation issued for the control sample.

* * * * *

■ 114. Revise § 1427.169(a) to read as follows:

§ 1427.169 Fees, charges, and interest.

(a) A producer must pay a non-refundable loan service fee at a rate determined by CCC.

* * * * *

■ 115. Revise § 1427.170(a) to read as follows:

§ 1427.170 Quantity for loan.

(a) The quantity of lint cotton in each lot of seed cotton tendered for loan will be determined by the FSA county office by multiplying the weight or estimated weight of seed cotton by the lint turnout factor determined under paragraph (b) of this section.

* * * * *

■ 116. Revise § 1427.171 to read as follows:

§ 1427.171 Approved storage.

Approved storage consists of storage located on or off the producer's farm (excluding public warehouses) that is determined by a county committee representative to afford adequate protection against loss or damage and is located within a reasonable distance, as determined by CCC, from an approved gin. If the cotton is not stored on the producer's farm, the producer must furnish satisfactory evidence that the producer has the authority to store the cotton on such property and that the owner of the property has no lien for such storage against the cotton. The producer must provide satisfactory evidence that the producer and any person having an interest in the cotton including CCC, have the right to enter the premises to inspect and examine the cotton and permit a reasonable time to such persons to remove the cotton from the premises.

■ 117. Amend § 1427.172 as follows:

■ a. Revise paragraphs (b)(1) introductory text and (b)(4) introductory text;

■ b. In paragraph (b)(4)(i), add the word ''FSA'' immediately before the word ''county'';
■ c. Revise paragraphs (b)(5), (c), and (d); and
■ d. Add paragraph (e).

The revisions and addition read as follows:

§ 1427.172 Settlement.

* * * * *

(b)(1) A producer or the producer's agent must not remove from storage any cotton that is pledged as collateral for a loan until prior written approval has been received from CCC for removal of the cotton. If a producer or the producer's agent obtains CCC approval, they may remove the cotton from storage, sell the seed cotton, have it ginned, and sell the resulting lint cotton and cottonseed. The ginner must inform the FSA county office in writing immediately after the seed cotton removed from storage has been ginned and furnish the county office the loan number, producer's name, and applicable gin bale numbers. If the seed cotton is removed from storage, the loan principal plus interest and charges must be paid not later than the earlier of:

* * * * *

(4) A CMA must repay the seed cotton loan principal, interest, and charges before pledging the cotton for a nonrecourse loan or before an LDP can be approved under subpart A of this part, on the lint cotton. If a CMA, which is authorized by producers to obtain loans in their behalf, removes seed cotton from storage before obtaining approval to move the cotton, the removal will constitute conversion of the cotton unless the CMA:

* * * * *

(5) Any removal from storage will not be deemed to constitute a release of CCC's security interest in the seed cotton or to release the producer or CMA from liability for the loan principal, interest, and charges if full payment of such amount is not received by the FSA county office.

(c) If, either before or after maturity, the producer discovers that the cotton is going out of condition or is in danger of going out of condition, the producer must immediately notify the FSA county office and confirm such notice in writing. If the county committee determines that the cotton is going out of condition or is in danger of going out of condition, the county committee will accelerate the maturity date and request repayment of the loan principal, plus interest and charges on or before a specified date. If the producer does not repay the loan or have the cotton ginned and obtain a nonrecourse loan under subpart A of this part on the resulting lint cotton within the period specified by the county committee, the cotton will be considered abandoned.

(d) If the producer has control of the storage site and if the producer subsequently loses control of the storage site or there is danger of flood or damage to the seed cotton or storage structure making continued storage of the cotton unsafe, the producer must immediately either repay the loan or move the seed cotton to the nearest approved gin for ginning and must, at the same time, inform the FSA county office. If the producer does not do so, the seed cotton will be considered abandoned.

(e) CCC will not assume any loss in quantity or quality of the loan collateral for recourse seed cotton loans.

■ 118. Revise § 1427.173 to read as follows:

§ 1427.173 Foreclosure.

