AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FEDERAL REGISTER

Vol. 79 Monday,
No. 17 January 27, 2014

Pages 4265–4388

OFFICE OF THE FEDERAL REGISTER

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

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.ofr.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.fdsys.gov*, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, 1 (January 2, 1994) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Printing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $749 plus postage, or $808, plus postage, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Printing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 77 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**

General online information **202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	**202–741–6005**
Assistance with Federal agency subscriptions	**202–741–6005**

Printed on recycled paper.

Contents

Federal Register

Vol. 79, No. 17

Monday, January 27, 2014

Agriculture Department
See Food Safety and Inspection Service
See Forest Service

Army Department
See Engineers Corps
NOTICES
Exclusive, Non-Exclusive, or Partially-Exclusive Licensing of an Invention:
Benzonapthyridine Composition and Uses, 4342
Diabetes Monitoring Using Smart Device, 4341
Dynamic Exoskeletal Orthosis, 4342
Plasmodium Falciparum Circumsporozoite Vaccine Gene Optimization for Soluble Protein Expression, 4341
Protective Clothing Ensemble with Two-Stage Evaporative Cooling, 4341
Tamper Evident Directed Inventory and Accountability Technology, 4341

Centers for Medicare & Medicaid Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Imposition of Cost Sharing Charges under Medicaid and Supporting Regulations, 4345–4346

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
ACF Grantee Survey of the Low Income Home Energy Assistance Program, 4346
Application Requirements for the Low Income Home Energy Assistance Program Model Plan and Program Integrity Assessment, 4346–4347

Civil Rights Commission
NOTICES
Meetings:
North Dakota Advisory Committee, 4324–4325

Commerce Department
See International Trade Administration
See National Oceanic and Atmospheric Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4325–4326

Comptroller of the Currency
PROPOSED RULES
Guidelines Establishing Heightened Standards:
Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches, 4282–4300

Consumer Product Safety Commission
NOTICES
Meetings; Sunshine Act, 4336

Defense Acquisition Regulations System
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4342

Defense Department
See Army Department
See Defense Acquisition Regulations System
See Engineers Corps
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4336–4338
Meetings:
U.S. Court of Appeals for the Armed Forces Code Committee, 4338
Privacy Act; Systems of Records, 4338–4340

Department of Transportation
See Pipeline and Hazardous Materials Safety Administration

Engineers Corps
NOTICES
Environmental Impact Statements; Availability, etc.:
San Acacia to Bosque del Apache Project, Socorro County, NM, 4342–4343

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Kansas; Annual Emissions Fee and Annual Emissions Inventory, 4274–4276
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Connecticut; Low Emission Vehicle Program, 4308–4313
Kansas; Annual Emissions Fee, 4313
NOTICES
Meetings:
National Environmental Justice Advisory Council, 4343–4344
National Pollutant Discharge Elimination System General Permit:
Oil and Gas Geotechnical Surveying and Related Activities in Federal Waters of the Beaufort and Chukchi Seas, 4344–4345

Executive Office of the President
See Management and Budget Office
See Presidential Documents

Federal Aviation Administration
RULES
Airworthiness Directives:
Eurocopter Deutschland GmbH Helicopters, 4267–4269
The Boeing Company Airplanes, 4269–4274
PROPOSED RULES
Airworthiness Directives:
SOCATA Airplanes, 4300–4302

Federal Highway Administration
NOTICES
Environmental Impact Statements; Availability, etc.:
U.S. 231 Dubois County, IN; Withdrawal, 4375–4376

Fish and Wildlife Service
NOTICES
Environmental Assessments, etc.:
Comprehensive Conservation Plans, Ozark Plateau and Wichita Mountains, OK; Buffalo Lake and Texas Mid-coast, TX, 4353–4354
Environmental Impact Statements; Availability, etc.:
Fisheries and Habitat Conservation, Ballville Dam Project, Sandusky River, Sandusky County, OH, 4354–4355
Meetings:
North American Wetlands Conservation Council, 4355–4356

Food and Drug Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Guide to Minimize Microbial Food Safety Hazards of Fresh-Cut Fruits and Vegetables, 4350–4353
Hazard Analysis and Critical Control Point Procedures for the Safe and Sanitary Processing and Importing of Juice; Comment Request, 4347–4348
Radioactive Drug Research Committees, 4348–4350

Food Safety and Inspection Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Advanced Meat Recovery, 4321–4322
Meetings:
Codex Alimentarius Commission; Codex Committee on Methods of Analysis and Sampling, 4322–4323

Forest Service
NOTICES
Environmental Impact Statements; Availability, etc.:
Crawford Vegetation Management Project; Klamath National Forest, CA, 4323–4324

Health and Human Services Department
See Centers for Medicare & Medicaid Services
See Children and Families Administration
See Food and Drug Administration

Indian Affairs Bureau
NOTICES
Tribal Self-Governance Program:
Deadline for Submitting Completed Applications for Participation; Fiscal Year 2015 or Calendar Year 2015, 4356–4357

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau
See National Park Service

Internal Revenue Service
PROPOSED RULES
Minimum Essential Coverage; Shared Responsibility Payment for Individuals:
Public Hearings, 4302–4308

International Trade Administration
NOTICES
Antidumping Duty Administrative Reviews; Results, Extensions, Amendments, etc.:
Certain Frozen Warm Water Shrimp from Thailand, 4326–4327
Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China, 4327–4330
Countervailing Duty Administrative Reviews; Results, Extensions, Amendments, etc.:
Multilayered Wood Flooring from the People's Republic of China, 4330–4333
Countervailing Duty Investigations; Results, Extensions, Amendments, etc.:
Certain Oil Country Tubular Goods from India and Turkey, 4333–4335

Justice Department
See Parole Commission

Land Management Bureau
NOTICES
Plats of Survey:
Idaho, 4357
New Mexico, 4357

Management and Budget Office
NOTICES
Technical Support Documents:
Update of the Social Cost of Carbon for Regulatory Impact Analysis under Executive Order No. 12866, 4359

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Exclusive Economic Zone Off Alaska:
Pacific Cod by Vessels Using Pot Gear; Western Regulatory Area, 4279–4280
Pollock; Reallocation; Bering Sea and Aleutian Islands, 4280–4281
Pacific Island Fisheries:
2014 Annual Catch Limits and Accountability Measures, 4276–4279
PROPOSED RULES
Atlantic Coastal Fisheries Cooperative Management Act Provisions:
American Lobster Fishery; Control Date for Lobster Conservation Management Areas, 4319–4320
Listing Endangered or Threatened Species:
Southern Resident Killer Whale Distinct Population Segment, 4313–4319
NOTICES
Meetings:
New England Fishery Management Council, 4335
South Atlantic Fishery Management Council, 4335–4336

National Park Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
United States Park Police Personal History Statement, 4357–4358

Nuclear Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 4359–4360
Draft NUREGs:
Draft Program-Specific Guidance about Licenses of Broad Scope, 4360–4361
Program-Specific Guidance About Academic, Research and Development, and Other Licenses of Limited Scope, etc., 4361–4362

Petitions:
Florida Power and Light Co., St. Lucie Plant, Units 1 and 2; Turkey Point Nuclear Generating, Units 3 and 4, 4362–4363

Office of Management and Budget
See Management and Budget Office

Overseas Private Investment Corporation
NOTICES
Meetings; Sunshine Act, 4363

Parole Commission
NOTICES
Meetings; Sunshine Act, 4358

Pipeline and Hazardous Materials Safety Administration
NOTICES
Meetings:
Technical Pipeline Advisory Committee and the Liquid Pipeline Advisory Committee, 4376–4377

Presidential Documents
PROCLAMATIONS
Special Observances:
Martin Luther King, Jr., Federal Holiday (Proc. 9078), 4265
ADMINISTRATIVE ORDERS
Boards, Commissions, Committees, etc.:
Sexual Assault, White House Task Force To Protect Students From; Establishment (Memorandum of January 22, 2014), 4383–4387

Securities and Exchange Commission
NOTICES
Meetings; Sunshine Act, 4363–4364
Self-Regulatory Organizations; Proposed Rule Changes:
New York Stock Exchange LLC, 4366–4373
NYSE MKT LLC, 4364–4366, 4373–4375

State Department
NOTICES
Culturally Significant Objects Imported for Exhibition:
Golden Visions of Densatil, A Tibetan Buddhist Monastery, 4375

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Pipeline and Hazardous Materials Safety Administration

Treasury Department
See Comptroller of the Currency
See Internal Revenue Service

Veterans Affairs Department
NOTICES
Privacy Act; Systems of Records, 4377–4382

Separate Parts In This Issue

Part II
Presidential Documents, 4383–4387

Reader Aids
Consult the Reader Aids section at the end of this page for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Proclamations:

9078 4265

Administrative Orders:

Memorandums:

Memorandum of January 22, 2014 4385

12 CFR

Proposed Rules:

30 4282

170 4282

14 CFR

39 (2 documents) 4267, 4269

Proposed Rules:

39 4300

26 CFR

Proposed Rules:

1 4302

40 CFR

52 4274

70 4274

Proposed Rules:

52 (2 documents) 4308, 4313

70 4313

50 CFR

665 4276

679 (2 documents) 4279, 4280

Proposed Rules:

224 4313

648 4319

Federal Register
Vol. 79, No. 17
Monday, January 27, 2014

Presidential Documents

Title 3—

The President

Proclamation 9078—Martin Luther King, Jr., Federal Holiday, 2014

Correction

In Presidential document 2014–01413 beginning on page 3719 in the issue of Wednesday, January 22, 2014, make the following correction:

On page 3719, the date following the Proclamation number should read ''January 16, 2014''.

[FR Doc. C1–2014–01413
Filed 1–24–14; 8:45 a.m.]
Billing Code 1505–01–D

Rules and Regulations

Federal Register
Vol. 79, No. 17
Monday, January 27, 2014

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0634; Directorate Identifier 2012–SW–023–AD; Amendment 39–17725; AD 2014–01–02]

RIN 2120–AA64

Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Eurocopter Deutschland GmbH (Eurocopter) Model EC135P2+ and EC135T2+ helicopters. This AD requires inspecting the mechanical air conditioning system compressor bearing block upper bearing (upper bearing) for corrosion, leaking grease, condensation, or water. This AD was prompted by metallic debris from an upper bearing found in the air inlet areas of both engines in a Model EC135P2+ helicopter. The actions of this AD are intended to prevent metallic debris from damaging the engine, causing loss of engine power, and subsequent loss of helicopter control.

DATES: This AD is effective March 3, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of March 3, 2014.

ADDRESSES: For service information identified in this AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.eurocopter.com/techpub.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the foreign authority's AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations Office, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Matt Wilbanks, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *matt.wilbanks@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On July 23, 2013, at 78 FR 44050, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Eurocopter Model EC135P2+ and EC135T2+ helicopters, serial numbers 870, 872, 873, 879, 883, 884, 888, 893, 900, 905, 911, 914, 916, 917, 923, and 926, with an upper bearing, part number (P/N) L210M1872105, installed.

The NPRM proposed to require inspecting the upper bearing for corrosion, leaking grease, condensation, or water. The proposed requirements were intended to prevent metallic debris from damaging the engine, causing loss of engine power, and subsequent loss of helicopter control.

The NPRM was prompted by AD No. 2011–0111R1, dated September 22, 2011, issued by the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union. EASA AD No. 2011–0111R1 revises EASA AD No. 2011–0111, dated June 10, 2011, to correct an unsafe condition for certain Model EC135P2+ and EC135T2+ helicopters. EASA advises that metallic debris was found within the air inlet area of both engines during a pre-flight check of an EC135 P2+ helicopter. A subsequent investigation showed that the debris came from the bearing cage of a ball bearing in the air conditioning compressor bearing block, and that it damaged the compressor stage of one of the engines to such an extent that the engine had to be overhauled, according to EASA.

EASA notes that as this mechanical air conditioning system was introduced recently on the production line, only a limited number of helicopters are affected. But if not detected and corrected, this unsafe condition ''could lead to further cases of bearing case failure, possibly resulting in loss of engine power and reduced control of the helicopter,'' EASA reports. EASA AD No. 2011–0111R1 requires repetitive inspections of the affected ball bearing for indications that the upper bearing is failing and, depending on the findings, deactivating the air conditioning system.

Comments

We gave the public the opportunity to participate in developing this AD, but we received no comments on the NPRM (78 FR 44050, July 23, 2013).

FAA's Determination

These helicopters have been approved by the aviation authority of Germany and are approved for operation in the United States. Pursuant to our bilateral agreement with Germany, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Related Service Information

Eurocopter issued Emergency Alert Service Bulletin (EASB) EC135–21A–013, Revision 0, dated June 6, 2011, to provide instructions for inspections after debris from the bearing cage of a ball bearing was found in the air inlet area of both engines of an EC135P2+ helicopter. Eurocopter followed the EASB with Service Bulletin EC135–21–

015, Revision 0, dated July 12, 2011, to introduce the replacement of the affected compressor bearing block with a ''new, improved'' compressor bearing block.

Costs of Compliance

We estimate that this AD affects 1 helicopter of U.S. Registry and that labor costs average $85 per work-hour. Based on these estimates, we expect the following costs:

- Inspecting the upper bearing for corrosion, leaking grease, condensation or water requires 4 work-hours for a labor cost of $340. No parts are needed.
- Deactivating the air conditioning system requires 6 work-hours for a labor cost of $510. No parts are needed.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on helicopters identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866;

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2014–01–02 Eurocopter Deutschland GmbH Helicopters: Amendment 39–17725; Docket No. FAA–2013–0634; Directorate Identifier 2012–SW–023–AD.

(a) Applicability

This AD applies to Eurocopter Deutschland GmbH (Eurocopter) Model EC135P2+ and EC135T2+ helicopters, serial numbers 870, 872, 873, 879, 883, 884, 888, 893, 900, 905, 911, 914, 916, 917, 923, and 926, with a mechanical air conditioning system compressor bearing block upper bearing (upper bearing) part number L210M1872105 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as metallic debris in the engine inlet areas.

This condition could result in failure of an engine, loss of engine power, and subsequent loss of helicopter control.

(c) Effective Date

This AD becomes effective March 3, 2014.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions.

Within 25 hours time-in-service (TIS):

(1) Visually inspect the upper bearing for corrosion, leaking grease, condensation, or water.

(2) If there is condensation but no corrosion, leaking grease, or water, repeat this inspection at intervals not to exceed 25 hours TIS.

(3) If there is no corrosion, leaking grease, condensation, or water, repeat this inspection at intervals not to exceed 100 hours TIS.

(4) If there is corrosion, leaking grease, or water, deactivate the air conditioning system in accordance with the Accomplishment Instructions, Section 3.B.3, Paragraphs (a) through (ai) of Eurocopter Emergency Alert Service Bulletin No. EC135–21A–013, Revision 0, dated June 6, 2011.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Wilbanks, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *matt.wilbanks@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(g) Additional Information

(1) Eurocopter Service Bulletin EC135–21–015, Revision 0, dated July 12, 2011, which is not incorporated by reference, contains additional information about the subject of this AD. You may review a copy of this service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. For information on the availability of this material at the FAA, call (817) 222–5110.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2011–0111R1, dated September 22, 2011. You may view a copy of the EASA AD in the AD Docket on the Internet at *http:/www.regulations.gov* in Docket No. FAA–2013–0634.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 2100, air conditioning system.

(i) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Eurocopter Emergency Alert Service Bulletin No. EC135–21A–013, Revision 0, dated June 6, 2011.

(ii) Reserved.

(3) For Eurocopter service information identified in this AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.eurocopter.com/techpub.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html*.

Issued in Fort Worth, Texas, on January 2, 2014.

Lance T. Gant,

Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2014–00837 Filed 1–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0095; Directorate Identifier 2011–NM–197–AD; Amendment 39–17699; AD 2013–25–03]

RIN 2120–AA64

Airworthiness Directives; the Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directives (ADs) AD 2000–17–05 and AD 2001–04–09 for all the Boeing Company Model 767 airplanes. AD 2000–17–05 required a functional check of the shear rivets in all six elevator power control actuator (PCA) bellcrank assemblies to determine the condition of the shear rivets; and replacement or rework of the bellcrank assemblies, if necessary. AD 2001–04–09 required repetitive testing of the elevator control system to determine if an elevator PCA is rigged incorrectly due to yielded or failed shear rivets in a bellcrank assembly for the elevator PCA, and follow-on actions if necessary. Since we issued ADs 2000–17–05 and 2001–04–09, a terminating modification has been designed. This new AD requires an inspection to determine the part numbers and condition of the bellcrank assemblies; modification or replacement of the PCA bellcrank assembly, if necessary; and a repetitive functional test and mis-rig check, and corrective actions if necessary. We are issuing this AD to prevent continued operation with yielded or failed shear rivets in the elevator PCA bellcrank assemblies, and to prevent certain failures or jams in the elevator system from causing a hardover of the elevator surface, resulting in a significant pitch upset and possible loss of control of the airplane.

DATES: This AD is effective March 3, 2014.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 3, 2014.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of November 28, 2007 (72 FR 67236, November 28, 2007).

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of March 20, 2001 (66 FR 13227, March 5, 2001).

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of September 11, 2000 (65 FR 51754, August 25, 2000).

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov*; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Marie Hogestad, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6418; fax: 425–917–6590; email: *marie.hogestad@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2000–17–05, Amendment 39–11879 (65 FR 51754, August 25, 2000); and AD 2001–04–09, Amendment 39–12128 (66 FR 13227, March 5, 2001). ADs 2000–17–05 and 2001–04–09 applied to the specified products. The NPRM published in the **Federal Register** on February 26, 2013 (78 FR 12991). The NPRM proposed to continue to require a functional check of the shear rivets in all six PCA bellcrank assemblies to determine the condition of the shear rivets; and replacement or rework of the bellcrank assemblies, if necessary. The NPRM also proposed to continue to require repetitive testing of the elevator control system to determine if an elevator PCA is rigged incorrectly due to failed shear rivets in a bellcrank assembly of the elevator PCA, and follow-on actions if necessary. The NPRM also proposed to require an inspection to determine the part numbers and condition of the bellcrank assemblies; modification or replacement of the PCA bellcrank assembly, if necessary; and a repetitive functional test and mis-rig check, and corrective actions if necessary.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal (78 FR 12991, February 26, 2013) and the FAA's response to each comment.