Any seed cotton pledged as collateral for a loan that is abandoned or has not been ginned and pledged as collateral for a nonrecourse loan under subpart A of this part by the seed cotton loan maturity date may be removed from storage by CCC and ginned and the resulting lint cotton warehoused for the account of CCC. The lint cotton and cottonseed may be sold at such time, in such manner and upon such terms as CCC may determine, at public or private sale. CCC may become the purchaser of the whole or any part of such cotton and cottonseed. If the proceeds received from the sales of the cotton are less than the amount due on the loan (including principal, interest, ginning charges, and any other charges incurred by CCC), the producer is liable for such difference. If the proceeds received from sale of the cotton are greater than the sum of the amount due plus any cost incurred by CCC in conducting the sale of the cotton, the amount of such excess will be paid to the producer or, if applicable, to any secured creditor of the producer.

■ 119. Amend § 1427.175 as follows:
■ a. Revise paragraphs (a)(1) introductory text and (b);
■ b. In paragraph (c), remove the words ''shall be'' and add the word ''is'' in their place; and
■ c. Revise paragraphs (d) and (e).

The revision reads as follows:

§ 1427.175 Liability of the producer.

(a)(1) If a producer makes any fraudulent representation in obtaining a loan, maintaining a loan, or settling a loan or if the producer disposes of or moves the loan collateral without the prior approval of CCC, such loan amount must be refunded upon demand by CCC. The producer will be liable for:

* * * * *

(b) If the amount disbursed under a loan, or in settlement thereof, exceeds the amount authorized by this subpart, the producer is liable for repayment of such excess, plus interest. In addition, seed cotton pledged as collateral for such loan will not be released to the producer until such excess is repaid.

* * * * *

(d) If more than one producer executes a note and security agreement with CCC, each such producer is jointly and severally liable for the violation of the terms and conditions of the note and security agreement and the regulations in this subpart. Each such producer also remains liable for repayment of the entire loan amount until the loan is fully repaid without regard to such producer's claimed share in the seed cotton pledged as collateral for the loan. In addition, such producer may not amend the note and security agreement for the producer's claimed share in such seed cotton, after execution of the note and security agreement by CCC.

(e) If a producer makes any fraudulent representation in obtaining a loan, in maintaining or settling a loan, or disposing of or moving the collateral without the prior approval of CCC, that is a violation of the terms or conditions of the note and security agreement. If CCC or the county committee determines that the producer has violated the terms or conditions of the note and security agreement, liquidated damages will be assessed on the quantity of the seed cotton that is involved in the violation by multiplying the quantity involved in the violation by 10 percent of the loan rate applicable to the loan note. This amount will apply for both good faith and not good faith determinations.

* * * * *

Subpart E—Standards for Approval of Warehouse for Cotton and Cotton Linters

■ 120. Amend § 1427.1081 as follows:
■ a. In paragraph (b), remove the number ''205'' and add in its place the number ''419205'';
■ b. In paragraph (d) introductory text, remove the word ''shall'' and add the word ''must'' in its place;
■ c. In paragraph (d)(1), remove the words ''Form CCC–49,''; and
■ d. Revise paragraph (d)(2).

The revision reads as follows:

§ 1427.1081 General statement and administration.

* * * * *

(d) * * *

(2) A current financial statement on a ''Financial Statement'' form, supported by such supplemental schedules as CCC may request. Financial statements may be submitted on forms other than a ''Financial Statement'' form with approval of the Director, KCCO, or the Director's designee. Financial statements must show the financial condition of the warehouseman as of a date no earlier than 90 days prior to the date of the warehouseman's application, or such other date as CCC may prescribe. Additional financial statements must be furnished annually and at such other times as CCC may require. CCC also may require that financial statements prepared by the warehouseman or by a public accountant be examined by an independent certified public accountant in accordance with generally accepted auditing standards. Only one financial statement is required for a chain of warehouses owned or operated by a single business entity. If approved by the Director, KCCO, or the Director's designee, the financial statement of a parent company, which includes the financial position of a wholly-owned subsidiary, may be used to meet the CCC standards for approval for the wholly-owned subsidiary.

* * * * *

§ 1427.1082 [Amended]

■ 121. Amend § 1427.1082 as follows:

■ a. Redesignate paragraphs (a) introductory text through (d)(3) as follows:

Old paragraph	New paragraph
(a) introductory text	(a)(1) introductory text.
(a)(1)	(a)(1)(i).
(a)(2)	(a)(1)(ii).
(a)(3)	(a)(1)(iii).
(a)(4)	(a)(1)(iv).
(a)(5)	(a)(1)(v).
(a)(6)	(a)(1)(vi).
(a)(7)	(a)(1)(vii).
(a)(8)	(a)(1)(viii).
(a)(9)	(a)(1)(ix).
(b)	(a)(2).
(c) introductory text	(a)(3) introductory text.
(c)(1)	(a)(3)(i).
(c)(2)	(a)(3)(ii).
(d) introductory text	(a)(4) introductory text.
(d)(1)	(a)(4)(i).
(d)(2)	(a)(4)(ii).
(d)(3)	(a)(4)(iii).

■ b. Redesignate the introductory text as paragraph (a) introductory text;

■ c. In newly designated paragraphs (a) introductory text, (a)(1) introductory text, (a)(1)(i), (a)(2), (a)(3) introductory text, and (a)(4), remove the word ''shall'' and add the word ''must'' in its place; and

■ d. Add and reserve paragraph (b).

§ 1427.1083 [Amended]

■ 122. Amend § 1427.1083 as follows:

■ a. Redesignate paragraphs (a) introductory text through (e) as follows:

Old paragraph	New paragraph
(a) introductory text	(a)(1) introductory text.
(a)(1)	(a)(1)(i).
(a)(2)	(a)(1)(ii).
(b) introductory text	(a)(2) introductory text.
(b)(1)	(a)(2)(i).
(b)(2)	(a)(2)(ii).
(b)(3)	(a)(2)(iii).
(c)	(a)(3).
(d)	(a)(4).
(e)	(a)(5).

■ b. Redesignate the introductory text as paragraph (a) introductory text;

■ c. In newly designated paragraph (a)(1) introductory text, remove the word ''shall'' and add the word ''must'' in its place;

■ d. Revise newly designated paragraphs (a)(2) introductory text and (a)(5); and

■ e. Add and reserve paragraph (b).

The revisions read as follows:

§ 1427.1083 Bonding requirements for net worth.

(a) * * *

(2) Such bond must be on the Warehouseman's Bond form, except that a bond furnished under State law (statutory bond) or under operational rules of nongovernmental supervisory agencies may be accepted in an equivalent amount as a substitute for a bond running directly to CCC if:

* * * * *

(5) An irrevocable letter of credit may be accepted by CCC in lieu of the required amount of bond coverage provided that the issuing bank is a commercial bank insured by the Federal Deposit Insurance Corporation. Such standby letter of credit must be on the Irrevocable Letter of Credit form, or on such other form as may be specifically approved by the Director, KCCO, or the Director's designee.

* * * * *

■ 123. Revise § 1427.1086(c)(1) to read as follows:

§ 1427.1086 Approval of warehouse, requests for reconsideration.

* * * * *

(c) * * *

(1) In § 1427.1082, other than the standard specified in § 1427.1082(c)(2), the warehouseman may, at any time after receiving notice of such action, request reconsideration of the action and present to the Director, KCCO, in writing, information in support of such request. The Director will consider such information in making a determination and notify the warehouseman in writing of such determination. The warehouseman may, if dissatisfied with the Director's determination, obtain a review of the determination and an informal hearing by filing an appeal with the Deputy Administrator, Commodity Operations, Farm Service Agency (FSA). The time of filing appeals, forms for requesting an appeal, nature of the informal hearing, determination and reopening of the hearing will be as prescribed in the FSA regulations governing appeals, 7 CFR part 780. When appealing under such regulations, the warehouseman will be considered as a ''participant''; and

* * * * *

■ 124. Revise § 1427.1088(b) to read as follows:

§ 1427.1088 Contract fees.

* * * * *

(b) The amount of the contract fee will be determined and announced annually.

§ 1427.1089 [Removed and Reserved]

■ 125. Remove and reserve § 1427.1089.

Subpart G—Extra Long Staple (ELS) Cotton Competitiveness Payment Program

■ 126. Revise § 1427.1200(a) and (c) to read as follows:

§ 1427.1200 Applicability.

(a) This subpart specifies the terms and conditions under which CCC will make payments to eligible domestic users and exporters of extra long staple cotton who have entered into an ELS Cotton Domestic User/Exporter Agreement with CCC.

* * * * *

(c) CCC will prescribe the forms and information collections necessary in administering the ELS cotton competitiveness payment program. Additional terms and conditions for the program are specified in the ELS Cotton Domestic User/Exporter Agreement.

§ 1427.1203 [Amended]

■ 127. Amend § 1427.1203(a)(1) and (2), by removing the date ''June 18, 2008'' both times it appears and adding the date ''February 7, 2014'' in its place.