Request To Withdraw the NPRM (78 FR 12991, February 26, 2013)

United Airlines (UAL) requested that we withdraw the NPRM (78 FR 12991, February 26, 2013). UAL stated that there may be no benefit to superseding AD 2001–04–09, Amendment 39–12128 (66 FR 13227, March 5, 2001), because current actions provide an equivalent level of safety. UAL stated that, as an alternative method of compliance (AMOC) to AD 2001–04–09, it is presently accomplishing the actions described in the following service bulletins. UAL stated that it is effectively complying with the NPRM, and indicated other airlines may be as well.

- Boeing Service Bulletin 767–27–0186, dated June 25, 2007.
- Boeing Service Bulletin 767–27–0187, dated June 25, 2007.
- Boeing Service Bulletin 767–27–0200, dated June 25, 2007.
- Boeing Service Bulletin 767–27–0201, dated June 27, 2007.
- Boeing Service Bulletin 767–27–0202, Revision 1, dated February 21, 2008.

• Boeing Service Bulletin 767–27–0203, Revision 1, dated February 21, 2008.

We disagree with the commenter's request to withdraw the NPRM (78 FR 12991, February 26, 2013). AD 2000–17–05, Amendment 39–11879 (65 FR 51754, August 25, 2000), and AD 2001–04–09, Amendment 39–12128 (66 FR 13227, March 5, 2001), were considered interim actions. This final rule specifies a terminating modification that will further reduce the probability of the unsafe condition identified in those ADs, which includes installation of solid elevator PCA bellcranks or bellcranks with solid rivets. In addition to this terminating modification, this final rule requires new repetitive testing of the modified system, including repetitive testing of the elevator PCA input rod assemblies (pogo check) and repetitive checks of the elevator PCA rigging.

As UAL indicated, we approved accomplishment of the service information required by this final rule as AMOCs to accomplishing the repetitive testing required by paragraph (a) of AD 2001–04–09, Amendment 39–12128 (66 FR 13227, March 5, 2001). These were global AMOCs; therefore, we have no way of determining the level of airline incorporation. Airlines similar to UAL, which are presently accomplishing the actions described in Boeing Service Bulletins 767–27–0186, 767–27–0187, and 767–27–0200, all dated June 25, 2007; 767–27–0201, dated June 27, 2007; and 767–27–0202 and 767–27–0203, both Revision 1, both dated February 21, 2008; as applicable; as AMOCs to AD 2001–04–09, can take credit for work already accomplished as specified in paragraph (f) of this final rule and are already doing the repetitive actions required by this AD. No change has been made to this final rule in this regard.

Request To Allow Credit for Previous Actions

Boeing requested that we provide credit for the actions required by paragraph (j) of the NPRM (78 FR 12991, February 26, 2013), if those actions were performed before the effective date of this AD using Boeing Service Bulletin 767–27–0186 or 767–27–0187, both dated June 25, 2007, and it is shown that the service information has been incorporated by doing a records check.

We find that clarification is necessary. Paragraph (f) of this AD states to comply with this AD within the compliance times specified, unless already done. For paragraph (j) of this AD, there is no more work required for operators who have already accomplished the actions in Boeing Service Bulletin 767–27–0186 or 767–27–0187, both dated June 25, 2007. No change has been made to this final rule in this regard.

Request To Insert a Phrase in Paragraph (k)(1) of the NPRM (78 FR 12991, February 26, 2013)

ABX Air (ABX) requested that paragraph (k)(1) of the NPRM (78 FR 12991, February 26, 2013) be revised by inserting the phrase, ''Unless the function check (pogo check) specified by paragraph (k)(2) of this AD was previously accomplished.'' ABX stated that paragraph (k)(1) of the NPRM proposed to require accomplishment of the pogo check in accordance with Boeing Service Bulletin 767–27–0186, dated June 25, 2007, before further flight after doing the inspection and applicable corrective actions proposed by paragraph (j) of the NPRM. ABX stated that if the pogo check was accomplished previously in accordance with Boeing Service Bulletin 767–27–0200, dated June 25, 2007, then the pogo check proposed by paragraph (k)(1) of the NPRM is not necessary.

ABX further stated that the pogo check specified in Boeing Service Bulletins 767–27–0186 and 767–27–0200, both dated June 25, 2007, are equivalent, and if each input control rod assembly passed the pogo check inspection, or was overhauled or replaced in accordance with paragraph (k)(2) of the NPRM (78 FR 12991, February 26, 2013), then the repetitive pogo check limit of 12,000 flight hours will provide protection against input control rod assembly malfunction. ABX stated that requiring accomplishment of the pogo check concurrently with the bellcrank assembly inspection/modification will provide no safety benefit if the inspections specified in paragraph (k)(2) of the NPRM are in place.

We disagree with revising paragraph (k)(1) of this final rule as requested. Boeing Service Bulletins 767–27–0186 and 767–27–0187, both dated June 25, 2007 (referenced in paragraph (j) of this AD), are applicable to line numbers 1 through 901. An equivalent change was made during production for line numbers 902 and subsequent. As ABX stated, Boeing Service Bulletins 767–27–0186 and 767–27–0187, both dated June 25, 2007, include the same testing provided in Boeing Service Bulletins 767–27–0200, dated June 25, 2007; 767–27–0201, dated June 27, 2007; and 767–27–0202 and 767–27–0203, both Revision 1, both dated February 21, 2008.

However, for line numbers 1 through 901, the initial checks (pogo and mis-rig) must be completed following the modification of the system and must be repeated at the repetitive inspection intervals provided in paragraphs (k)(2) and (l)(2) of this AD. Since paragraphs (k)(1) and (l)(1) of this AD are the initial checks for these airplanes, and the intent is to do all of the actions specified in Boeing Service Bulletins 767–27–0186 and 767–27–0187, both dated June 25, 2007, at the time of modification, we disagree with making the requested change. No change has been made to this final rule in this regard.

Request To Add Exception to Service Information

Boeing requested that we add an exception to allow operators to omit Step 5 of Work Packages 1 and 2 of Boeing Service Bulletins 767–27–0186 and 767–27–0187, both dated June 25, 2007. Boeing stated that Step 4 of Work Packages 1 and 2 of Boeing Service Bulletins 767–27–0186 and 767–27–0187, both dated June 25, 2007, states ''Install elevator PCA input linkage. Refer to 767 AMM 27–31–06 as an accepted procedure.'' Boeing stated that AMM 27–31–06 of the Boeing Aircraft Maintenance Manual requires adjustment of the PCA input rods per Task 27–31–00, which adjusts the input rods for each elevator PCA to make sure that the elevator aligns to the index plate. Boeing stated that Step 5 of Work Packages 1 and 2 of Boeing Service Bulletins 767–27–0186 and 767–27–0187, both dated June 25, 2007, states, ''Do the elevator PCA Mis-Rig test. Refer to 767 AMM 27–31–00 as an accepted procedure.'' Boeing stated that the PCA input rod adjustment per AMM 27–31–00 is a precise rigging of the elevator PCA input rods. Boeing stated that a subsequent mis-rig test, which tests for a gross mis-rig of the system, is redundant and has no effect on correcting the unsafe condition.

We agree with adding an exception in this final rule as requested. We re-designated paragraph (n) of the NPRM (78 FR 12991, February 26, 2013) as paragraph (n)(1) of this final rule. We also added new paragraph (n)(2) to this final rule to specify that for airplanes on which an adjustment of the PCA input rods has been done as specified in AMM 27–31–00 of the Boeing 767 Aircraft Maintenance Manual during the accomplishment of Step 3.B.4 of Work Packages 1 and 2 of Boeing Service Bulletins 767–27–0186 and 767–27–0187, both dated June 25, 2007, Step 3.B.5 of Work Packages 1 and 2 of Boeing Service Bulletins 767–27–0186 and 767–27–0187, both dated June 25, 2007, is not required. We have also

added a reference to paragraph (n)(2) in paragraph (l)(1) of this final rule.

Clarification of NPRM (78 FR 12991, February 26, 2013)

The preamble of the NPRM (78 FR 12991, February 26, 2013) included a table identifying revised paragraph identifiers. The second line of the table stated that paragraph (b) of AD 2000–17–05, Amendment 39–11879 (65 FR 51754, August 25, 2000), corresponds to paragraph (g)(4) of the NPRM. We did not retain paragraph (b) of AD 2000–17–05; therefore, there is no corresponding paragraph (g)(4) in the NPRM. Since this table is not included in the final rule, no change has been made to this final rule in this regard.

Additional Change Made to This AD

Certain text in paragraph (h) of the NPRM (78 FR 12991, February 26, 2013) has been redesignated as Note 1 to paragraph (h) in this final rule, since that text is explanatory only.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (78 FR 12991, February 26, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (78 FR 12991, February 26, 2013).

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Costs of Compliance

We estimate that this AD affects 415 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	U.S. Airplanes	Cost per product	Cost on U.S. operators
Functional check of the shear rivets (actions retained from AD 2000–17–05, Amendment 39–11879 (65 FR 51754, August 25, 2000)).	4 work-hours × $85 per hour = $340.	$0	330	$340	$112,200.
Repetitive inspection of bellcrank assemblies (actions retained from AD 2001–04–09, Amendment 39–12128 (66 FR 13227, March 5, 2001)).	2 work-hours × $85 per hour = $170 per inspection cycle.	0	335	$170 per inspection cycle.	$56,950 per inspection cycle.
Inspection of elevator PCA bellcrank assemblies, functional test (pogo check), and elevator mis-rig check (new actions for Model 767 airplanes having line numbers 1–901).	23 work–hours × $85 per hour = $1,955.	0	390	$1,955	$762,450.
Repetitive functional test (pogo check) (new action for all Model 767 airplanes).	32 work-hours × $85 per hour = $2,720 per inspection cycle.	0	415	$2,720 per inspection cycle.	$1,128,800 per inspection cycle.
Repetitive elevator mis-rig check (new action for all Model 767 airplanes).	2 work-hours × $85 per hour = $170 per inspection cycle.	0	415	$170 per inspection cycle.	$70,550 per inspection cycle.

We estimate the following costs to do any necessary repairs or replacements that will be required based on the results of the inspection, tests, and checks. We have no way of determining the number of aircraft that might need these repairs or replacements.

We estimate that reworking the bellcrank assembly will take about 6 work-hours, for a labor cost of $510 per airplane; however, we have no definitive data to determine the cost of parts required. We have received no definitive data that would enable us to provide a cost estimate for replacing or overhauling the elevator PCA input rod assembly, adjusting the elevator PCA input rod assemblies, and doing structural inspections specified in this AD.

According to the manufacturer, some of the costs of this AD might be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directives (ADs) 2000–17–05, Amendment 39–11879 (65 FR 51754, August 25, 2000); and 2001–04–09, Amendment 39–12128 (66 FR 13227, March 5, 2001); and adding the following new AD:

2013–25–03 the Boeing Company: Amendment 39–17699; Docket No. FAA–2013–0095; Directorate Identifier 2011–NM–197–AD.

(a) Effective Date

This AD is effective March 3, 2014.

(b) Affected ADs

This AD supersedes AD 2000–17–05, Amendment 39–11879 (65 FR 51754, August 25, 2000); and AD 2001–04–09, Amendment 39–12128 (66 FR 13227, March 5, 2001). This AD affects AD 2007–24–08, Amendment 39–15274 (72 FR 67236, November 28, 2007).

(c) Applicability

This AD applies to all the Boeing Company Model 767–200, -300, -300F, and -400ER series airplanes, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Unsafe Condition

This AD was prompted by reports of failed shear rivets in the bellcrank assemblies of the elevator power control actuator (PCA). We are issuing this AD to prevent continued operation with yielded or failed shear rivets in the elevator PCA bellcrank assemblies, and to prevent certain failures or jams in the elevator system from causing a hardover of the elevator surface, resulting in a significant pitch upset and possible loss of control of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Retained Functional Check

This paragraph restates the requirements of paragraph (a) of AD 2000–17–05, Amendment 39–11879 (65 FR 51754, August 25, 2000). For Model 767–200, -300, and -300F series airplanes, line numbers 1 through 800 inclusive: Within 30 days after September 11, 2000 (the effective date AD 2000–17–05), perform a functional check of one shear rivet in all six elevator PCA bellcrank assemblies to determine the condition of the shear rivets, in accordance with Paragraph 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 767–27A0166, dated August 17, 2000. Doing the actions required by paragraphs (j), (k), and (l) of this AD terminates the requirements of this paragraph, paragraph (g)(2), and paragraph (g)(3) of this AD.

(1) If all penetration depths, when measured per Figure 2 of Boeing Alert Service Bulletin 767–27A0166, dated August 17, 2000, are 0.50 inch or more, no further action is required by paragraph (g), including all subparagraphs, of this AD.

(2) If any penetration depth, when measured per Figure 2 of Boeing Alert Service Bulletin 767–27A0166, dated August 17, 2000, is 0.35 inch or more, but less than 0.50 inch, rework or replace the bellcrank assembly with a new or serviceable bellcrank assembly within 400 flight hours after accomplishing the functional check. After installation of a new or serviceable bellcrank assembly, and prior to further flight, repeat the functional check of all the bellcrank assemblies to make sure the rivets are still in good condition (as specified in Boeing Alert Service Bulletin 767–27A0166, dated August 17, 2000) after installation, in accordance with Figure 2 of Boeing Alert Service Bulletin 767–27A0166, dated August 17, 2000.

(3) If any penetration depth, when measured per Figure 2 of Boeing Alert Service Bulletin 767–27A0166, dated August 17, 2000, is less than 0.35 inch, prior to further flight, rework or replace the bellcrank assembly with a new or serviceable bellcrank assembly. After installation of a new or serviceable bellcrank assembly, and prior to further flight, repeat the functional check of all the bellcrank assemblies to make sure the rivets are still in good condition (as specified in Boeing Alert Service Bulletin 767–27A0166, dated August 17, 2000) after installation, in accordance with Figure 2 of Boeing Alert Service Bulletin 767–27A0166, dated August 17, 2000.

(h) Retained Repetitive Tests

This paragraph restates the requirements of paragraph (a) of AD 2001–04–09, Amendment 39–12128 (66 FR 13227, March 5, 2001), with revised provisions for repetitive tests. For all airplanes: Within 90 days after March 20, 2001 (the effective date of AD 2001–04–09), perform a test of the elevator PCA bellcranks to determine if an elevator PCA is rigged incorrectly due to yielded or failed shear rivets in a bellcrank assembly, in accordance with Boeing Alert Service Bulletin 767–27A0168 (for Model 767–200, –300, and –300F series airplanes); or 767–27A0169 (for Model 767–400ER series airplanes); both dated November 21, 2000. Repeat the test thereafter at least every 400 flight hours. Doing the actions required by paragraphs (j), (k), and (l) of this AD terminates the requirements of this paragraph.

Note 1 to paragraph (h) of this AD: As of March 20, 2001(the effective date of AD 2001–04–09), and until the accomplishment of the actions required by paragraphs (j), (k), and (l) of this AD, as applicable, accomplishment of the repetitive tests required by paragraph (h) of this AD is acceptable for compliance with the functional check of the elevator system required by a certification maintenance requirement (CMR) that is documented as Item Number 27–31–00–5B in the Boeing 767 Maintenance Planning Document (MPD), which is not incorporated by reference in this AD. After accomplishment of the actions required by paragraphs (j), (k), and (l) of this AD, accomplishment of the repetitive tests required by paragraph (h) of this AD are not acceptable for compliance with the functional check of the elevator system required by a CMR that is documented as Item Number 27–31–00–5B in the Boeing 767 MPD.

(i) Retained Follow-On Actions

This paragraph restates the requirements of paragraph (b) of AD 2001–04–09, Amendment 39–12128 (66 FR 13227, March 5, 2001). For all airplanes: If an elevator PCA is determined to be rigged incorrectly during any test required by paragraph (h) of this AD, before further flight, do a one-time inspection to measure penetration depth of the shear rivets of all three elevator bellcrank assemblies of the affected elevator surface, in accordance with Boeing Alert Service Bulletin 767–27A0168 (for Model 767–200, –300, and –300F series airplanes); or 767–27A0169 (for Model 767–400ER series airplanes); both dated November 21, 2000. Doing the actions required by paragraphs (j), (k), and (l) of this AD terminates the requirements of this paragraph, paragraph (i)(1), and paragraph (i)(2) of this AD.

(1) If the measured penetration depth of the shear rivets on all bellcrank assemblies is 0.50 inch or more: Before further flight, re-rig the elevator PCA correctly, in accordance with Boeing Alert Service Bulletin 767–27A0168 (for Model 767–200, –300, and –300F series airplanes; or 767–27A0169 (for Model 767–400ER series airplanes); both dated November 21, 2000.

(2) If the measured shear rivet penetration depth on any single bellcrank assembly is less than 0.50 inch: Before further flight, repair the bellcrank assembly by replacing the shear rivets or replace the bellcrank assembly, and reassemble and re-rig the elevator control system, in accordance with Boeing Alert Service Bulletin 767–27A0168 (for Model 767–200, –300, and –300F series airplanes); or 767–27A0169 (for Model 767–400ER series airplanes); both dated November 21, 2000.

(j) New Inspection and Modification

For airplanes having line numbers 1 through 901 inclusive: Within 72 months after the effective date of this AD, do a general visual inspection of the three PCA bellcrank assemblies on each elevator to determine the part numbers (P/Ns) of the bellcrank assemblies and to determine whether the bellcrank assembly has shear rivets, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–27–0186, dated June 25, 2007 (for Model 767–200, –300, and –300F series airplanes); or 767–27–0187, dated June 25, 2007 (for Model 767–400ER series airplanes).

(1) If the bellcrank assembly has P/N 252T2118–4 or 252T2118–5, and has solid rivets, no further action is required by this paragraph.

(2) If the bellcrank is a solid one-piece bellcrank with no rivets, no further action is required by this paragraph.

(3) If the bellcrank assembly has P/N 252T2118–1, 252T2118–2, or 252T2118–3, and has shear rivets, before further flight, do the action specified in either paragraph (j)(3)(i) or (j)(3)(ii) of this AD, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–27–0186, dated June 25, 2007 (for Model 767–200, –300, and –300F series airplanes); or 767–27–0187, dated June 25, 2007 (for Model 767–400ER series airplanes); except as provided by paragraph (n) of this AD.

(i) Rework the existing bellcrank to replace the shear rivets with solid rivets.

(ii) Install a new, solid one-piece (no rivets) bellcrank assembly having P/N 252T2118–6.

(k) New Repetitive Functional Test (Pogo Check)

(1) For airplanes having line numbers 1 through 901 inclusive: Before further flight after doing the inspection and applicable corrective actions required by paragraph (j) of this AD, do a functional test (pogo check) on each of the six elevator PCA input rod assemblies, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–27–0186, dated June 25, 2007 (for Model 767–200, –300, and –300F series airplanes); or 767–27–0187, dated June 25, 2007 (for Model 767–400ER series airplanes).