§ 1427.1204 [Amended]

■ 128. Amend § 1427.1204, in paragraph (a)(2), by removing the words ''a

cooperative marketing association'' and adding the word ''CMA'' in their place.

§ 1427.1206 [Removed and Reserved]

■ 129. Remove and reserve § 1427.1206.

§§ 1427.5, 1427.7, 1427.16, 1427.18, 1427.19, 1427.23 [Amended]

■ 130. In addition to the amendments set forth above, in 7 CFR part 1427, remove the words ''marketing assistance loan'' and add, in their place, the word ''MAL'' in the following places:
■ a. In § 1427.5(f);
■ b. In § 1427.7(c) introductory text;
■ c. In § 1427.16(b)(4);
■ d. In § 1427.18(f);
■ e. In § 1427.19(c) introductory text; and
■ f. In § 1427.23(a)(1).

§§ 1427.3, 1427.4, 1427.5, 1427.13, 1427.15, 1427.18, 1427.172 [Amended]

■ 131. In addition to the amendments set forth above, in 7 CFR part 1427, remove the words ''loan deficiency payment'' and add, in their place, the word ''LDP'' in the following places:
■ a. In § 1427.3 in the introductory text and in the definition of ''Loan servicing agent'' each time it appears,
■ b. In § 1427.4(c)(2) and (3);
■ c. In § 1427.5(g)(2);
■ d. In § 1427.13(b);
■ e. In § 1427.15(c)(1)(i);
■ f. In § 1427. 18(a)(1)(ii); and
■ g. In § 1427.172(b)(3) introductory text and (b)(3)(i).

§§ 1427.5, 1427.23 [Amended]

■ 132. In addition to the amendments set forth above, in 7 CFR part 1427, remove the words ''loan deficiency payments'' and add, in their place, the word ''LDPs'' in the following places:
■ a. In § 1427.5(a)(2); and
■ b. In § 1427.23(a) introductory text and (a)(5).

§§ 1427.2, 1427.5, 1427.6, 1427.7, 1427.8, 1427.9, 1427.10, 1427.13, 1427.13, 1427.15, 1427.18, 1427.19, 1427.21, 1427.160, 1427.161, 1427.169, 1427.170, 1427.175, 1427.1085, 1427.1086, 1427.1207, 1427.1208 [Amended]

■ 133. In addition to the amendments set forth above, in 7 CFR part 1427, remove the word ''shall'' each time it appears and add, in its place, the word ''will'' in the following places:
■ a. In § 1427.2(c);
■ b. In § 1427.5(m);
■ c. In § 1427.6(c);
■ d. In § 1427.7(b);
■ e. In § 1427.8(b);
■ f. In § 1427.9(d);
■ g. In § 1427.10(b);
■ h. In § 1427.13(c);
■ i. In § 1427.13(d)(1);
■ j. In § 1427.15(b) introductory text;
■ k. In § 1427.18(g) introductory text, (h) introductory text, and (k)(2)(iv);
■ l. In § 1427.19(b) and (d);
■ m. In § 1427.21(c) and (d);
■ n. In § 1427.160(d);
■ o. In § 1427.161(c) introductory text, (d), and (f);
■ p. In § 1427.169(b);
■ q. In § 1427.170(b) and (c) introductory text;
■ r. In § 1427.175 (a)(2), (f) introductory text, and (g) introductory text;
■ s. In § 1427.1085(a);
■ t. In § 1427.1086(c)(1);
■ u. In § 1427.1207(a) introductory text, (a)(1) and (2), (b), (c)(2), and (d); and
■ v. In § 1427.1208(a) introductory text, (b) introductory text, and (d).

PART 1434—NONRECOURSE MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS FOR HONEY

■ 134. Revise the authority citation for part 1434 to read as follows:

Authority: 7 U.S.C. 7231–7237, 7931–7936, and 9031–40; and 15 U.S.C. 714b and c.

■ 135. Revise the heading for part 1434 to read as shown above.
■ 136. Revise § 1434.1(a) to read as follows:

§ 1434.1 Applicability.

(a) This part specifies the terms and conditions of Commodity Credit Corporation (CCC) nonrecourse marketing assistance loan (MAL) and loan deficiency payment (LDP) Programs for honey. MAL gains and LDPs for honey are limited by the payment limitation and adjusted gross income provisions specified in part 1400 of this chapter.

* * * * *

■ 137. Amend § 1434.2(a) to read as follows:

§ 1434.2 Administration.