(2) For all airplanes: At the latest of the times specified in paragraphs (k)(2)(i), (k)(2)(ii), and (k)(2)(iii) of this AD, do a functional test (pogo check) on each of the six elevator PCA input rod assemblies, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–27–0200, dated June 25, 2007 (for Model 767–200, –300, and –300F series airplanes); or 767–27–0201, dated June 27, 2007 (for Model 767–400ER series airplanes). Repeat the pogo check thereafter at intervals not to exceed 12,000 flight hours.

(i) Before the accumulation of 12,000 total flight hours.

(ii) Within 12,000 flight hours after completion of the most recent pogo check.

(iii) Within 6,000 flight hours after the effective date of this AD.

(3) If any elevator PCA input rod assembly fails to meet any functional test requirement of this AD, before further flight, replace the elevator PCA input rod assembly with a new or serviceable assembly, or overhaul the elevator PCA input rod assembly, in accordance with the applicable service information identified in paragraphs (k)(3)(i) and (k)(3)(ii) of this AD, except as provided by paragraph (n) of this AD.

(i) For replacing or overhauling the assembly on Model 767–200, –300, and –300F airplanes: Use Boeing Service Bulletin 767–27–0186, dated June 25, 2007; or 767–27–0200, dated June 25, 2007; as applicable.

(ii) For replacing or overhauling the assembly on Model 767–400ER airplanes: Use Boeing Service Bulletin 767–27–0187, dated June 25, 2007; or 767–27–0201, dated June 27, 2007; as applicable.

(l) New Elevator PCA Check (Mis-rig Check)

(1) Except as provided by paragraph (n)(2) of this AD, for airplanes having line numbers 1 through 901 inclusive: Before further flight after doing the actions required by paragraphs (j) and (k) of this AD, do a check of the elevator PCA rigging, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–27–0186, dated June 25, 2007 (for Model 767–200, –300, and –300F series airplanes); or 767–27–0187, dated June 25, 2007 (for Model 767–400ER series airplanes).

(2) For all airplanes: At the latest of the times specified in paragraphs (l)(2)(i), (l)(2)(ii), and (l)(2)(iii) of this AD, do a check of the elevator PCA rigging, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–27–0202, Revision 1, dated February 21, 2008 (for Model 767–200, –300, and –300F series airplanes); or 767–27–0203, Revision 1, dated February 21, 2008 (for Model 767–400ER series airplanes). Repeat the mis-rig check thereafter at intervals not to exceed 6,000 flight hours.

(i) Before the accumulation 6,000 total flight hours.

(ii) Within 6,000 flight hours after the completion of the most recent mis-rig check, or after completion of the most recent bellcrank repetitive check, as specified in Boeing Alert Service Bulletin 767–27A0168, dated November 20, 2000.

(iii) Within 6,000 flight hours after the effective date of this AD.

(3) If a mis-rig condition is found, before further flight, adjust the PCA input rod assemblies and do a structural inspection for damage, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–27–0202, Revision 1, dated February 21, 2008 (for Model 767–200, –300, and –300F airplanes); or 767–27–0203, Revision 1, dated February 21, 2008 (for Model 767–400ER airplanes). If any damage is found during any structural inspection, before further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(m) Terminating Action

Accomplishment of the requirements of paragraphs (j), (k), and (l) of this AD terminates the requirements of paragraphs (g), (h), and (i) of this AD.

(n) Service Bulletin Exceptions

(1) Where Boeing Service Bulletins 767–27–0186 and 767–27–0187, both dated June 25, 2007, specify the use of grease BMS 3–24, this AD allows the alternate use of grease BMS 3–33.

(2) For airplanes on which an adjustment of the PCA input rods has been done as specified in Boeing 767 AMM 27–31–00 during the accomplishment of Step 3.B.4 of Work Packages 1 and 2 of Boeing Service Bulletins 767–27–0186 and 767–27–0187, both dated June 25, 2007: Accomplishment of the actions specified in Step 3.B.5 of Work Package 1 and 2 of Boeing Service Bulletins 767–27–0186 and 767–27–0187, both dated June 25, 2007, is not required by this AD.

(o) Method of Compliance for Paragraph (k) of AD 2007–24–08, Amendment 39–15274 (72 FR 67236, November 28, 2007)

For airplanes identified in paragraphs (o)(1) and (o)(2) of this AD: Doing the actions required by paragraphs (j), (k), and (l) of this AD is acceptable for compliance with the actions required by paragraph (k) of AD 2007–24–08, Amendment 39–15274 (72 FR 67236, November 28, 2007).

(1) Group 1, Configuration 2, airplanes identified in Boeing Special Attention Service Bulletin 767–27–0197, Revision 1, dated July 19, 2007.

(2) Group 1, Configuration 1, airplanes identified in Boeing Special Attention Service Bulletin 767–27–0198, Revision 1, dated July 19, 2007.

(p) Parts Installation Prohibition

As of the effective date of this AD, no person may install a bellcrank assembly, P/N 252T2118–1, 252T2118–2, or 252T2118–3, on any airplane.

(q) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (l) of this AD, if those actions were performed before the effective date of this AD using Boeing Service Bulletin 767–27–0202 (for Model 767–200, –300, and –300F airplanes); or 767–27–0203 (for Model 767–400ER airplanes); both dated June 25, 2007, which are not incorporated by reference in this AD.

(r) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (s) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane and the approval must specifically refer to this AD.

(4) AMOCs approved previously for AD 2001–04–09, Amendment 39–12128 (66 FR 13227, March 5, 2001), are approved as AMOCs for the corresponding requirements of this AD.

(s) Related Information

(1) For more information about this AD, contact Marie Hogestad, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6418; fax: (425) 917–6590; email: *marie.hogestad@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference in this AD may be obtained at the addresses specified in paragraphs (t)(7) and (t)(8) of this AD.

(t) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(3) The following service information was approved for IBR on March 3, 2014.

(i) Boeing Service Bulletin 767–27–0186, dated June 25, 2007.

(ii) Boeing Service Bulletin 767–27–0187, dated June 25, 2007.

(iii) Boeing Service Bulletin 767–27–0200, dated June 25, 2007.

(iv) Boeing Service Bulletin 767–27–0201, dated June 27, 2007.

(v) Boeing Service Bulletin 767–27–0202, Revision 1, dated February 21, 2008.

(vi) Boeing Service Bulletin 767–27–0203, Revision 1, dated February 21, 2008.

(4) The following service information was approved for IBR on November 28, 2007 (72 FR 67236, November 28, 2007).

(i) Boeing Special Attention Service Bulletin 767–27–0197, Revision 1, dated July 19, 2007.

(ii) Boeing Special Attention Service Bulletin 767–27–0198, Revision 1, dated July 19, 2007.

(5) The following service information was approved for IBR on March 20, 2001 (66 FR 13227, March 5, 2001).

(i) Boeing Alert Service Bulletin 767–27A0168, dated November 21, 2000.

(ii) Boeing Alert Service Bulletin 767–27A0169, dated November 21, 2000.

(6) The following service information was approved for IBR on September 11, 2000 (65 FR 51754, August 25, 2000).

(i) Boeing Alert Service Bulletin 767–27A0166, dated August 17, 2000.

(ii) Reserved.

(7) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.*

(8) You may view this service information at FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(9) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on December 4, 2013.

John P. Piccola,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–01433 Filed 1–24–14; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[EPA–R07–OAR–2013–0765; FRL–9905–66–Region–7]

Approval and Promulgation of Implementation Plans; State of Kansas; Annual Emissions Fee and Annual Emissions Inventory

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve a revision to the Kansas State Implementation Plan (SIP) and Operating Permits Program. EPA is approving a revision to the Kansas rule entitled ''Annual Emissions Fee.'' These revisions align the State's reporting requirements with the Federal Air Emissions Reporting Requirements Rule (AERR).

DATES: This direct final rule will be effective on March 28, 2014, without further notice, unless EPA receives adverse comment by February 26, 2014. If EPA receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2013–0765, by one of the following methods:

1. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

2. *Email: kemp.lachala@epa.gov*

3. *Mail or Hand Delivery:* Lachala Kemp, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219.

Instructions: Direct your comments to Docket ID No. EPA–R07–OAR–2013–0765. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219. The Regional Office's official hours of business are Monday through Friday, 8:00 to 4:30 excluding Federal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Lachala Kemp at (913) 551–7214, or by email at *kemp.lachala@epa.gov.*

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

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

I. What is being addressed in this document?

EPA is approving revisions to the Kansas SIP and Operating Permits Program submitted to EPA in a letter dated April 15, 2011. On December 17, 2008, EPA finalized the Air Emissions Reporting Requirements Rule (AERR). This rule outlines EPA's emission inventory reporting requirements. In the December 17, 2008 action, EPA consolidated, reduced and simplified the current requirements; added limited new requirements; provided additional flexibility to the states in the ways they collect and report emissions data; and accelerated the reporting of emissions data to EPA by state and local agencies. Revisions to the SIP amend KAR 28–19–202 Annual Emissions Fee to align the State's reporting requirements with EPA's reporting requirements. Specifically, the State moved the Emissions Inventory Questionnaire (EIQ) due date from June 1 to April 1; removed the minimum thresholds for assessing emissions fees for class I stationary sources; and modified the State's late fee structure. The State increased the emissions fee in paragraph (c) from $25 per ton to $37 per ton. The Emissions Fees are an integral part of the Title V operating permit program, but not approved as part of the SIP. Kansas' amendments ensure that their reporting requirements align with EPA's AERR. EPA has conducted an analysis of the State's amendments and concluded that these do not adversely affect the stringency of the SIP.

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

The state submission has met the public notice requirements of SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part appendix V. In addition, the revisions meet the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. What action is EPA taking?

EPA is approving the request to amend the Kansas SIP and operating permits program by approving the State's request to amend KAR 28–19–202 *Annual Emissions Fee* to align the State's rule with EPA's reporting requirements. Approval of these revisions will ensure consistency between state and Federally-approved rules. EPA has determined that these changes will not relax the SIP or adversely impact air emissions.

We are processing this action as a direct final action because the revisions make routine changes to the existing rules which are noncontroversial. Therefore, we do not anticipate any adverse comments. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment.

Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011). This action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). Thus Executive Order 13132 does not apply to this action. This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) because it approves a state rule implementing a Federal standard.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a state submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA when it reviews a state submission, to use VCS in place of a state submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Burden is defined at 5 CFR 1320.3(b).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**.

A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 28, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it

extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the final rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

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

40 CFR Part 70

Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: January 8, 2014.

Karl Brooks,

Regional Administrator, Region 7.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart R—Kansas

■ 2. In § 52.870 the table in paragraph (c) is amended by adding new entry K.A.R. 28–19–202 in numerical order under subheading ''General Provisions'' to read as follows:

§ 52.870 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED KANSAS REGULATIONS

Kansas citation	Title	State effective date	EPA approval date	Explanation
Kansas Department of Health and Environment Ambient Air Quality Standards and Air Pollution Control				
*	*	*	*	*
General Provisions				
*	*	*	*	*
K.A.R. 28–19–202 ...	Annual Emissions Fee.	11/5/2010	1/27/2014 [*insert **Federal Register** page number where the document begins*].	Paragraph (c), has not been approved as part of the SIP.
*	*	*	*	*

* * * * *

PART 70—STATE OPERATING PERMIT PROGRAMS

■ 3. The authority citation for Part 70 continues to read as follows:

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

■ 4. Appendix A to Part 70 is amended by adding paragraph (f) under Kansas to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Kansas

* * * * *

(f) The Kansas Department of Health and Environment submitted revisions to Kansas Administrative Record (KAR) 28–19–202 and 28–19–517 on April 15, 2011; approval of section (c) effective March 28, 2014.

* * * * *

[FR Doc. 2014–01185 Filed 1–24–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 131028907–4042–02]

RIN 0648–XC954

Pacific Island Fisheries; 2014 Annual Catch Limits and Accountability Measures

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

ACTION: Final specifications.

SUMMARY: In this rule, NMFS specifies the 2014 annual catch limits for Pacific Island bottomfish, crustacean, precious coral, and coral reef ecosystem fisheries, and accountability measures to correct or mitigate any overages of catch limits. The catch limits and accountability measures support the long-term sustainability of fishery resources of the U.S. Pacific Islands.

DATES: The final specifications are effective February 26, 2014, through December 31, 2014.

ADDRESSES: Copies of the fishery ecosystem plans are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808–522–8220, fax 808–522–8226, or *www.wpcouncil.org.* Copies of the environmental assessments and findings of no significant impact for this action, identified by NOAA–NMFS–2013–0156, are available from *www.regulations.gov,* or from Michael D. Tosatto, Regional

Administrator, NMFS Pacific Islands Region (PIR), 1601 Kapiolani Blvd. 1110, Honolulu, HI 96814.

FOR FURTHER INFORMATION CONTACT: Jarad Makaiau, NMFS PIR Sustainable Fisheries, 808–944–2108.

SUPPLEMENTARY INFORMATION: NMFS is specifying the 2014 annual catch limits (ACLs) and accountability measures (AMs) for bottomfish, crustacean, precious coral, and coral reef ecosystem fishery management unit species (MUS) in the U.S. Exclusive Economic Zone (EEZ, generally 3–200 nm from shore) around American Samoa, Guam, the Commonwealth of the Northern Mariana Islands (CNMI), and Hawaii. NMFS proposed these specifications on December 20, 2013 (78 FR 77089), and the final specifications do not differ from that proposal. The 2014 fishing year begins on January 1, and ends on December 31, except for precious coral fisheries, for which the fishing year began on July 1, 2013, and ends on June 30, 2014. The ACLs and AMs are identical to those that NMFS specified for these fisheries in 2013.

NMFS is not specifying ACLs for MUS that are currently subject to Federal fishing moratoria or prohibitions. These MUS include all species of gold coral (78 FR 32181, May 29, 2013), the three Hawaii seamount groundfish, that is, pelagic armorhead, alfonsin, and raftfish (75 FR 69015, November 10, 2010), and deepwater precious corals at the Westpac Bed Refugia (75 FR 2198, January 14, 2010). The current prohibitions on fishing for these MUS serve as the functional equivalent of an ACL of zero.

Additionally, NMFS is not specifying ACLs for bottomfish, crustacean, precious coral, or coral reef ecosystem MUS identified in the Pacific Remote Islands Area (PRIA) FEP. On June 3, 2013, NMFS published a final rule (78 FR 32996), implementing fishing requirements for the Pacific Remote Islands Marine National Monument (Monument), which include a prohibition on all fishing in the EEZ within 12 nm of emergent land, unless authorized by the U.S. Fish and Wildlife Service. NMFS is not proposing ACLs for PRIA FEP bottomfish, crustacean, precious coral, or coral reef ecosystem fisheries because there is no suitable habitat for these fisheries beyond the 12-nm no-fishing zone, except at Kingman Reef, where fishing for these resources does not occur. Therefore, the current prohibitions on fishing serve as the functional equivalent of an ACL of zero. However, NMFS will continue to monitor authorized fishing within the Monument in consultation with the U.S. Fish and Wildlife Service, and may develop additional fishing requirements, including Monument-specific catch limits for species that may require them.

NMFS is also not proposing ACLs for pelagic MUS at this time, because NMFS previously determined that pelagic species are subject to international fishery agreements or have a life cycle of approximately one year and, therefore, are statutorily excepted from the ACL requirements.

2014 Annual Catch Limit Specifications

The ACL specifications for Pacific Island fisheries are listed in Tables 1–4.

TABLE 1—AMERICAN SAMOA

Fishery	Management unit species	Final ACL specification (lb)
Bottomfish	Bottomfish multi-species stock complex	101,000
Crustacean	Deepwater Shrimp	80,000
	Spiny Lobster	2,300
	Slipper Lobster	30
	Kona Crab	3,200
Precious Coral	Black Coral	790
	Precious Corals in the American Samoa Exploratory Area	2,205
Coral Reef Ecosystem	Acanthuridae—surgeonfish	19,516
	Lutjanidae—snappers	18,839
	Selar crumenophthalmus—atule or bigeye scad	8,396
	Mollusks—turbo snail; octopus; giant clams	16,694
	Carangidae—jacks	9,490
	Lethrinidae—emperors	7,350
	Scaridae—parrotfish	8,145
	Serranidae—groupers	5,600
	Holocentridae—squirrelfish	2,585
	Mugilidae—mullets	2,857
	Crustaceans—crabs	2,248
	Bolbometopon muricatum—bumphead parrotfish	235
	Cheilinus undulatus—Humphead (Napoleon) wrasse	1,743
	Carcharhinidae—Reef Sharks	1,309
	All Other CREMUS combined	18,910

TABLE 2—MARIANA ARCHIPELAGO—GUAM

Fishery	Management unit species	Final ACL specification (lb)
Bottomfish	Bottomfish multi-species stock complex	66,800
Crustaceans	Deepwater Shrimp	48,488
	Spiny Lobster	2,700
	Slipper Lobster	20
	Kona Crab	1,900
Precious Coral	Black Coral	700
	Precious Corals in the Guam Exploratory Area	2,205

TABLE 2—MARIANA ARCHIPELAGO—GUAM—Continued

Fishery	Management unit species	Final ACL specification (lb)
Cora Reef Ecosystem	Acanthuridae—surgeonfish	70,702
	Carangidae—jacks	45,377
	Selar crumenophthalmus—atulai or bigeye scad	56,514
	Lethrinidae—emperors	38,720
	Scaridae—parrotfish	28,649
	Mullidae—goatfish	25,367
	Mollusks—turbo snail; octopus; giant clams	21,941
	Siganidae—rabbitfish	26,120
	Lutjanidae—snappers	17,726
	Serranidae—groupers	17,958
	Mugilidae—mullets	15,032
	Kyphosidae—chubs/rudderfish	13,247
	Crustaceans—crabs	5,523
	Holocentridae—squirrelfish	8,300
	Algae	5,329
	Labridae—wrasses	5,195
	Bolbometopon muricatum—bumphead parrotfish	[1] 797
	Cheilinus undulatus—Humphead (Napoleon) wrasse	1,960
	Carcharhinidae—Reef Sharks	6,942
	All Other CREMUS combined	83,214

[1] (CNMI and Guam combined)

TABLE 3—MARIANA ARCHIPELAGO—CNMI

Fishery	Management unit species	Final ACL specification (lb)
Bottomfish	Bottomfish multi-species stock complex	228,000
Crustacean	Deepwater Shrimp	275,570
	Spiny Lobster	5,500
	Slipper Lobster	60
	Kona Crab	6,300
Precious Coral	Black Coral	2,100
	Precious Corals in the CNMI Exploratory Area	2,205
Coral Reef Ecosystem	Lethrinidae—emperors	27,466
	Carangidae—jacks	21,512
	Acanthuridae—surgeonfish	6,884
	Selar crumenophthalmus—atulai or bigeye scad	7,459
	Serranidae—groupers	5,519
	Lutjanidae—snappers	3,905
	Mullidae—goatfish	3,670
	Scaridae—parrotfish	3,784
	Mollusks—turbo snail; octopus; giant clams	4,446
	Mugilidae—mullets	3,308
	Siganidae—rabbitfish	2,537
	Bolbometopon muricatum—bumphead parrotfish	[1] 797
	Cheilinus undulatus Humphead (Napoleon) wrasse	2,009
	Carcharhinidae—Reef Sharks	5,600
	All Other CREMUS combined	9,820

[1] (CNMI and Guam combined).