(a) The regulations of this part will be administered under the general supervision of the Executive Vice President, CCC, and are carried out in the field by Farm Service Agency (FSA) State and county committees.

* * * * *

■ 138. Amend § 1434.3 as follows:
■ a. Revise the introductory text;
■ b. Add, in alphabetical order, definitions for ''Calling a loan'' and ''Loan deficiency payment''; and
■ c. Revise the definition for ''Ineligible honey''.

The revisions and addition read as follows:

§ 1434.3 Definitions.

The definitions in this section are applicable for all purposes of program administration. The terms defined in part 718 of this title are also applicable except where those definitions are inconsistent with the definitions in this section or for purpose of program instruments created under this part.

* * * * *

Calling a loan is accelerating or moving forward the maturity date of an outstanding MAL. A MAL can be called when the terms and conditions of the MAL note and security agreement are violated, a producer incorrectly certifies a loan quantity or makes any fraudulent representation with respect to obtaining a loan, removing or disposing of a farm-stored commodity pledged as collateral for a loan without authorization, to protect CCC's interest, or in emergency situations.

* * * * *

Ineligible honey is honey not eligible for a MAL under this part for which ineligibility will include, but is not limited to, honey from ineligible floral sources regardless of whether the honey meets other eligibility requirements.

* * * * *

Loan deficiency payment (LDP) means a payment made in lieu of a MAL when the CCC-determined value, which is based on the current local price in a county, is below the applicable county loan rate. The payment is the difference between the two rates times the eligible quantity.

* * * * *

§ 1434.4 [Amended]

■ 139. Amend § 1434.4 as follows:
■ a. In paragraph (a) introductory text, by removing the words ''loan deficiency payments'' and adding the word ''LDP'' in their place; and
■ b. In paragraph (f) introductory text, by removing the words ''shall be'' and adding the word ''is'' in their place.

§ 1434.6 [Amended]

■ 140. Amend § 1434.6 as follows:
■ a. In paragraph (a), remove the words ''marketing assistance loans'' and add the word ''MALs'' in their place; and
■ b. In paragraphs (b) introductory text and (c), remove the words ''shall not be'' and add the words ''is not'' in their place.

§ 1434.7 [Amended]

■ 141. Amend § 1434.7(b) by removing the word ''shall'' and adding the word ''must'' in its place.

§ 1434.8 [Amended]

■ 142. Amend § 1434.8(b) introductory text by removing the words ''shall not be'' and adding the words ''is not'' in their place.

■ 143. Revise § 1434.9 to read as follows:

§ 1434.9 Determination of quantity.

The amount of a marketing assistance loan or loan deficiency payment will be based on 100 percent of the net weight in pounds of such quantity that is eligible to be pledged as security for the MAL or LDP and is certified by the producer and verified by the county office representative in the manner prescribed by CCC. Estimates of the quantity of honey will be made on the basis of 12 pounds for each gallon of the rated capacity of the container.

■ 144. Amend § 1434.10 as follows:

■ a. Revise paragraphs (a), (c), and (e); and

■ b. In paragraph (f), remove the word ''shall'' and add the word ''must'' in its place.

The revisions read as follows:

§ 1434.10 Application, availability, disbursements, and maturity.

(a) A producer must, unless otherwise authorized by CCC, request MALs and LDPs at the appropriate FSA county office responsible for administering the program as provided under part 718 of this title. To receive MALs and LDPs for honey, a producer must execute a note and security agreement or LDP application on or before March 31 of the year following the year in which the honey was extracted.

* * * * *

(c) MALs will be made on the honey as declared and certified by the producer in the manner specified by CCC at the time the honey is pledged as collateral for a MAL. The producer is also required to declare and certify the class of honey (table or non-table) and floral source of the honey in the manner specified by CCC when the honey is pledged as collateral for a MAL.

* * * * *

(e) MALs mature on demand, but not later than the last day of the ninth calendar month following the month in which the note and security agreement was approved.

(1) When the maturity date falls on a non-workday for county offices, CCC will extend the final date to the next workday. Before the date specified in paragraph (a) of this section, a producer may re-offer as MAL collateral any eligible honey that has been offered previously for a MAL if the previous MAL has been repaid at principal plus interest only.

(2) The maturity date of any MAL may not be extended.

* * * * *

■ 145. Revise § 1434.11(a) to read as follows:

§ 1434.11 Fees and interest.