TABLE 4—HAWAII

Fishery	Management unit species	Final ACL specification (lb)
Bottomfish	Non-Deep 7 Bottomfish	140,000
Crustacean	Deepwater Shrimp	250,773
	Spiny Lobster	10,000
	Slipper Lobster	280
	Kona Crab	27,600
Precious Coral	Auau Channel Black Coral	5,512
	Makapuu Bed—Pink Coral	2,205
	Makapuu Bed—Bamboo Coral	551
	180 Fathom Bank—Pink Coral	489
	180 Fathom Bank—Bamboo Coral	123
	Brooks Bank—Pink Coral	979

TABLE 4—HAWAII—Continued

Fishery	Management unit species	Final ACL specification (lb)
	Brooks Bank—Bamboo Coral	245
	Kaena Point Bed—Pink Coral	148
	Kaena Point Bed—Bamboo Coral	37
	Keahole Bed—Pink Coral	148
	Keahole Bed—Bamboo Coral	37
	Precious Corals in the Hawaii Exploratory Area	2,205
Coral Reef Ecosystem	*Selar crumenophthalmus*—akule or bigeye scad	651,292
	Decapterus macarellus—opelu or mackerel scad	393,563
	Carangidae—jacks	193,423
	Mullidae—goatfish	125,813
	Acanthuridae—surgeonfish	80,545
	Lutjanidae—snappers	65,102
	Holocentridae—squirrelfish	44,122
	Mugilidae—mullets	41,112
	Mollusks—turbo snails; octopus	28,765
	Scaridae—parrotfish	33,326
	Crustaceans—crabs	20,686
	Carcharhinidae—Reef Sharks	111,566
	All Other CREMUS combined	142,282

Accountability Measures

NMFS and the Council, relying on information from local resource management agencies in American Samoa, Guam, the CNMI, and Hawaii, will conduct a post-season accounting of the annual catch for each stock and stock complex immediately after the end of the fishing year. If an ACL is exceeded, the Council will take action in accordance with 50 CFR 600.310(g), which may include a recommendation that NMFS reduce the ACL for the subsequent fishing year by the amount of the overage, or other measure, as appropriate.

Additional background information on this action is found in the preamble to the proposed specifications, and is not repeated here.

Comments and Responses

On December 20, 2013, NMFS published a request for public comments (78 FR 77089) on proposed specifications that are finalized here. The public comment period ended on January 6, 2014. NMFS received no public comments.

Classification

The Regional Administrator, NMFS PIR, determined that this action is necessary for the conservation and management of Pacific Island fishery resources, and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed specification stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed specifications and is not repeated here. NMFS received no comments regarding this certification; as a result, a regulatory flexibility analysis was not required, and none was prepared.

This action is exempt from review under E.O. 12866.

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

Dated: January 22, 2014.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2014–01508 Filed 1–24–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 120918468–3111–02]

RIN 0648–XD099

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

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

DATES: Effective 1200 hours, Alaska local time (A.l.t.), January 22, 2014, through 1200 hours, A.l.t., June 10, 2014.

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

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

The A season allowance of the 2014 Pacific cod total allowable catch (TAC) apportioned to vessels using pot gear in the Western Regulatory Area of the GOA is 4,425 metric tons (mt), as established by the final 2013 and 2014 harvest specifications for groundfish of the GOA (78 FR 13162, February 26, 2013) and

inseason adjustment (79 FR 601, January 6, 2014).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the A season allowance of the 2014 Pacific cod TAC apportioned to vessels using pot gear in the Western Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 4,415 mt and is setting aside the remaining 10 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels using pot gear in the Western Regulatory Area of the GOA. After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the directed fishing closure of Pacific cod for vessels using pot gear in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 21, 2014.

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

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

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

Dated: January 22, 2014.

Sean F. Corson,

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

[FR Doc. 2014–01459 Filed 1–22–14; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 121018563–3148–02]

RIN 0648–XD093

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands

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

ACTION: Temporary rule.

SUMMARY: NMFS is reallocating the projected unused amounts of the Aleut Corporation's and the Community Development Quota pollock directed fishing allowances from the Aleutian Islands subarea to the Bering Sea subarea directed fisheries. These actions are necessary to provide opportunity for harvest of the 2014 total allowable catch of pollock, consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 27, 2014, until the effective date of the final 2014 and 2015 harvest specifications for Bering Sea and Aleutian Islands (BSAI) groundfish, unless otherwise modified or superseded through publication of a notification in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7269.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council (Council) under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In the Aleutian Islands subarea, the portion of the 2014 pollock total allowable catch (TAC) allocated to the Aleut Corporation's directed fishing allowance (DFA) is 15,100 metric tons (mt) and the Community Development Quota (CDQ) DFA is 1,900 mt as established by the final 2013 and 2014 harvest specifications for groundfish in the BSAI (78 FR 13813, March 1, 2013), and as adjusted by an inseason adjustment (79 FR 758, January 7, 2014).

As of January 15, 2014, the Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that 7,750 mt of Aleut Corporation's DFA and 1,900 mt of pollock CDQ DFA in the Aleutian Islands subarea will not be harvested. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(*4*), NMFS reallocates 7,750 mt of Aleut Corporation's DFA and 1,900 mt of pollock CDQ DFA from the Aleutian Islands subarea to the 2014 Bering Sea subarea allocations. The 1,900 mt of pollock CDQ DFA is added to the 2014 Bering Sea CDQ DFA. The remaining 7,750 mt of pollock is apportioned to the AFA Inshore sector (50 percent), AFA catcher/processor sector (40 percent), and the AFA mothership sector (10 percent). The 2014 Bering Sea subarea pollock incidental catch allowance remains at 38,770 mt. As a result, the 2014 harvest specifications for pollock in the Aleutian Islands subarea included in the final 2013 and 2014 harvest specifications for groundfish in the BSAI (78 FR 13813, March 1, 2013) are revised as follows: 7,350 mt to Aleut Corporation's DFA and 0 mt to CDQ DFA. Furthermore, pursuant to § 679.20(a)(5), Table 3 of the final 2013 and 2014 harvest specifications for groundfish in the BSAI (78 FR 13813, March 1, 2013), as adjusted by the inseason adjustment (79 FR 758, January 7, 2014), is revised to make 2014 pollock allocations consistent with this reallocation. This reallocation results in adjustments to the 2014 Aleut Corporation and CDQ pollock allocations established at § 679.20(a)(5).

TABLE 3—FINAL 2013 AND 2014 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) [1]

[Amounts are in metric tons]

Area and sector	2013 Allocations	2013 A season [1]		2013 B season [1]	2014 Allocations	2014 A season [1]		2014 B season [1]
		A season DFA	SCA harvest limit [2]	B season DFA		A season DFA	SCA harvest limit [2]	B season DFA
Bering Sea subarea	1,261,900	n/a	n/a	n/a	1,276,650	n/a	n/a	n/a
CDQ DFA	126,600	50,640	35,448	75,960	128,600	51,440	36,008	77,160
ICA [1]	33,699	n/a	n/a	n/a	38,770	n/a	n/a	n/a
AFA Inshore	550,801	220,320	154,224	330,480	554,640	221,856	155,299	332,784
AFA Catcher/Processors [3]	440,640	176,256	123,379	264,384	443,712	177,485	124,239	266,227
Catch by C/Ps	403,186	161,274	n/a	241,912	405,996	162,399	n/a	243,598
Catch by CVs [3]	37,454	14,982	n/a	22,473	37,716	15,086	n/a	22,629
Unlisted C/P Limit [4]	2,203	881	n/a	1,322	2,219	887	n/a	1,331
AFA Motherships	110,160	44,064	30,845	66,096	110,928	44,371	31,060	66,557
Excessive Harvesting Limit [5]	192,780	n/a	n/a	n/a	194,124	n/a	n/a	n/a
Excessive Processing Limit [6]	330,480	n/a	n/a	n/a	332,784	n/a	n/a	n/a
Total Bering Sea DFA	1,101,601	440,640	308,448	660,961	1,109,280	443,712	310,598	665,568
Aleutian Islands subarea [1]	4,100	n/a	n/a	n/a	9,350	n/a	n/a	n/a
CDQ DFA	0	0	n/a	0	0	0	n/a	0
ICA	1,600	800	n/a	800	2,000	1,000	n/a	1,000
Aleut Corporation	2,500	3,500	n/a	0	7,350	7,350	n/a	0
Bogoslof District ICA [7]	100	n/a	n/a	n/a	75	n/a	n/a	n/a

[1] Pursuant to § 679.20(a)(5)(i)(A), the BS subarea pollock, after subtracting the CDQ DFA (10 percent) and the ICA (3.0 percent in 2013 and 3.4 percent in 2014), is allocated as a DFA as follows: inshore sector—50 percent, catcher/processor sector (C/P)—40 percent, and mothership sector—10 percent. In the BS subarea, 40 percent of the DFA is allocated to the A season (January 20-June 10) and 60 percent of the DFA is allocated to the B season (June 10-November 1). Pursuant to § 679.20(a)(5)(iii)(B)(*2*)(*i*) and *(ii),* the annual AI pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second the ICA (2,000 mt), is allocated to the Aleut Corporation for a directed pollock fishery. In the AI subarea, the A season is allocated 40 percent of the ABC and the B season is allocated the remainder of the directed pollock fishery.

[2] In the BS subarea, no more than 28 percent of each sector's annual DFA may be taken from the SCA before April 1. The remaining 12 percent of the annual DFA allocated to the A season may be taken outside of SCA before April 1 or inside the SCA after April 1. If less than 28 percent of the annual DFA is taken inside the SCA before April 1, the remainder will be available to be taken inside the SCA after April 1.

[3] Pursuant to § 679.20(a)(5)(i)(A)(*4*), not less than 8.5 percent of the DFA allocated to listed catcher/processors shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processors.

[4] Pursuant to § 679.20(a)(5)(i)(A)(*4*)(*iii*), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processors sector's allocation of pollock.

[5] Pursuant to § 679.20(a)(5)(i)(*A*)(*6*), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

[6] Pursuant to § 679.20(a)(5)(i)(*A*)(*7*), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

[7] The Bogoslof District is closed by the final harvest specifications to directed fishing for pollock. The amounts specified are for ICA only and are not apportioned by season or sector.

NOTE: Seasonal or sector apportionments may not total precisely due to rounding.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reallocation of AI pollock. Since the pollock fishery opens January 20, 2014, it is important to immediately inform the industry as to the final Bering Sea subarea pollock allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery; allow the industry to plan for the fishing season and avoid potential disruption to the fishing fleet as well as processors; and provide opportunity to harvest increased seasonal pollock allocations while value is optimum. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 15, 2014.

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

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

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

Dated: January 22, 2014.

Sean F. Corson,

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

[FR Doc. 2014–01457 Filed 1–24–14; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 79, No. 17

Monday, January 27, 2014

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

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Parts 30 and 170

[Docket ID OCC–2014–0001]

RIN 1557–AD78

OCC Guidelines Establishing Heightened Standards for Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches; Integration of Regulations

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Proposed rules and guidelines.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is requesting comment on proposed guidelines, to be issued as an appendix to its safety and soundness standards regulations, establishing minimum standards for the design and implementation of a risk governance framework for large insured national banks, insured Federal savings associations, and insured Federal branches of foreign banks with average total consolidated assets of $50 billion or more and minimum standards for a board of directors in overseeing the framework's design and implementation (Guidelines). The standards contained in the Guidelines would be enforceable by the terms of a Federal statute that authorizes the OCC to prescribe operational and managerial standards for national banks and Federal savings associations. In addition, as part of our ongoing efforts to integrate the regulations of the OCC and those of the Office of Thrift Supervision (OTS), the OCC is also requesting comment on its proposal to make its safety and soundness standards regulation applicable to both national banks and Federal savings associations and to remove the comparable Federal savings association regulations as unnecessary. Other technical changes to the safety and soundness standards regulation are also proposed.

DATES: Comments must be submitted by March 28, 2014.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments through the Federal eRulemaking Portal or email, if possible. Please use the title ''OCC Guidelines Establishing Heightened Standards for Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches; Integration of 12 CFR Parts 30 and 170'' to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal—''regulations.gov'':* Go to *http://www.regulations.gov.* Enter ''Docket ID OCC–2014–0001'' in the Search Box and click ''Search''. Results can be filtered using the filtering tools on the left side of the screen. Click on ''Comment Now'' to submit public comments.
- Click on the ''Help'' tab on the Regulations.gov home page to get information on using Regulations.gov, including instructions for submitting public comments.
- *Email: regs.comments@occ.treas.gov.*
- *Mail:* Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''Docket ID OCC–2014–0001'' in your comment. In general, the OCC will enter all comments received into the docket and publish them on the Regulations.gov Web site without change, including any business or personal information that you provide such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this rulemaking action by any of the following methods:

- *Viewing Comments Electronically:* Go to *http://www.regulations.gov.* Enter ''Docket ID OCC–2014–0001'' in the Search box and click ''Search''. Comments can be filtered by Agency using the filtering tools on the left side of the screen.
- Click on the ''Help'' tab on the Regulations.gov home page to get information on using Regulations.gov, including instructions for viewing public comments, viewing other supporting and related materials, and viewing the docket after the close of the comment period.
- *Viewing Comments Personally:* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.
- *Docket:* You may also view or request available background documents and project summaries using the methods described above.

FOR FURTHER INFORMATION CONTACT: For questions concerning the Guidelines, contact Molly Scherf, National Bank Examiner, Large Bank Supervision, (202) 649–7298, or Stuart Feldstein, Director or Andra Shuster, Senior Counsel, Legislative & Regulatory Activities Division, (202) 649–5490, or Martin Chavez, Attorney, Securities and Corporate Practices Division, (202) 649–5510, 400 7th Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION:

Background

The recent financial crisis demonstrated the destabilizing effect that large, interconnected financial companies can have on the national economy, capital markets, and the overall financial stability of the banking system. Many governments and central banks across the world, including the U.S. government, responded to the crisis by providing unprecedented levels of support to companies in the financial sector to mitigate the impact of the crisis and to sustain the global financial system.

The financial crisis and the accompanying legislative response underscore the importance of strong bank supervision and regulation of the financial system. Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act) [1] to address, in part, weaknesses in the framework for the supervision and regulation of large U.S. financial companies.[2] These changes underscore the view that large, complex institutions can have a significant impact on capital markets and the economy and, therefore, need to be supervised and regulated more rigorously.

Following the financial crisis, the OCC developed a set of ''heightened expectations'' to enhance our supervision and strengthen the governance and risk management practices of large national banks. The first expectation, often referred to as preserving the sanctity of the charter, maintains that one of the primary fiduciary duties of an institution's board of directors is to ensure that the institution operates in a safe and sound manner. Since large banks are often one of several legal entities under a complex parent company, each bank's board must ensure that the bank does not function simply as a booking entity for its parent and that parent company decisions do not jeopardize the safety and soundness of the bank. This often requires separate and focused governance and risk management practices.

The second expectation generally requires large institutions to have a well-defined personnel management program that ensures appropriate staffing levels, provides for orderly succession, and provides for compensation tools to appropriately motivate and retain talent that does not encourage imprudent risk taking.

The third expectation pertains to risk appetite (or tolerance) and involves institutions defining and communicating an acceptable risk appetite across the organization, including measures that address the amount of capital, earnings, or liquidity that may be at risk on a firm-wide basis, the amount of risk that may be taken in each line of business, and the amount of risk that may be taken in each key risk category monitored by the institution.

The OCC also expects institutions to have reliable oversight programs under the fourth expectation, including the development and maintenance of strong audit and risk management functions. This expectation involves institutions comparing the performance of their audit and risk management functions to the OCC's standards and leading industry practices and taking appropriate action to address material gaps.

The fifth expectation focuses on the board of directors' willingness to provide a credible challenge to bank management's decision-making and thus requests independent directors to acquire a thorough understanding of an institution's risk profile and to use this information to ask probing questions of management and to ensure that senior management prudently addresses risks.

In 2010, the OCC began communicating these heightened expectations informally to institutions in the Large Bank program [3] through our supervisory function. Examiners met with independent directors and executive management from these institutions to discuss the standards and explain how each national bank should apply them.[4] Through its work with the Financial Stability Board (FSB) and Basel Committee on Banking Supervision (BCBS), the OCC found that many supervisors are establishing, or are considering establishing, similar expectations for the financial institutions they regulate. The OCC continued to refine and reinforce the heightened expectations during 2011, and in 2012, started examining each large institution for compliance with the expectations, including documenting its conclusions in the OCC's Report of Examination [5] to reflect each institution's progress in complying with the expectations. Currently, OCC examiners meet with each large institution's management team on a quarterly basis to discuss the institution's progress towards meeting the OCC's heightened expectations. The OCC has also applied aspects of the heightened expectations to institutions in the Midsize Bank program [6] to promote stronger governance and risk management.

Achievement and maintenance of the heightened expectations should help lessen the impact of future economic downturns on large institutions. Therefore, we are proposing standards developed from the heightened expectations in the form of enforceable guidelines. The OCC is proposing to issue the Guidelines as a new Appendix D to part 30 of our regulations. We believe the Guidelines will provide greater certainty to covered institutions and improve examiners' ability to assess compliance with the heightened expectations. As proposed, the Guidelines would be applicable to a broader group of institutions than those currently subject to the heightened expectations program. The proposal generally would apply to insured national banks, insured Federal savings associations, and insured Federal branches of foreign banks with average total consolidated assets of $50 billion or more (together, Banks and each a Bank). The proposal furthers the goal of the Dodd-Frank Act to strengthen the financial system by focusing management and boards of directors on strengthening risk management practices and governance, thereby minimizing the probability and impact of future crises. Below, we discuss the enforcement of the Guidelines and provide a detailed description of the standards contained in the Guidelines.

Enforcement of the Guidelines

The OCC is proposing these Guidelines pursuant to section 39 of the Federal Deposit Insurance Act (FDIA).[7] Section 39 authorizes the OCC to prescribe safety and soundness standards in the form of a regulation or guidelines. For national banks, these standards currently include three sets of guidelines issued as appendices to part 30 of our regulations. Appendix A contains operational and managerial standards that relate to internal controls, information systems, internal audit systems, loan documentation, credit underwriting, interest rate exposure, asset growth, asset quality, earnings, and compensation, fees and benefits. Appendix B contains standards on

[1] Public Law 111–203, 124 Stat. 1376 (2010).

[2] *See, e.g.,* 12 U.S.C. 5365 (requiring enhanced prudential standards for certain bank holding companies and nonbank financial companies).

[3] Entities are included in the OCC's Large Bank program based on asset size and consideration of factors that affect the institution's risk profile and complexity. *See Comptroller's Handbook for Bank Supervision Process* at 3 (Sept. 2007).

[4] The OCC began applying the heightened expectations standards to Federal savings associations in the Large Bank program in late 2011 after assuming supervisory responsibility for these institutions from the OTS pursuant to the Dodd-Frank Act.

[5] A Report of Examination conveys the overall condition and risk profile of a national bank or Federal savings association, and summarizes examination activities and findings during a supervisory cycle. *See Comptroller's Handbook for Bank Supervision Process* at 34 (Sept. 2007).

[6] Similar to the Large Bank program, entities are included in the OCC's Midsize Bank program based on asset size and consideration of factors that affect the institution's risk profile and complexity. *See Comptroller's Handbook for Bank Supervision Process* at 3 (Sept. 2007).

[7] 12 U.S.C. 1831p–1. Section 39 was enacted as part of the Federal Deposit Insurance Corporation Improvement Act of 1991, Public Law 102–242, section 132(a), 105 Stat. 2236, 2267–70 (Dec. 19, 1991).

information security and Appendix C contains standards that address residential mortgage lending practices. For Federal savings associations, these standards are found in Appendices A and B to 12 CFR part 170. Part 30, part 170, and Appendices A and B were issued on an interagency basis and are comparable.[8]

Section 39 prescribes different consequences depending on whether the standards it authorizes are issued by regulation or guidelines. Pursuant to section 39, if a national bank or Federal savings association[9] fails to meet a standard prescribed by regulation, the OCC must require it to submit a plan specifying the steps it will take to comply with the standard. If a national bank or Federal savings association fails to meet a standard prescribed by *guideline,* the OCC has the discretion to decide whether to require the submission of such a plan.[10] Issuing these heightened standards as guidelines rather than as a regulation provides the OCC with the flexibility to pursue the course of action that is most appropriate given the specific circumstances of a Bank's noncompliance with one or more standards, and the Bank's self-corrective and remedial responses.

The enforcement remedies prescribed by section 39 are implemented in procedural rules contained in parts 30 and 170 of the OCC's rules. Under these provisions, the OCC may initiate the enforcement process when it determines, by examination or otherwise, that a national bank or Federal savings association has failed to meet the standards set forth in the Guidelines.[11] Upon making that determination, the OCC may request, through letter or Report of Examination, that the national bank or Federal savings association submit a compliance plan to the OCC detailing the steps the institution will take to correct the deficiencies and the time within which it will take those steps. This request is termed a Notice of Deficiency. Upon receiving a Notice of Deficiency from the OCC, the national bank or Federal savings association must submit a compliance plan to the OCC for approval within 30 days.

If a national bank or Federal savings association fails to submit an acceptable compliance plan, or fails materially to comply with a compliance plan approved by the OCC, the OCC may issue a Notice of Intent to Issue an Order pursuant to section 39 (Notice of Intent). The bank or savings association then has 14 days to respond to the Notice of Intent. After considering the bank's or savings association's response, the OCC may issue the order, decide not to issue the order, or seek additional information from the bank or savings association before making a final decision. Alternatively, the OCC may issue an order without providing the bank or savings association with a Notice of Intent. In such a case, the bank or savings association may appeal after-the-fact to the OCC, and the OCC has 60 days to consider the appeal and render a final decision. Upon the issuance of an order, a bank or savings association is deemed to be in noncompliance with part 30 or part 170, as applicable. Orders are formal, public documents, and they may be enforced in district court or through the assessment of civil money penalties under 12 U.S.C. 1818.

Description of the OCC's Guidelines Establishing Heightened Standards

The proposed Guidelines consist of three parts. Part I provides an introduction to the Guidelines, explains its scope, and defines key terms used throughout the Guidelines. Part II sets forth the minimum standards for the design and implementation of a Bank's risk governance framework (Framework). Part III provides the minimum standards for the board of directors' (Board) oversight of the Framework.

Part I: Introduction

Under the proposed Guidelines, the OCC would expect a Bank to establish and implement a Framework that manages and controls the Bank's risk taking. The Guidelines establish the minimum standards for the design and implementation of the Framework and the minimum standards for the Board to use in overseeing the Framework's design and implementation. It is important to note that these standards are not intended to be exclusive, and that they are in addition to any other applicable requirements in law or regulation. For example, the OCC expects Banks to continue to comply with the operational and management standards articulated in Appendix A to part 30, including those related to internal controls, risk management, and management information systems.

If a Bank has a risk profile that is substantially the same as its parent company, the parent company's risk governance framework complies with these Guidelines, and the Bank has demonstrated through a documented assessment that its risk profile and its parent company's risk profile are substantially the same, the Bank may use its parent company's risk governance framework to satisfy the Guidelines. This assessment should be conducted at least annually or more often in conjunction with the review and update of the Framework performed by independent risk management as set forth in paragraph II.A. of the Guidelines. The term ''risk profile'' is defined in the Guidelines and discussed below. A parent company's and Bank's risk profiles would be considered substantially the same if, as of the most recent quarter-end Federal Financial Institutions Examination Council Consolidated Reports of Condition and Income (Call Report), the following conditions are met: (i) The Bank's average total consolidated assets represent 95% or more of the parent company's average total consolidated assets; (ii) the Bank's total assets under management represent 95% or more of the parent company's total assets under management; and (iii) the Bank's total off-balance sheet exposures represent 95% or more of the parent company's total off-balance sheet exposures. A Bank that does not satisfy this test can submit to the OCC for consideration an analysis that demonstrates that the risk profile of the parent company and the Bank are substantially the same based on other factors.

The Bank would need to develop its own Framework if the parent company's and Bank's risk profiles are not substantially the same. While the Bank may use certain components of the parent company's risk governance framework, the Bank's Framework should ensure that the Bank's risk profile is easily distinguished and separate from its parent company's for risk management and supervisory reporting purposes and that the safety and soundness of the Bank is not jeopardized by decisions made by the parent company's board of directors or management. This includes ensuring that assets and businesses are not

[8] As discussed further below, the OCC is also proposing to make part 30 and its appendices applicable to Federal savings associations, and to remove part 170 as it will no longer be necessary.

[9] Section 39 of the FDIA applies to ''insured depository institutions,'' which would include insured Federal branches of foreign banks. While we do not specifically refer to these entities in this discussion, it should be read to include them.

[10] *See* 12 U.S.C. 1831p–1(e)(1)(A)(i) and (ii). In either case, however, the statute authorizes the issuance of an order and the subsequent enforcement of that order in court, independent of any other enforcement action that may be available in a particular case.

[11] The procedures governing the determination and notification of failure to satisfy a standard prescribed pursuant to section 39, the filing and review of compliance plans, and the issuance, if necessary, of orders currently are set forth in our regulations at 12 CFR 30.3, 30.4, and 30.5, respectively, for national banks and 12 CFR 170.3, 170.4, and 170.5, respectively, for Federal savings associations.

transferred into the Bank from nonbank entities without proper due diligence and ensuring that complex booking structures established by the parent company protect the safety and soundness of the Bank. OCC examiners will assist the Bank in determining which components of a parent company's risk governance framework may be used to ensure that the Bank's Framework complies with the Guidelines.

Question 1: The OCC requests comment on the proposed conditions for determining whether a Bank's risk profile is substantially the same as its parent company's risk profile.

Scope. The Guidelines would apply to a Bank with average total consolidated assets equal to or greater than $50 billion as of the effective date of the Guidelines (calculated by averaging the Bank's total consolidated assets, as reported on the Bank's Call Reports, for the four most recent consecutive quarters). For those Banks that have average total consolidated assets less than $50 billion as of the effective date of the Guidelines, but subsequently have average total consolidated assets of $50 billion or greater, the date on which the Guidelines would apply to such Banks is the as-of date of the most recent Call Report used in the calculation of the average. Once a Bank becomes subject to the Guidelines because its average total consolidated assets have reached or exceeded the $50 billion threshold, it would be required to continue to comply with the Guidelines even if its average total consolidated assets subsequently drop below $50 billion.

In order to maintain supervisory flexibility, the proposed Guidelines would reserve the OCC's authority to apply the Guidelines to a Bank whose average total consolidated assets are less than $50 billion if the OCC determines such entity's operations are highly complex or otherwise present a heightened risk as to require compliance with the Guidelines. In determining whether a Bank's operations are highly complex or present a heightened risk, the OCC will consider the following factors: complexity of products and services, risk profile, and scope of operations. For example, these Guidelines will generally apply to a bank with average total consolidated assets less than $50 billion, if the bank's parent company owns more than one bank and the aggregate average total consolidated assets of all of the banks is equal to or greater than $50 billion. In such cases, the OCC would consider the collective complexity of the banks' products and services, risk profile, and scope of operations.

Conversely, the Guidelines would also reserve the OCC's authority to delay the application of the Guidelines to any Bank, or modify the Guidelines as applicable to certain Banks.[12] Additionally, the OCC may determine that a Bank is no longer required to comply with the Guidelines. The OCC would generally make this determination if a Bank's operations are no longer highly complex or no longer present a heightened risk that would require continued compliance with the Guidelines. When exercising any of these reservations of authority, the OCC will apply notice and response procedures, when appropriate, consistent with those set out in 12 CFR 3.404.

The OCC has not included uninsured entities, such as trust banks and Federal branches or agencies of foreign banks, in the scope of the proposed Guidelines because section 39 of the FDIA applies only to ''insured depository institutions.'' Currently, OCC examiners are informally applying certain aspects of the heightened expectations to select uninsured entities. The OCC is considering whether it would be appropriate to apply the provisions in the Guidelines to these entities. The Guidelines could be applied to these entities informally, as is the current practice with the heightened expectations, or the OCC could issue a separate regulation. If the OCC decides to apply the Guidelines informally, we may issue a policy statement to address issues raised by the application of the Guidelines to these institutions. If the Guidelines were to apply to these entities, the OCC would not be able to use the part 30 enforcement scheme but would instead need to rely on our enforcement authority with respect to unsafe or unsound practices under 12 U.S.C. 1818.

As discussed above, the Guidelines would be enforceable pursuant to section 39 of the FDIA and part 30 of our rules. Part I of the Guidelines also provides that nothing in section 39 or the Guidelines in any way limits the authority of the OCC to address unsafe or unsound practices or conditions or other violations of law.

Definitions. Paragraph C of Part I includes a number of definitions used throughout the Guidelines. These include: Chief Audit Executive, Chief Risk Executive, front line unit, independent risk management, internal audit, risk appetite, and risk profile. The definitions of risk profile, Chief Audit Executive, and Chief Risk Executive are discussed in the next paragraph and the definitions for the remaining terms will be discussed below under Part II: Standards for Risk Governance Framework.

Risk profile is a point-in-time assessment of the Bank's risks, aggregated within and across each relevant risk category, using methodologies consistent with the risk appetite statement described in II.E. of the Guidelines.[13] The term Chief Audit Executive (CAE) means an individual who leads internal audit and is one level below the Chief Executive Officer (CEO) in the Bank's organizational structure.[14] The term Chief Risk Executive (CRE) means an individual who leads an independent risk management unit and is one level below the CEO in the Bank's organizational structure.[15]

Question 2: The OCC requests comment on the advantages and disadvantages of having a single CRE, such as a Chief Risk Officer, provide oversight to all independent risk management units versus having multiple, risk-specific CREs providing oversight to one or more independent risk management units.

[12] As previously discussed, the proposed Guidelines would apply to an insured Federal branch of a foreign bank that satisfies the $50 billion average total consolidated asset threshold. Due to the unique nature of insured Federal branches, the OCC has reserved the authority to modify the Guidelines as necessary to tailor the application of the Guidelines to these entities' operations. For example, the OCC expects to tailor the application of Part III of the proposed Guidelines, Standards for Board of Directors, to insured Federal branches because these institutions do not have a Board.

[13] *See* proposed Guidelines I.C.7. Independent risk management should prepare this assessment with input from front line units. The Chief Executive Officer, in conjunction with the Board or the Board's risk committee, should ensure that the assessment is comprehensive, understand the assumptions used by independent risk management in preparing the assessment, and recommend changes to the assessment or assumptions that could result in an inaccurate depiction of the bank's risk profile. Internal audit should also provide an independent assessment of the comprehensiveness of the assessment and challenge assumptions that it deems to be inappropriate. As part of their supervisory activities, examiners will assess the integrity of the process used to prepare the assessment and communicate any concerns regarding the process or independent risk management's depiction of the bank's risk profile to the Chief Executive Officer and Board.

[14] *See* proposed Guidelines I.C.1.

[15] *See* proposed Guidelines I.C.2. Many Banks designate one CRE, such as a Chief Risk Officer, to oversee all independent risk management units, while other Banks designate risk-specific CREs. In the latter situation, the Bank should have a process for coordinating the activities of all independent risk management units so they can provide an aggregated view of risks to the CEO and the Board or the Board's risk committee.

Part II: Standards for the Risk Governance Framework

Part II of the proposed Guidelines sets out minimum standards for the design and implementation of a Bank's Framework. Under paragraphs A. and B., a Bank should establish and adhere to a formal, written Framework that covers the following risk categories that apply to the Bank: credit risk, interest rate risk, liquidity risk, price risk, operational risk, compliance risk, strategic risk, and reputation risk. The OCC has defined these eight categories of risks for supervision purposes, but Banks may choose to categorize underlying risks in a different manner for risk management purposes. Regardless of how a Bank categorizes its risks, the Framework must appropriately cover risks to the Bank's earnings, capital, liquidity, and reputation that arise from all of its activities, including risks associated with third-party relationships. Independent risk management should be responsible for the design of the Framework, and for ensuring it comprehensively covers the Bank's risks. Independent risk management should also review and update the Framework at least annually, and as often as needed to address changes in the Bank's risk profile caused by internal or external factors or the evolution of industry risk management practices. The Board or its risk committee would be responsible under this proposal for approving the Framework.

Roles and responsibilities. Paragraph C. sets out the proposed roles and responsibilities for the organizational units that are fundamental to the design and implementation of the Framework. These units are front line units, independent risk management, and internal audit.[16] They are often referred to as the three lines of defense and, together, should establish an appropriate system to control risk taking. These units should also ensure that the Board has sufficient information on the Bank's risk profile and risk management practices to provide credible challenges to management's recommendations and decisions. While all three units should ensure that the Board is adequately informed, the independent risk management and internal audit units must have unfettered access to the Board, or a committee thereof, with regard to their risk assessments, findings, and recommendations, independent from front line unit management and, when necessary, the CEO. This unfettered access to the Board is critical to ensuring the integrity of the Framework.

In carrying out their responsibilities within the Framework, front line units, independent risk management, and internal audit may engage the services of external experts to assist them. Such expertise can be useful in supplementing internal expertise and providing perspective on industry practices. However, no organizational unit in the Bank may delegate its responsibilities under the Framework to an external party.

1. *Role and responsibilities of front line units.* The term front line unit means any organizational unit within the Bank that: (i) Engages in activities designed to generate revenue for the parent company or Bank; (ii) provides services, such as administration, finance, treasury, legal, or human resources, to the Bank; or (iii) provides information technology, operations, servicing,[17] processing,[18] or other support to any organizational unit covered by these Guidelines.[19] The proposed definition of front line units includes those units that provide information technology, operations, servicing, processing, or other support to independent risk management and internal audit. By engaging in these activities, front line units create risks for the Bank.

The Guidelines provide that front line units should own the risks associated with their activities. This means that such units should be responsible for appropriately assessing and effectively managing all risks associated with their activities. Front line units should be held accountable by the CEO and the Board and should meet the standards specified in paragraph II.C.1. Under this paragraph, front line units should assess, on an ongoing basis, the material risks associated with their activities and use these risk assessments as the basis for fulfilling their responsibilities under paragraphs (b) and (c) of paragraph II.C.1. and for determining if they need to take action to strengthen risk management or reduce risk given changes in the unit's risk profile or other conditions. Paragraph (b) provides that the front line units should establish and adhere to a set of written policies that include front line unit risk limits, as discussed in paragraph II.E. of the proposed Guidelines. These policies should ensure that risks associated with the front line units' activities are effectively identified, measured, monitored, and controlled consistent with the Bank's risk appetite statement, concentration risk limits, and certain other of the Bank's policies established within the Framework pursuant to paragraphs II.C.2.(c) and II.G. through K.[20] of the Guidelines. Paragraph (c) provides that front line units should also establish and adhere to procedures and processes necessary to ensure compliance with the aforementioned written policies. For example, a front line unit's processes for establishing its policies should provide for independent risk management's review and approval of these policies to ensure they are consistent with other policies established within the Framework. The standards articulated in paragraphs (b) and (c) should not be interpreted as an exclusive list of actions front line units should take to effectively manage risk. As discussed above, front line units should use their ongoing risk assessments to determine if additional actions are necessary to strengthen risk management practices or reduce risk. For example, there may be instances where front line units should take action to manage risk effectively, even if the Bank's risk appetite or applicable concentration risk limits, or the unit's risk limits have not been exceeded. In addition, front line units should adhere to all applicable policies, procedures, and processes established by independent risk management. Front line units should also develop, attract, and retain talent and maintain appropriate staffing levels, and establish

[16] The standards set forth in Appendices A and B to part 30 address risk management practices that are fundamental to the safety and soundness of any financial institution, and the standards established in Appendix C to part 30 address risk management practices that are fundamental to the safety and soundness of financial institutions involved in mortgage lending. Many of the risk management practices established and maintained by a Bank to meet these standards should be components of its risk governance framework, within the construct of the three distinct functions identified in the proposed Guidelines. Therefore, Banks subject to Appendix D should ensure that practices established within their Frameworks also meet the standards set forth in Appendices A, B, and C. In addition, existing OCC guidance sets forth standards for establishing risk management programs for certain risks, *e.g.,* compliance risk management. These risk-specific programs should also be considered components of the Framework, within the context of the three functions described in paragraph II.C of the proposed Guidelines.