(a) A producer must pay a nonrefundable MAL service fee. The MAL service fee will be the smaller of one-half of 1 percent (.005) times the gross MAL amount or $45 per MAL plus $3 for each storage structure over one.

* * * * *

■ 146. Revise § 1434.13 to read as follows:

§ 1434.13 Transfer of producer's interest prohibited.

Absent written approval from CCC, the producer may not transfer either the remaining interest in, or right to redeem, the honey pledged as collateral for a MAL on honey nor may anyone acquire such interest or right. Subject to the provisions of § 1434.17, a producer who wishes to liquidate all or part of a MAL by contracting for the sale of the honey must obtain written approval from the county office on a form prescribed by CCC to remove a specified quantity of the honey from storage. Any such approval will be subject to the terms and conditions in the applicable form, copies of which may be obtained by producers at the FSA county office.

■ 147. Amend § 1434.15 as follows:

■ a. Revise paragraphs (a) introductory text, (a)(1) introductory text, and (2);

■ b. In paragraphs (b)(1) and (2), remove the words ''shall include'' and add the word ''includes'' in their place;

■ c. In paragraphs (i)(1)(ii), (2), (j), (k), and (l), remove the words ''shall be'' and add the word ''is'' in their place; and

■ d. Revise paragraph (m).

The revisions read as follows:

§ 1434.15 Personal liability.

(a) As part of the application for an individual or joint MAL or LDP, each producer agrees that:

(1) By signing the MAL note and security agreement, the producer must:

* * * * *

(2) That violation of the terms and conditions of this part and the MAL note and security agreement will cause harm or damage to CCC in that funds may be disbursed to the producer for a MAL quantity that is not actually in existence or for a quantity for which the producer is not eligible.

* * * * *

(m) In the case of joint MALs, the personal liability for the amounts specified in this section are joint and several on the part of each producer signing the MAL note. Further, each producer who is a party to a joint MAL will be jointly and severally liable for any violation of the terms and conditions of the note and security agreement, and the regulations in this part. Each such producer also remains liable for repayment of the entire MAL amount until the MAL is fully repaid without regard to such producer's claimed share in the honey, or MAL proceeds, after execution of the note and security agreement by CCC.

* * * * *

§ 1434.16 [Amended]

■ 148. Amend § 1434.16 as follows:

■ a. Revise the section heading;

■ b. In paragraph (a)(1), remove the word ''shall'' and add the word ''may'' in its place; and

■ c. Revise paragraphs (a)(3) and (c).

The revisions read as follows:

§ 1434.16 Release of the honey pledged as collateral for a MAL.

(a) * * *

(3) When the proceeds of a sale of honey are needed to repay all or part of a farm stored MAL, the producer must request and obtain prior written approval of the county office on a form prescribed by CCC in order to remove a specified quantity of the honey from storage. Any such approval will be subject to the terms and conditions in the applicable form, copies of which may be obtained by producers at the county office. Any such approval will not constitute a release of CCC's security interest in the commodity or release the producer from liability for any amounts due and owing to CCC with respect to any MAL indebtedness if full payment of such amounts is not received by the county office.

* * * * *

(c) After satisfaction of a MAL, CCC will release CCC's security interest in the honey at the producer's request. The producer is responsible for payment of any fee for such release if such fee can be determined.

§ 1434.18 [Amended]

■ 149. Amend § 1434.18 as follows:

■ a. In paragraph (a) introductory text, remove the words ''marketing assistance loan'' and add the word ''MAL'' in their place; and

■ b. In paragraph (a)(3), remove the words ''marketing assistance loans'' both times they appear and add the word ''MALs'' in their place.

■ 150. Amend § 1434.19 as follows:

■ a. Redesignate paragraphs (a) and (b) as follows:

Old paragraph	New paragraph
(a) introductory text ...	(a)(1) introductory text.
(a)(1)	(a)(1)(i).
(a)(2)	(a)(1)(ii).

Old paragraph	New paragraph
(b)	(a)(2).

■ b. Redesignate the introductory text as paragraph (a) introductory text;
■ c. In newly redesignated paragraph (a)(1)(i), remove the word ''shall'' and add the word ''must'' in its place;
■ d. Revise newly redesignated paragraph (a)(1)(ii); and
■ e. Add paragraph (b).

The revision and addition read as follows:

§ 1434.19 Settlement.