[17] Servicing includes activities done in support of front line lending units, such as collecting monthly payments, forwarding principal and interest payments to the current lender (if the loan has been sold), maintaining escrow accounts, paying taxes and insurance premiums, and taking steps to collect overdue payments.

[18] Processing refers to activities such as item processing (*e.g.,* sorting of checks), inputting loan, deposit, and other contractual information into information systems, administering collateral tracking systems, etc.

[19] *See* proposed Guidelines I.C.3.

[20] The standards contained in paragraphs II.C.2.(c) and II.G. through K. will be discussed in detail below.

and adhere to talent management processes and compensation and performance management programs that comply with paragraphs II.L. and II.M., respectively, of the Guidelines.

2. *Roles and responsibilities of independent risk management.* The term independent risk management means any organizational unit within the Bank that has responsibility for identifying, measuring, monitoring, or controlling aggregate risks.[21] These units maintain independence from front line units by implementing the reporting structure specified in the Guidelines. Specifically, the Board or the Board's risk committee reviews and approves the Framework and any material policies established under the Framework. The Board or its risk committee approves all decisions regarding the appointment or removal of the CRE and approves the annual compensation and salary adjustment of the CRE. The Board or the Board's risk committee receives communications from the CRE on the results of independent risk management's risk assessments and activities, and other matters that the CRE determines are necessary. In addition, the Board or the Board's risk committee makes appropriate inquiries of management or the CRE to determine whether there are scope or resource limitations that impede the ability of independent risk management to execute its responsibilities. The CEO oversees the CRE's day-to-day activities. This includes resolving disagreements between front line units and independent risk management that cannot be resolved by the CRE and front line unit(s) executive(s). It also includes, but is not limited to, overseeing budgeting and management accounting, human resources administration, internal communications and information flows, and the administration of independent risk management's internal policies and procedures. Finally, no front line unit executive oversees any independent risk management units.

Paragraph II.C.2. of the proposed Guidelines provides that independent risk management should oversee the Bank's risk-taking activities and assess risks and issues independent of the CEO and front line units. In fulfilling these responsibilities, independent risk management should take primary responsibility for designing a Framework commensurate with the Bank's size, complexity, and risk profile that meets these Guidelines. Independent risk management should also identify and assess, on an ongoing basis, the Bank's material aggregate risks and use such risk assessments as the basis for fulfilling its responsibilities under paragraphs (c) and (d) of paragraph II.C.2., and for determining if actions need to be taken to strengthen risk management or reduce risk given changes in the Bank's risk profile or other conditions. Paragraph (c) provides that independent risk management should establish and adhere to enterprise policies that include concentration risk limits[22] and that ensure that aggregate risks within the Bank are effectively identified, measured, monitored, and controlled, consistent with the Bank's risk appetite statement and that the Bank's policies and processes established under paragraphs II.G. through K. of the Framework.

Independent risk management also should be held accountable by the CEO and the Board, and paragraphs (d) and (e) provides that independent risk management should establish and adhere to procedures and processes necessary to ensure compliance with the aforementioned policies and to ensure that the front line units meet the standards discussed in paragraph II.C.1. Independent risk management should also identify and communicate to the CEO and the Board or the Board's risk committee material risks and significant instances where independent risk management's assessment of risk differs from a front line unit as well as significant instances where a front line unit is not complying with the Framework.

The standards articulated in paragraphs (c) and (d) should not be interpreted as an exclusive list of actions independent risk management should take to effectively manage risk. As discussed above, independent risk management should use its risk assessments to determine if additional actions are necessary to strengthen risk management practices or reduce risk. For example, there may be instances where independent risk management should take action to effectively manage risk, even if the Bank's risk appetite or applicable concentration risk limits, or a front line unit's risk limits have not been exceeded.

Independent risk management should also identify and communicate to the Board or the Board's risk committee material risks and significant instances where independent risk management's assessment of risk differs from the CEO, and significant instances where the CEO is not adhering to, or holding front line units accountable for adhering to, the Framework. Finally, independent risk management should develop, attract and retain talent, maintain appropriate staffing levels, and establish and adhere to talent management processes and compensation and performance management programs that comply with paragraphs II.L. and II.M., respectively, of the Guidelines.

Question 3: Section II.C.3.(a) provides that internal audit should maintain a complete and current inventory of all of the Bank's material businesses, product lines, services, and functions. The OCC requests comment on whether the Guidelines should provide that independent risk management also maintain such an inventory in order to ensure that internal audit has identified all material businesses, product lines, services, and functions.

3. *Roles and responsibilities of internal audit.* The term internal audit means the organizational unit within the Bank that is designated to fulfill the role and responsibilities outlined in 12 CFR 30 Appendix A, II.B.[23] Internal audit is the third of a Bank's three lines of defense. Paragraph II.C.3. provides that internal audit should ensure that the Bank's Framework complies with the Guidelines and is appropriate for the Bank's size, complexity, and risk profile.

Internal audit maintains independence from front line and independent risk management units by implementing the reporting structure specified in the Guidelines. Specifically, the Board's audit committee reviews and approves internal audit's overall charter, risk assessments, and audit plans. In addition, the committee approves all decisions regarding the appointment or removal and annual compensation and salary adjustment of the CAE. The Board's audit committee also receives communications from the CAE on the results of internal audit's activities or other matters that the CAE determines are necessary and makes appropriate inquiries of management or the CAE to determine whether there are scope or resource limitations that impede the ability of internal audit to execute its responsibilities. The CEO

[21] *See* proposed Guidelines I.C.2. The OCC understands that various terms are often used to describe this organizational unit (*e.g.,* risk organization, enterprise risk management). For purposes of the Guidelines, the OCC proposes to use the term independent risk management.

[22] A concentration of risk refers to an exposure with the potential to produce losses large enough to threaten a bank's financial condition or its ability to maintain its core operations. Risk concentrations can arise in a bank's assets, liabilities or off-balance sheet items. An example of a concentration of credit risk limit would be commercial real estate balances as a percentage of capital.

[23] *See* proposed Guidelines I.C.5.

oversees the CAE's day-to-day activities. This includes, but is not limited to, budgeting and management accounting, human resource administration, internal communications and information flows, and the administration of the unit's internal policies and procedures. If internal audit reports to the Board's audit committee, the audit committee or its chair would fill the aforementioned role of the CEO. Finally, no front line unit executive oversees internal audit.

The design and implementation of the audit plan is an important element of internal audit's role and responsibilities under the Framework. Internal audit should maintain a complete and current inventory of all of the Bank's material businesses, product lines, services, and functions and assess the risks associated with each. This inventory and assessment will form the basis of the audit plan. The audit plan should rate the risk presented by each front line unit, product line, service, and function. This includes activities that the Bank may outsource to a third party. Internal audit should derive these ratings from its Bank-wide risk assessments, and should periodically adjust these ratings based on risk assessments conducted by front line units and changes in the Bank's strategy and the external environment. The audit plan should include ongoing monitoring to identify emerging risks and ensure that units, product lines, services, and functions that receive a low risk rating are reevaluated with reasonable frequency. The audit plan should be updated at least quarterly and should take into account the Bank's risk profile as well as emerging risks and issues. The audit plan should require internal audit to evaluate the adequacy of and compliance with policies, procedures, and processes established by front line units and independent risk management under the Framework. This is in addition to internal audit's traditional testing of internal controls and the accuracy of financial records, as required by other laws and regulations at an appropriate frequency based on risk. This testing should require the evaluation of reputation and strategic risk, along with evaluations of independent risk management and traditional risks. This testing should enable internal audit to assess the appropriateness of risk levels and trends across the Bank. All changes to the audit plan should be communicated to the Board's audit committee.

Internal audit should report in writing to the Board's audit committee conclusions, issues, and recommendations resulting from the audit work carried out under the audit plan. These reports should identify the root cause of any issue and include a determination of whether the root cause creates an issue that has an impact on one organizational unit or multiple organizational units within the Bank, as well as a determination of the effectiveness of front line units and independent risk management in identifying and resolving issues in a timely manner. The report also should address potential and emerging concerns, the timeliness of corrective actions, and the status of outstanding issues. These reports should include objective measures that enable the identification, measurement, and monitoring of risk and internal control issues. Finally, audit reports should include comments on the effectiveness of front line units in identifying excessive risks and issues, emerging issues, and the appropriateness of risk levels relative to both the quality of the internal controls and the risk appetite statement.

Internal audit should also establish and adhere to processes for independently assessing the design and effectiveness of the Framework. The assessment should be done at least annually and may be conducted by internal audit, an external party, or a combination of both. The assessment should include a conclusion on the Bank's compliance with the Guidelines and the degree to which the Bank's Framework is consistent with leading industry practices. Internal audit should also communicate to the Board's audit committee significant instances where front line units or independent risk management are not adhering to the Framework. Internal audit should also establish a quality assurance department that ensures internal audit's policies, procedures, and processes comply with applicable regulatory and industry guidance, are appropriate for the size, complexity, and risk profile of the Bank, are updated to reflect changes to internal and external to risk factors, and are consistently followed. Internal audit should also develop, attract, and retain talent and maintain appropriate staffing levels, and establish and adhere to talent management processes and compensation and performance management programs that comply with paragraphs II.L. and II.M., respectively, of the Guidelines.

Question 4: The OCC requests comment on whether internal audit's assessment of the Bank's Framework should include a conclusion regarding whether the Framework is consistent with leading industry practices. Is such an assessment possible for internal audit given the wide range of practices in the industry and the challenges associated with determining what constitutes a leading industry practice? Are there any other concerns with such a requirement?

4. *Stature.* For the Framework to be effective, it is critical that independent risk management and internal audit have the stature needed to effectively carry out their respective roles and responsibilities. This stature is generally evidenced by the attitudes and level of support provided by the Board, CEO, and others within the Bank toward these units. The Board demonstrates support for these units by ensuring that they have the resources needed to carry out their responsibilities and by relying on the work of these units when carrying out the Board's oversight responsibilities set forth in Part III of the proposed Guidelines. The CEO and front line units demonstrate support by welcoming credible challenges from independent risk management and internal audit and including these units in policy development, new product and service deployment, changes in strategy and tactical plans, and organizational and structural changes.

Strategic plan. Paragraph D. of Part II of the proposed Guidelines provides that the CEO should develop a written strategic plan with input from front line units, independent risk management, and internal audit. The Board should evaluate and approve the strategic plan and monitor management's efforts to implement it at least annually. At a minimum, the strategic plan should cover a three-year period and should contain a comprehensive assessment of risks that currently impact the Bank or that could impact the Bank during this period, articulate an overall mission statement and strategic objectives for the Bank, and include an explanation of how the Bank will achieve those objectives. The strategic plan should also include an explanation of how the Bank will update, as necessary, the Framework to account for changes in the Bank's risk profile projected under the strategic plan. Finally, the strategic plan should be reviewed, updated, and approved, as necessary, due to changes in the Bank's risk profile or operating environment that were not contemplated when the strategic plan was developed.

Risk appetite statement. Paragraph E. of Part II of the proposed Guidelines provides that the Bank should have a comprehensive written statement that articulates the Bank's risk appetite and serves as a basis for the Framework (Statement). The term risk appetite means the aggregate level and types of risk the Board and management are

willing to assume to achieve the Bank's strategic objectives and business plan, consistent with applicable capital, liquidity, and other regulatory requirements.[24] The Board and management should ensure that the level and types of risk they are willing to assume to achieve the Bank's strategic objectives and business plan are consistent with its capital and liquidity needs and requirements, as well as other laws and regulatory requirements applicable to the Bank.

The Statement should include both qualitative components and quantitative limits. The qualitative components of the Statement should describe a safe and sound ''risk culture'' [25] and how the Bank will assess and accept risks, including those that are difficult to quantify, on a consistent basis throughout the Bank. Setting an appropriate tone at the top is critical to establishing a sound risk culture, and the qualitative statements within the Statement should articulate the core values that the Board and CEO expect employees throughout the Bank to share when carrying out their respective roles and responsibilities within the Bank. These values should serve as the basis for risk-taking decisions made throughout the Bank and should be reinforced by the actions of the Board, executive management, Board committees, and individuals. Evidence of a sound risk culture includes, but is not limited to: (i) Open dialogue and transparent sharing of information between front line units, independent risk management, and internal audit; (ii) consideration of all relevant risks and the views of independent risk management and internal audit in risk-taking decisions; and (iii) compensation and performance management programs and decisions that reward compliance with the core values and quantitative limits established in the Statement, and hold accountable those who do not conduct themselves in a manner consistent with these articulated standards.

Quantitative limits should incorporate sound stress testing processes, as appropriate, and should address the Bank's earnings, capital, and liquidity positions. The Bank may set quantitative limits on a gross or net basis that take into account appropriate capital and liquidity buffers; in either case, these limits should be set at levels that prompt management and the Board to manage risk proactively before the Bank's risk profile jeopardizes the adequacy of its earnings, liquidity, and capital. Lagging indicators, such as delinquencies, problem asset levels, and losses generally will not capture the build-up of risk during healthy economic periods. As a result, these indicators are generally not useful in proactively managing risk. However, setting quantitative limits based on performance under various adverse scenarios would enable the Board and management to take actions that reduce risk before delinquencies, problem assets, and losses reach excessive levels. Examiners will apply judgment when determining which quantitative limits should be based on stress testing. They will consider several factors, including the value in using such measures for the risk type, the Bank's ability to produce such measures, the capabilities of similarly-situated institutions, and the degree to which the Bank's Board and management have invested in the resources needed to establish such capabilities. The Federal banking agencies issued guidance on stress testing in May 2012.[26] The guidance describes various stress testing approaches and applications, and Banks should consider the range of approaches and select the one(s) most suitable when establishing quantitative limits. Risk limits may be designed as thresholds, triggers, or hard limits, depending on how the Board and management choose to manage risk. Thresholds or triggers that prompt discussion and action before a hard limit is reached or breached can be useful tools for reinforcing risk appetite and proactively responding to elevated risk indicators.

When a Bank's risk profile is substantially the same as that of its parent company, the Bank's Board may tailor the parent company's risk appetite statement to make it applicable to the Bank. However, to ensure the sanctity of the national bank or Federal savings association charter, a Bank's Board must approve the Bank-level Statement and document any necessary adjustments or material differences between the Bank's and parent company's risk profiles.

Concentration and front line unit risk limits. Paragraph F. of Part II of the proposed Guidelines provides that the Framework should include concentration risk limits and, as applicable, front line unit risk limits for the relevant risks in each front line unit to ensure that these units do not create excessive risks. When aggregated across all such units, the risks should not exceed the limits established in the Bank's Statement. Depending on a Bank's organizational structure, concentration risk limits and front line unit risk limits may also need to be established for legal entities, units based on geographical areas, or product lines.

Risk appetite review, monitoring, and communication processes. Paragraph G. of Part II of the proposed Guidelines provides that the Framework should require: (i) Review and approval of the Statement by the Board or the Board's risk committee at least annually or more frequently, as necessary, based on the size and volatility of risks and any material changes in the Bank's business model, strategy, risk profile, or market conditions; (ii) initial communication and ongoing reinforcement of the Bank's Statement throughout the Bank to ensure that all employees align their risk-taking decisions with the Statement; (iii) independent risk management to monitor the Bank's risk profile in relation to its risk appetite and compliance with concentration risk limits and to report such monitoring to the Board or the Board's risk committee at least quarterly; (iv) front line units and independent risk management to monitor their respective risk limits and to report to independent risk management at least quarterly; and (v) when necessary due to the level and type of risk, independent risk management to monitor front line units' compliance with front line unit risk limits, ongoing communication with front line units regarding adherence to these risk limits, and to report any concerns to the CEO and the Board or the Board's risk committee, at least quarterly. With regard to the monitoring and reporting set forth in paragraph G., the frequency of such monitoring and reporting should be performed more often, as necessary, based on the size and volatility of the risks and any material change in the Bank's business model, strategy, risk profile, or market conditions.

Processes governing risk limit breaches. Paragraph H. of Part II of the proposed Guidelines sets out processes governing risk limit breaches. The Bank should establish and adhere to processes that require front line units and independent risk management, in conjunction with their respective responsibilities, to identify any breaches of the Statement, concentration risk limits, and front line unit risk limits, distinguish identified breaches based on the severity of their impact on the Bank and establish protocols for when and how to inform the Board, front line management, independent risk management, and the OCC of these

[24] *See* proposed Guidelines I.C.6.

[25] While there is no regulatory definition of risk culture, for purposes of these Guidelines, risk culture can be considered the shared values, attitudes, competencies, and behaviors present throughout the Bank that shape and influence governance practices and risk decisions.

[26] *See* 77 FR 29458 (May 17, 2012).

breaches. The Bank should also include in the protocols discussed above the requirement to provide a written description of how a breach will be, or has been, resolved and establish accountability for reporting and resolving breaches that include consequences for risk limit breaches that take into account the magnitude, frequency, and recurrence of breaches. It is acceptable for Banks to have different escalation and resolution processes for breaches of the Statement, concentration risk limits, and front line unit risk limits. However, both processes are important elements of the overall Framework.

Concentration risk management. Paragraph I. of Part II of the proposed Guidelines provides that the Framework should include policies and supporting processes that are appropriate for the Bank's size, complexity, and risk profile that effectively identify, measure, monitor, and control the Bank's concentration of risk. Concentrations of risk can arise in any risk category, with the most common being identified with borrowers, funds providers, and counterparties. In addition, the OCC's eight categories of risk discussed earlier are not mutually exclusive; any product or service may expose a bank to multiple risks and risks may also be interdependent.[27] Furthermore, concentrations can exist on and off the balance sheet. Banks should continually enhance their concentration risk management processes to strengthen their ability to effectively identify, measure, monitor, and control concentrations that arise in all risk categories.[28]

Risk data aggregation and reporting. Paragraph J. of Part II of the proposed Guidelines addresses risk data aggregation and reporting. This paragraph provides that the Framework should include a set of policies, supported by appropriate procedures and processes, designed to ensure that the Bank's risk data aggregation and reporting capabilities are appropriate for its size, complexity, and risk profile and support supervisory reporting requirements. These policies, procedures, and processes should provide for an information technology (IT) infrastructure that supports the Bank's risk aggregation and reporting needs in both normal times and times of stress. Processes should capture aggregate risk data and report material risks, concentrations, and emerging risks to the Board and the OCC in a timely manner. In addition, these policies, procedures, and processes should provide for the distribution of risk reports to all relevant parties at a frequency that meets the recipients' needs for decision-making purposes.

During the financial crisis, it became apparent that many banks' IT and data architectures were inadequate to support the broad management of financial risks. Many banks lacked the ability to aggregate risk exposures and identify concentrations quickly and accurately at the bank level, across business lines, and among legal entities. The OCC expects Banks to have risk aggregation and reporting capabilities that meet the Board's and management's needs for proactively managing risk and ensuring the Bank's risk profile remains consistent with its risk appetite.[29]

Relationship of risk appetite statement, concentration risk limits, and front line unit risk limits to other processes. Paragraph K. of Part II of the proposed Guidelines addresses the relationship between the Statement, concentration risk limits, and front line unit risk limits to other Bank processes. The Bank's front line units and independent risk management should incorporate these elements into their strategic and annual operating plans, capital stress testing and planning processes, liquidity stress testing and planning processes, product and service risk management processes (including those for approving new and modified products and services), decisions regarding acquisitions and divestitures, and compensation performance management programs.

Talent management processes; compensation and performance management programs. Paragraphs L. and M. of Part II of the proposed Guidelines address the Bank's talent management processes and compensation and performance management programs, respectively. With regard to talent management, the proposal provides that the Bank should establish and adhere to processes for talent development, recruitment, and succession planning to ensure that those employees who are responsible for or influence material risk decisions have the knowledge, skills, and abilities to effectively identify, measure, monitor, and control relevant risks. A Bank's talent management processes should ensure that the Board or a Board committee: (i) Hires a CEO and approves the hiring of direct reports of the CEO with the skills and abilities to design and implement an effective Framework; (ii) establishes reliable succession plans for the CEO and his or her direct reports; and (iii) oversees the talent development, recruitment, and succession planning processes for individuals two levels down from the CEO. In addition, these processes should ensure that the Board or a Board committee: (i) Hires one or more CREs and a CAE that possess the skills and abilities to effectively implement the Framework; (ii) establishes reliable succession plans for the CRE and CAE; and (iii) oversees the talent development, recruitment, and succession planning processes for independent risk management and internal audit.

With regard to compensation and performance management programs, the Bank should establish and adhere to programs that meet the requirements of any applicable statute or regulation. These programs should be appropriate to ensure that the CEO, front line units, independent risk management, and internal audit implement and adhere to an effective Framework. The programs should also ensure front line unit compensation plans and decisions appropriately consider the level and severity of issues and concerns identified by independent risk management and internal audit. The programs should be designed to attract and retain the talent needed to design, implement, and maintain an effective Framework. In addition, the programs should prohibit incentive-based payment arrangements, or any feature of any such arrangement, that encourages inappropriate risks by providing excessive compensation or that could lead to material financial loss.[30]

[27] *See Comptroller's Handbook for Large Bank Supervision* at 4 (Jan. 2010).

[28] *See Comptroller's Handbook for Concentrations of Credit* (Dec. 2011); Interagency Supervisory Guidance on Counterparty Credit Risk Management at *http://www.occ.gov/news-issuances/bulletins/2011/bulletin-2011-30a.pdf.*

[29] In January 2013, the BCBS issued a set of principles for effective risk data aggregation and reporting and established the expectation that Global Systemically Important Banks (G–SIBs) comply with these principles by the beginning of 2016. The OCC expects the G–SIBs it supervises to be largely compliant with these principles by the date established by the BCBS. Other Banks covered by these Guidelines are not expected to comply with the BCBS principles by the beginning of 2016; however, their risk aggregation and reporting capabilities should be sufficiently robust to meet the Bank's needs. These Banks should consider the BCBS principles to be leading practices and should make an effort to bring their practices into alignment with the principles where possible.

[30] This standard was adapted from the standard set out in section 956 of the Dodd-Frank Act. We note that the OCC, the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), and the OTS issued interagency guidance that addresses incentive-based compensation. *See Guidance on Sound Incentive Compensation Policies,* 75 FR 36395 (June 25, 2010). In addition, section 956 of the Dodd-Frank Act requires the OCC, the FRB, the FDIC, the National Credit Union Administration, the Securities and Exchange Commission, and the

Part III: Standards for Board of Directors

Part III of the proposed Guidelines sets out the minimum standards for the Bank's Board in providing oversight to the Framework's design and implementation.

Ensure an effective risk governance framework. Paragraph A. of Part III of the proposed Guidelines provides that each member of the Board has a duty to oversee the Bank's compliance with safe and sound banking practices. Consistent with this duty, the Board should ensure that the Bank establishes and implements an effective Framework that complies with the Guidelines. The Board or its risk committee should also approve any changes to the Framework.

Provide active oversight of management. Paragraph B. of Part III of the proposed Guidelines addresses Board oversight of Bank management, and generally provides that the Board should provide a credible challenge to management. Specifically, the Board should actively oversee the Bank's risk-taking activities and hold management accountable for adhering to the Framework. The Board should also critically evaluate management's recommendations and decisions by questioning, challenging, and, when necessary, opposing, management's proposed actions that could cause the Bank's risk profile to exceed its risk appetite or threaten the Bank's safety and soundness. The OCC expects that this provision will enable the Board to make a determination as to whether management is adhering to, and understands, the Framework. For example, recurring breaches of risk limits or actions that cause the Bank's risk profile to materially exceed its risk appetite may demonstrate that management is not adhering to the Framework. In those situations, the Board should take action to hold the appropriate party, or parties, accountable.

Exercise independent judgment. Paragraph C. of Part III of the proposed Guidelines provides that each Board member should exercise sound, independent judgment. In determining whether a Board member is adequately objective and independent, the OCC will consider the degree to which the Board member's other responsibilities conflict with his or her ability to act in the Bank's best interests.

Include independent directors. Paragraph D. of Part III of the proposed Guidelines provides that at least two members of a Bank's Board should be independent, *i.e.,* they should not be members of the Bank's or the parent company's management. This Guideline would enable the Bank's Board to provide effective, independent oversight of Bank management. To the extent the Bank's independent directors are also members of the parent company's Board, the OCC expects that such directors would consider the safety and soundness of the Bank in decisions made by the parent company that impact the Bank's risk profile.

The OCC notes that this standard does not supersede other applicable regulatory requirements concerning the composition of a Federal savings association's Board.[31] These associations must continue to comply with such requirements.

Question 5: The OCC requests comment on the composition of a Bank's Board. The proposed Guidelines establish a minimum number of independent directors that should be on the Bank's Board. Is this an appropriate number? Are there other standards the OCC should consider to ensure the Board composition is adequate to provide effective oversight of the Bank? Is there value in requiring the Bank to maintain its own risk committee and other committees, as opposed to permitting the Bank's Board to leverage the parent company's Board committees?

Provide ongoing training to independent directors. Paragraph E. of Part III provides that in order to ensure that each member of the Board has the knowledge, skills, and abilities needed to meet the standards set forth in the Guidelines, the Board should establish and adhere to a formal, ongoing training program for independent directors. This reflects the OCC's view that the Board should be comprised of financially knowledgeable directors who are committed to conducting diligent reviews of the Bank's management team, financial status, and business plans. OCC examiners will evaluate each director's knowledge and experience, as demonstrated in their written biography and discussions with examiners. The training program for independent directors should include training on: (i) Complex products, services, lines of business, and risks that have a significant impact on the Bank; (ii) laws, regulations, and supervisory requirements applicable to the Bank; and (iii) other topics identified by the Board.

Self-assessments. Finally, Paragraph F. of Part III of the proposed Guidelines provides that the Bank's Board should conduct an annual self-assessment that includes an evaluation of the Board's effectiveness in meeting the standards provided in Part III of the Guidelines. The self-assessment discussed in this paragraph can be part of a broader self-assessment process conducted by the Board, and should result in a constructive dialogue among Board members that identifies opportunities for improvement and leads to specific changes that are capable of being tracked, measured, and evaluated. For example, these may include broad changes that range from changing the Board composition and structure, meeting frequency and agenda items, Board report design or content, ongoing training program design or content, and other process and procedure topics.

Description of Technical Amendments to Part 30

We are also proposing technical conforming amendments to the part 30 regulations to add references to new Appendix D, which contains the Guidelines, where appropriate.

The Guidelines would be enforceable, pursuant to section 39 of the FDIA and part 30, as we have described. That enforcement mechanism is not necessarily exclusive, however. Nothing in the Guidelines in any way limits the authority of the OCC to address unsafe or unsound practices or conditions or other violations of law. Thus, for example, a Bank's failure to comply with the standards set forth in these Guidelines may also be actionable under section 8 of the FDIA if the failure constitutes an unsafe or unsound practice.

Integration of Federal Savings Associations Into Part 30

As noted above, 12 CFR parts 30 and 170 establish safety and soundness rules and guidelines for national banks and Federal savings associations, respectively. The OCC proposes to make part 30 and its respective appendices applicable to both national banks and Federal savings associations, as described below. The OCC also proposes to remove part 170, as it will no longer be necessary, and to make other minor changes to part 30, including the deletion of references to rescinded OTS guidance.

Safety and Soundness Rules. On July 10, 1995, the Federal banking agencies adopted a final rule establishing deadlines for submission and review of safety and soundness compliance

Federal Housing Finance Agency (the Agencies) to jointly prescribe incentive-based regulations or guidelines applicable to covered institutions. To date, the Agencies have issued a Notice of Proposed Rulemaking. *See* 76 FR 21170 (April 14, 2011).

[31] *See* 12 CFR 163.33.

plans.[32] The final rule provides that the agencies may require compliance plans to be filed by an insured depository institution for failure to meet the safety and soundness standards prescribed by guideline pursuant to section 39 of the FDIA. The safety and soundness rules for national banks and Federal savings associations are set forth at 12 CFR parts 30 and 170, respectively, and, with one exception discussed below, they are substantively the same.

Twelve CFR part 30 establishes the procedures a national bank must follow if the OCC determines that the bank has failed to satisfy a safety and soundness standard or if the OCC requests the bank to file a compliance plan. Section 30.4(d) provides that if a bank fails to submit an acceptable compliance plan within the time specified by the OCC or fails in any material respect to implement a compliance plan, then the OCC *shall* require the bank to take certain actions to correct the deficiency. However, if a bank has experienced ''extraordinary growth'' during the previous 18-month period, then the rule provides that the OCC *may* be required to take certain action to correct the deficiency. Section 30.4(d)(2) defines ''extraordinary growth'' as ''an increase in assets of more than 7.5 percent during any quarter within the 18-month period preceding the issuance of a request for submission of a compliance plan.''

Twelve CFR part 170 sets forth nearly identical safety and soundness rules for Federal savings associations to those applicable in part 30. However, in contrast to part 30, part 170 does not define ''extraordinary growth.'' Instead, the OCC determines whether a savings association has undergone extraordinary growth on a case-by-case basis by considering various factors such as the association's management, asset quality, capital adequacy, interest rate risk profile, and operating controls and procedures.[33]

In order to streamline and consolidate the safety and soundness rules applicable to national banks and Federal savings associations, the OCC proposes to apply part 30 to Federal savings associations. Under this proposal, Federal savings associations would not be subject to any new requirements but would be subject to the § 30.4(d)(2) definition of ''extraordinary growth.'' This definition incorporates an objective standard for determining ''extraordinary growth'' that is based on an increase in assets over a period of time and would provide greater clarity and guidance to Federal savings associations on when the OCC would be required to take action to correct a deficiency.

Guidelines Establishing Standards for Safety and Soundness. In conjunction with the final rule establishing deadlines for compliance plans, the agencies jointly adopted Interagency Guidelines Establishing Standards for Safety and Soundness (Safety and Soundness Guidelines) as Appendix A to each of the agencies' respective safety and soundness rules. The Safety and Soundness Guidelines are set forth in Appendix A to parts 30 and 170 for national banks and savings associations, respectively. The texts of Appendix A for national banks and savings associations are substantively identical. Pursuant to section 39 of the FDIA, by adopting the safety and soundness standards as guidelines, the OCC may pursue the course of action that it determines to be most appropriate, taking into consideration the circumstances of a national bank's noncompliance with one or more standards, as well as the bank's self-corrective and remedial responses.

In order to streamline and consolidate all safety and soundness guidelines in one place, the OCC proposes to amend Appendix A to part 30 so that it also applies to Federal savings associations. This proposal will not result in any new requirements for Federal savings associations.

Guidelines Establishing Information Security Standards. Section 501 of the Gramm-Leach-Bliley Act requires the Federal banking agencies, the National Credit Union Administration, the Securities and Exchange Commission, and the Federal Trade Commission to establish appropriate standards relating to administrative, technical, and physical safeguards for customer records and information for the financial institutions subject to their respective jurisdictions. Section 505(b) requires the agencies to implement these standards in the same manner, to the extent practicable, as the standards prescribed pursuant to section 39(a) of the FDIA. Guidelines implementing the requirements of section 501, Interagency Guidelines Establishing Information Security Standards, are set forth in Appendix B to parts 30 and 170 for national banks and Federal savings associations, respectively.[34] The texts of Appendix B for national banks and savings associations are substantively identical.

In order to streamline and consolidate all safety and soundness guidelines in one place, the OCC proposes to amend Appendix B to part 30 so that it also applies to Federal savings associations. This proposal will not result in any new requirements for Federal savings associations.

Guidelines Establishing Standards for Residential Mortgage Lending Practices. On February 7, 2005, the OCC adopted guidelines establishing standards for residential mortgage lending practices for national banks and their operating subsidiaries as Appendix C to part 30.[35] These guidelines address certain residential mortgage lending practices that are contrary to safe and sound banking practices, may be conducive to predatory, abusive, unfair or deceptive lending practices, and may warrant a heightened degree of care by lenders.

While there is no equivalent to Appendix C in part 170, Federal savings associations are subject to guidance on residential mortgage lending.[36] For many of the same reasons that the OCC decided to incorporate its residential mortgage lending guidance into a single set of guidelines adopted pursuant to section 39, the OCC now proposes to apply Appendix C to Federal savings associations. Under this proposal, Federal savings associations will be subject to the same guidance on residential mortgage lending as national banks, thereby harmonizing residential mortgage lending standards for both types of institutions. Moreover, the application of Appendix C to Federal savings associations will clarify the residential mortgage lending standards applicable to these institutions and enhance the overall safety and soundness of Federal savings associations, because the Appendix C guidelines are enforceable pursuant to the FDIA section 39 process as implemented by part 30. It should be noted, however, that although the guidelines in Appendix C incorporate and implement some of the principles set forth in current Federal savings

[32] *See* 60 FR 35674.

[33] *See* Thrift Regulatory Bulletin 3b, ''Policy Statement on Growth for Savings Associations'' (Nov. 26, 1996).

[34] Appendix B to part 30 currently applies to national banks, Federal branches and agencies of foreign banks and any subsidiaries of such entities (except brokers, dealers, persons providing insurance, investment companies and investment advisers).

[35] *See* 70 FR 6329. Appendix C currently applies to national banks, Federal branches and agencies of foreign banks and any operating subsidiaries of such entities (except brokers, dealers, persons providing insurance, investment companies and investment advisers).

[36] *See* Examination Handbook Section 212, ''One-to Four-Family Residential Real Estate Lending'' (Feb. 10, 2011) (incorporating Regulatory Bulletin 37–18 (Mar. 31, 2007)); *see also* Examination Handbook Section 212C.1, ''Interagency Guidance on High Loan-to-Value Residential Real Estate Lending'' (Feb. 10. 2011) (incorporating Thrift Bulletin 72a (Oct. 13, 1999)).

association guidance on residential real estate lending, they do not replace such guidance.

Request for Comments

In addition to the questions presented above, the OCC requests comment on all aspects of these proposed rules and guidelines.

Regulatory Analysis

Paperwork Reduction Act

The OCC has determined that this proposed rule involves collections of information pursuant to the provisions of the Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501 *et seq.*).

The OCC may not conduct or sponsor, and an organization is not required to respond to, these information collection requirements unless the information collection displays a currently valid Office of Management and Budget (OMB) control number. The OCC is seeking a new control number for this collection from OMB and has submitted this collection to OMB.

Abstract

The collection of information is found in 12 CFR part 30, Appendix D, which establishes minimum standards for the design and implementation of a risk governance framework for insured national banks, insured Federal savings associations, and insured Federal branches of a foreign bank with average total consolidated assets equal to or greater than $50 billion.

Standards for Risk Governance Framework

Front Line Units

Banks are required to establish and adhere to a formal, written risk governance framework that is designed by independent risk management, approved by the Board or the Board's risk committee, and reviewed and updated annually by independent risk management.

Independent Risk Management

Independent risk management should oversee the bank's risk-taking activities and assess risks and issues independent of the CEO and front line units by: (i) Designing a comprehensive written Framework commensurate with the size, complexity, and risk profile of the Bank; (ii) identifying and assessing, on an ongoing basis, the Bank's material aggregate risks; (iii) establishing and adhering to enterprise policies that include concentration risk limits; (iv) establishing and adhering to procedures and processes, to ensure compliance with policies; (v) ensuring that front line units meet required standards; (vi) identifying and communicating to the CEO and Board or Board's risk committee material risks and significant instances where independent risk management's assessment of risk differs from that of a front line unit, and significant instances where a front line unit is not adhering to the Framework; (vii) identifying and communicating to the Board or the Board's risk committee material risks and significant instances where independent risk management's assessment of risk differs from the CEO and significant instances where the CEO is not adhering to, or holding front line units accountable for adhering to, the Framework; and (viii) developing, attracting, and retaining talent and maintaining staffing levels required to carry out the unit's role and responsibilities effectively while establishing and adhering to talent management processes and compensation and performance management programs.