(a) * * *

(1) * * *

(ii) If the value of the collateral at settlement is greater than the amount due, the excess will be paid to the producer or, if applicable, to the producer and any secured creditor of the producer.

* * * * *

(b) CCC will not assume any loss in quantity or quality of the loan collateral for honey MALs.

§ 1434.20 [Amended]

■ 151. Amend § 1434.20(b)(1), by removing the word ''shall'' and adding the word ''must'' in its place.

■ 152. Amend § 1434.21 as follows:
■ a. Revise paragraph (a) introductory text;
■ b. In paragraph (a)(3) remove the words ''Loan deficiency payment'' and add the word ''LDP'' in their place;
■ c. Revise paragraphs (c), (d), and (e); and
■ d. In addition to the amendments set forth above, in paragraphs (b), (f) introductory text, and (f)(1), remove the words ''loan deficiency payment'' each time they appear and add the word ''LDP'' in their place.

The revisions read as follows:

§ 1434.21 Loan deficiency payments.

(a) LDPs will be available for honey.

* * * * *

(c) The LDP rate for a crop will be the amount by which the MAL rate exceeds the rate at which CCC has announced that producers may repay their MAL as specified in § 1434.18.

(d) The LDP applicable to a crop of honey will be computed by multiplying the LDP rate, as determined as specified in paragraph (c) of this section, by the quantity of honey the producer is eligible to pledge as collateral for a price support MAL for which an LDP is requested.

(e) Notwithstanding any provisions in this section, LDPs may be based on 100 percent of the net quantity specified on acceptable evidence of disposition of the honey certified as eligible for an LDP if CCC determines that such quantity represented the quantity for the number of containers of honey initially certified for the LDP when the payment was made.

* * * * *

§§ 1434.2, 1434.4, 1434.5, 1434.6, 1434.7, 1434.10, 1434.11, 1434.12, 1434.14, 1434.15, 1434.16, 1434.17, 1434.18, 1434.19, 1434.20, 1434.22 [Amended]

■ 153. In addition to the amendments set forth above, in 7 CFR part 1434, remove the word ''shall'' each time it appears and add, in its place, the word ''will'' in the following places:
■ a. In § 1434.2(c), (d), and (f);
■ b. In § 1434.4(e) and (g)(2);
■ c. In § 1434.5(c)(3);
■ d. In § 1434.6(d);
■ e. In § 1434.7(a);
■ f. In § 1434.10(d);
■ g. In § 1434.11(b);
■ h. In § 1434.12(b) and (c);
■ i. In § 1434.14;
■ j. In § 1434.15(c) introductory text, (d) introductory text, (e), (f)(2) introductory text, (h) introductory text, and (i)(2);
■ k. In § 1434.16(b);
■ l. In § 1434.17(b);
■ m. In § 1434.18(b);
■ n. In § 1434.19 newly redesignated paragraphs (a) introductory text and (a)(2);
■ o. In § 1434.20(a) and (b)(2); and
■ p. In § 1434.22 (a) and (b).

PART 1435—SUGAR PROGRAM

■ 154. The authority citation for part 1435 continues to read as follows:

Authority: 7 U.S.C. 1359aa-1359jj, 7272, and 8110; 15 U.S.C. 714b and 714c.

■ 155. Amend § 1435.1 as follows:

■ a. Redesignate paragraphs (a) through (d) as paragraphs (a)(1) through (4), redesignate the introductory text as paragraph (a) introductory text, and reserve paragraph (b); and

■ b. Revise newly designated paragraph (a) introductory text.

The revision reads as follows:

§ 1435.1 Applicability.

(a) The regulations in this part specify the terms and conditions under which the Farm Service Agency (FSA) will administer the Sugar Program for the Commodity Credit Corporation (CCC) to:

* * * * *

■ 156. Amend § 1435.101 by revising paragraphs (a) and (b) to read as follows:

§ 1435.101 Loan rates.

(a) The national average loan rate for raw cane sugar produced from domestically grown sugarcane is 18.75 cents per pound.

(b) The national average loan rate for refined beet sugar from domestically grown sugar beets is equal to 128.5 percent of the loan rate per pound of raw cane sugar.

* * * * *

Signed on December 23, 2014.

Val Dolcini,

Administrator, Farm Service Agency, and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 2014–30530 Filed 12–31–14; 8:45 am]

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CFR PARTS AFFECTED DURING JANUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

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This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

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