Internal Audit

Internal audit should ensure that the Bank's Framework complies with these Guidelines and is appropriate for the size, complexity, and risk profile of the Bank. It should maintain a complete and current inventory of all of the Bank's material businesses, product lines, services, and functions, and assess the risks associated with each, which collectively provide a basis for the audit plan. It should establish and adhere to an audit plan, updated at least quarterly, that takes into account the Bank's risk profile, emerging risks, and issues. The audit plan should require internal audit to evaluate the adequacy of and compliance with policies, procedures, and processes established by front line units and independent risk management under the Framework. Changes to the audit plan should be communicated to the Board's audit committee. Internal audit should report in writing, conclusions, issues, and recommendations from audit work carried out under the audit plan to the Board's audit committee. Reports should identify the root cause of any issue and include: (i) A determination of whether the root cause creates an issue that has an impact on one organizational unit or multiple organizational units within the Bank; and (ii) a determination of the effectiveness of front line units and independent risk management in identifying and resolving issues in a timely manner. Internal audit should establish and adhere to processes for independently assessing the design and effectiveness of the Framework on at least an annual basis. The independent assessment should include a conclusion on the Bank's compliance with the standards set forth in these Guidelines and the degree to which the Bank's Framework is consistent with leading industry practices. Internal audit should identify and communicate to the Board or Board's audit committee significant instances where front line units or independent risk management are not adhering to the Framework. Internal audit should establish a quality assurance department that ensures internal audit's policies, procedures, and processes comply with applicable regulatory and industry guidance, are appropriate for the size, complexity, and risk profile of the Bank, are updated to reflect changes to internal and external risk factors, and are consistently followed. Internal audit should develop, attract, and retain talent and maintain staffing levels required to effectively carry out the unit's role and responsibilities. Internal audit should establish and adhere to talent management processes. Internal audit should establish and adhere to compensation and performance management programs.

Concentration Risk Management

The Framework should include policies and supporting processes appropriate for the Bank's size, complexity, and risk profile for effectively identifying, measuring, monitoring, and controlling the Bank's concentration of risk.

Risk Data Aggregation and Reporting

This Framework should include a set of policies, supported by appropriate procedures and processes, designed to ensure that the Bank's risk data aggregation and reporting capabilities are appropriate for its size, complexity, and risk profile and support supervisory reporting requirements. Collectively, these policies, procedures, and processes should provide for: (i) The design, implementation, and maintenance of a data architecture and information technology infrastructure that supports the Bank's risk aggregation and reporting needs during normal times and during times of stress; (ii) the capturing and aggregating of risk data and reporting of material risks, concentrations, and emerging risks in a timely manner to the Board and the OCC; and (iii) the distribution of risk reports to all relevant parties at a frequency that meets their needs for decision-making purposes.

Title: OCC Guidelines Establishing Heightened Standards for Certain Large Insured National Banks, Insured Federal

Savings Associations, and Insured Federal Branches; Integration of 12 CFR Parts 30 and 170

Burden Estimates:

Total Number of Respondents: 21.

Total Burden per Respondent: 7,200.

Total Burden for Collection: 151,200.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the OCC's functions; including whether the information has practical utility; (2) the accuracy of the OCC's estimate of the burden of the proposed information collection, including the cost of compliance; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments on the collection of information should be sent to:

Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: [1557–NEW], 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may request additional information on the collection from Johnny Vilela, OCC Clearance Officer, (202) 649–7265, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.

Additionally, commenters should send a copy of their comments to the OMB desk officer for the agencies by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503; by fax to (202) 395–6974; or by email to *oira_submission@omb.eop.gov.*

Regulatory Flexibility Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b) (RFA), the regulatory flexibility analysis otherwise required under section 603 of the RFA is not required if the agency certifies that the proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities (defined for purposes of the RFA to include commercial banks and savings institutions with assets less than or equal to $500 million and trust companies with assets less than or equal to $35.5 million) and publishes its certification and a short, explanatory statement in the **Federal Register** along with its proposed rule.

The proposed Guidelines would have no impact on any small entities. The proposed Guidelines would apply only to insured national banks, insured Federal savings associations, and insured Federal branches of a foreign bank with $50 billion or more in average total consolidated assets. The proposed Guidelines reserve the OCC's authority to apply them to an insured national bank, insured Federal savings association, or insured Federal branch of a foreign bank with less than $50 billion in average total consolidated assets if the OCC determines such entity's operations are highly complex or otherwise present a heightened risk. We do not expect any small entities will be determined to have highly complex operations or present heightened risk by the OCC.

The proposal would apply part 30 and its respective appendices to Federal savings associations. As described in the proposal, the guidelines in Appendices A and B of part 30 are substantively the same for national banks and Federal savings associations. The proposal would apply Appendix C of part 30 to Federal savings associations for the first time. Appendix C consists of guidelines establishing standards for residential mortgage lending practices. Although Federal savings associations are not currently subject to the standards in Appendix C, they are currently subject to guidance on residential mortgage lending. We believe applying part 30 to Federal savings associations will not subject these institutions to substantively different standards relative to their current requirements. Therefore, we estimate that applying part 30 to Federal savings associations introduces only *de minimis* costs associated with updating compliance requirements.

Therefore, the OCC certifies that the proposed Guidelines would not, if issued, have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act Analysis

Section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532), requires the OCC to prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year (adjusted annually for inflation). The OCC has determined that this proposed rule will not result in expenditures by State, local, and tribal governments, or the private sector, of $100 million or more in any one year. Accordingly, the OCC has not prepared a budgetary impact statement.

List of Subjects

12 CFR Part 30

Banks, Banking, Consumer protection, National banks, Privacy, Safety and soundness, Reporting and recordkeeping requirements.

12 CFR Part 170

Accounting, Administrative practice and procedure, Bank deposit insurance, Reporting and recordkeeping requirements, Safety and soundness, Savings associations.

For the reasons set forth in the preamble, and under the authority of 12 U.S.C. 93a, chapter I of title 12 of the Code of Federal Regulations is proposed to be amended as follows:

PART 30—SAFETY AND SOUNDNESS STANDARDS

■ 1. The authority citation for part 30 is revised to read as follows:

Authority: 12 U.S.C. 1, 93a, 371, 1462a, 1463, 1464, 1467a, 1818, 1828, 1831p–1, 1881–1884, 3102(b) and 5412(b)(2)(B); 15 U.S.C. 1681s, 1681w, 6801, and 6805(b)(1).

§ 30.1 [Amended]

■ 2. Section 30.1 is amended by:

■ a. In paragraph (a):

■ i. Removing ''appendices A, B, and C'' and adding in its place ''appendices A, B, C, and D'';

■ ii. Removing the phrase ''and Federal branches of foreign banks,'' and adding in its place the phrase '', Federal savings

associations, and Federal branches of foreign banks''; and

■ b. In paragraph (b):

■ i. Removing the word ''federal'' wherever it appears and adding ''Federal'' in its place;

■ ii. Adding the phrase ''Federal savings association, and'' after the phrase ''national bank,'';

■ iii. Removing the phrase ''branch or'' and adding in its place the word ''branch and''; and

■ iv. Adding a comma after the word ''companies''.

§ 30.2 [Amended]

■ 3. Section 30.2 is amended by:

■ a. Removing in the second and third sentence the word ''bank'' and adding in its place the phrase ''national bank or Federal savings association'';

■ b. Adding a final sentence to read as follows ''The OCC Guidelines Establishing Heightened Standards for Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches are set forth in appendix D to this part.''

■ 4. Section 30.3 is amended by:

■ a. Revising the heading to read as follows;

■ b. Removing the word ''bank'', wherever it appears, and adding in its place the phrase ''national bank or Federal savings association'';

■ c. In paragraph (a), removing ''the Interagency Guidelines Establishing Standards for Safeguarding Customer Information set forth in appendix B to this part, or the OCC Guidelines Establishing Standards for Residential Mortgage Lending Practices set forth in appendix C to this part'' and adding in its place ''the Interagency Guidelines Establishing Standards for Safeguarding Customer Information set forth in appendix B to this part, the OCC Guidelines Establishing Standards for Residential Mortgage Lending Practices set forth in appendix C to this part, or the OCC Guidelines Establishing Heightened Standards for Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches set forth in appendix D to this part.''; and

■ d. In paragraph (b), adding the phrase ''to satisfy'' after the word ''failed''.

The changes to read as follows:

§ 30.3 Determination and notification of failure to meet safety and soundness standards and request for compliance plan.

* * * * *

§ 30.4 [Amended]

■ 5. Section 30.4 is amended by:

■ a. Removing the phrases ''A bank'' and ''a bank'', wherever they appear, and adding in their place the phrases ''A national bank or Federal savings association'' and ''a national bank or Federal savings association'', respectively;

■ b. In paragraph (a), the first sentence of paragraph (d)(1), and in paragraph (e), adding after the phrase ''the bank'', the phrase ''or savings association'';

■ c. In paragraph (b), removing the word ''bank'', and adding in its place the phrase ''national bank or Federal savings association;

■ d. In paragraph (c), removing the phrase ''bank of whether the plan has been approved or seek additional information from the bank'', and adding in its place the phrase ''national bank or Federal savings association of whether the plan has been approved or seek additional information from the bank or savings association''; and

■ e. In paragraph (d)(1), removing the phrase ''bank commenced operations or experienced a change in control within the previous 24-month period, or the bank'', and adding in its place the phrase ''national bank or Federal savings association commenced operations or experienced a change in control within the previous 24-month period, or the bank or savings association''.

§ 30.5 [Amended]

■ 6. Section 30.5 is amended by:

■ a. Removing the phrases ''the bank'', ''The bank'', ''a bank'', ''A bank'', and ''Any bank'', wherever they appear, except in the first sentence of paragraph (a)(1), and adding in their place the phrases ''the national bank or Federal savings association'', ''The national bank or Federal savings association'', ''a national bank or Federal savings association'', ''A national bank or Federal savings association'', and ''Any national bank or Federal savings association'', respectively; and

■ b. In paragraph (a)(1), removing the phrase ''bank prior written notice of the OCC's intention to issue an order requiring the bank'', and adding in its place the phrase ''national bank or Federal savings association prior written notice of the OCC's intention to issue an order requiring the bank or savings association''; and

■ c. In the fourth sentence of paragraph (a)(2), removing the word ''matter'' and adding in its place the word ''manner''.

§ 30.6 [Amended]

■ 7. Section 30.6 is amended by:

■ a. Removing the word ''bank'', wherever it appears, and adding in its place the phrase ''national bank or Federal savings association''; and

■ b. Adding the phrases '', 12 U.S.C. 1818(i)(1)'' and '', 12 U.S.C. 1818(i)(2)(A)'' after the word ''Act'' in paragraphs (a) and (b), respectively.

■ 8. Appendix A to Part 30 is amended by:

■ a. Revising footnote 2 to read as follows; and

■ b. In Section I.B.2. removing the word ''federal'' and adding in its place the word ''Federal''.

The changes to read as follows:

Appendix A to Part 30—Interagency Guidelines Establishing Standards for Safety and Soundness

* * * * *

[2] For the Office of the Comptroller of the Currency, these regulations appear at 12 CFR Part 30; for the Board of Governors of the Federal Reserve System, these regulations appear at 12 CFR part 263; and for the Federal Deposit Insurance Corporation, these regulations appear at 12 CFR part 308, subpart R.

* * * * *

■ 9. Appendix B to part 30 is amended by:

■ a. Removing the words ''bank'' and ''bank's'', wherever they appear, except in Sections I.A. and I.C.2.a., and adding in their place the phrases ''national bank or Federal savings association'' and ''national bank's or Federal savings association's'', respectively; and

■ b. In Section I.A., removing the phrase ''as ''the bank,'' are national banks, federal branches and federal'', and by adding in its place the phrase ''as ''the national bank or Federal savings association,'' are national banks, Federal savings associations, Federal branches and Federal''.

■ 10. Supplement A to Appendix B to part 30 is amended by revising footnotes 1, 2, 9, 11, and 12 to read as follows:

Supplement A to Appendix B to Part 30—Interagency Guidance on Response Programs for Unauthorized Access to Customer Information and Customer Notice

* * * * *

[1] This Guidance was jointly issued by the Board of Governors of the Federal Reserve System (Board), the Federal Deposit Insurance Corporation (FDIC), the Office of the Comptroller of the Currency (OCC), and the Office of Thrift Supervision (OTS). Pursuant to 12 U.S.C. 5412, the OTS is no longer a party to this Guidance.

[2] 12 CFR part 30, app. B (OCC); 12 CFR part 208, app. D–2 and part 225, app. F (Board); and 12 CFR part 364, app. B (FDIC). The ''Interagency Guidelines Establishing Information Security Standards'' were formerly known as ''The Interagency Guidelines Establishing Standards for Safeguarding Customer Information.''

* * * * *

[9] Under the Guidelines, an institution's *customer information systems* consist of all of the methods used to access, collect, store,

use, transmit, protect, or dispose of customer information, including the systems maintained by its service providers. *See* Security Guidelines, I.C.2.d.

* * * * *

[11] *See* Federal Reserve SR Ltr. 13–19, Guidance on Managing Outsourcing Risk, Dec. 5, 2013; OCC Bulletin 2013–29, ''Third-Party Relationships—Risk Management Guidance,'' Nov. 1, 2001; and FDIC FIL 68–99, Risk Assessment Tools and Practices for Information System Security, July 7, 1999.

[12] An institution's obligation to file a SAR is set out in the Agencies' SAR regulations and Agency guidance. *See* 12 CFR 21.11 (national banks, Federal branches and agencies); 12 CFR 163.180 (Federal savings associations); 12 CFR 208.62 (State member banks); 12 CFR 211.5(k) (Edge and agreement corporations); 12 CFR 211.24(f) (uninsured State branches and agencies of foreign banks); 12 CFR 225.4(f) (bank holding companies and their nonbank subsidiaries); and 12 CFR part 353 (State non-member banks). National banks and Federal savings associations must file SARs in connection with computer intrusions and other computer crimes. *See* OCC Bulletin 2000–14, ''Infrastructure Threats—Intrusion Risks'' (May 15, 2000); *see also* Federal Reserve SR 01–11, Identity Theft and Pretext Calling, Apr. 26, 2001; SR 97–28, Guidance Concerning Reporting of Computer Related Crimes by Financial Institutions, Nov. 6, 1997; and FDIC FIL 48–2000, Suspicious Activity Reports, July 14, 2000; FIL 47–97, Preparation of Suspicious Activity Reports, May 6, 1997.

* * * * *

■ 11. Appendix C to part 30 is amended by:

■ a. In section I.ii., removing the phrase ''34.3 (Lending Rules).'', and adding in its place the phrase ''34, subpart D in the case of national banks, and 12 CFR 160.100 and 160.101, in the case of Federal savings associations (Real Estate Lending Standards).'';

■ b. In sections I.iv., II.B.2., III.A. introductory text, III.B. introductory text, III.C., and III.E.4., and III.E.6., removing the word ''bank'' wherever it appears, and adding in its place the phrase ''national bank or Federal savings association'';

■ c. In section I.vi., adding the phrase ''and Federal savings associations'' after the word ''banks'', wherever it appears;

■ d. In section II.B. introductory text and III.D., removing the word ''bank's'' and adding in its place the phrase ''national bank's or Federal savings association's'';

■ e. In sections II.B.1. and III.B.6., removing the words ''bank'' and ''bank's'' and adding in their place the phrases ''national bank or Federal savings association'' and ''bank's or savings association's'', respectively; and

■ f. Revising the second sentence of Section I.i., first two sentences of section I.iii., Sections I.v., I.A., I.C., I.D.2.b., II.A., III.E. introductory text, III.E.5., and III.F. to read as follows.

The changes to read as follows:

Appendix C to Part 30—OCC Guidelines Establishing Standards for Residential Mortgage Lending Practices

* * * * *

I. * * *

i. * * * The Guidelines are designed to protect against involvement by national banks, Federal savings associations, Federal branches and Federal agencies of foreign banks, and their respective operating subsidiaries (together, the ''national bank and Federal savings association''), either directly or through loans that they purchase or make through intermediaries, in predatory or abusive residential mortgage lending practices that are injurious to their respective customers and that expose the national bank or Federal savings association to credit, legal, compliance, reputation, and other risks. * * *

* * * * *

iii. In addition, national banks, Federal savings associations, and their respective operating subsidiaries must comply with the requirements and Guidelines affecting appraisals of residential mortgage loans and appraiser independence. 12 CFR part 34, subpart C, and the Interagency Appraisal and Evaluation Guidelines (OCC Bulletin 2010–42 (December 10, 2010). * * *

* * * * *

v. OCC regulations also prohibit national banks and their respective operating subsidiaries from providing lump sum, single premium fees for debt cancellation contracts and debt suspension agreements in connection with residential mortgage loans. 12 CFR 37.3(c)(2). Some lending practices and loan terms, including financing single premium credit insurance and the use of mandatory arbitration clauses, also may significantly impair the eligibility of a residential mortgage loan for purchase in the secondary market.

* * * * *

A. *Scope.* These Guidelines apply to the residential mortgage lending activities of national banks, Federal savings associations, Federal branches and Federal agencies of foreign banks, and operating subsidiaries of such entities (except brokers, dealers, persons providing insurance, investment companies, and investment advisers).

* * * * *

C. *Relationship to Other Legal Requirements.* Actions by a national bank or Federal savings association in connection with residential mortgage lending that are inconsistent with these Guidelines or Appendix A to this part 30 may also constitute unsafe or unsound practices for purposes of section 8 of the Federal Deposit Insurance Act, 12 U.S.C. 1818, unfair or deceptive practices for purposes of section 5 of the FTC Act, 15 U.S.C. 45, and the OCC Real Estate Lending Standards, 12 CFR part 34, subpart D, in the case of national banks, and 12 CFR 160.100 and 160.101, in the case of Federal savings associations, or violations of the ECOA and FHA.

* * * * *

D. * * *

2. * * *

b. *National bank or Federal savings association* means any national bank, Federal savings association, Federal branch or Federal agency of a foreign bank, and any operating subsidiary thereof that is subject to these Guidelines.

* * * * *

II. * * *

A. *General.* A national bank's or Federal savings association's residential mortgage lending activities should reflect standards and practices consistent with and appropriate to the size and complexity of the bank or savings association and the nature and scope of its lending activities.

* * * * *

III. * * *

E. *Purchased and Brokered Loans.* With respect to consumer residential mortgage loans that the national bank or Federal savings association purchases, or makes through a mortgage broker or other intermediary, the national bank or Federal savings association's residential mortgage lending activities should reflect standards and practices consistent with those applied by the bank or savings association in its direct lending activities and include appropriate measures to mitigate risks, such as the following:

* * * * *

5. Loan documentation procedures, management information systems, quality control reviews, and other methods through which the national bank or Federal savings association will verify compliance with agreements, bank or savings association policies, and applicable laws, and otherwise retain appropriate oversight of mortgage origination functions, including loan sourcing, underwriting, and loan closings.

* * * * *

F. *Monitoring and Corrective Action.* A national bank's or Federal savings association's consumer residential mortgage lending activities should include appropriate monitoring of compliance with applicable law and the bank's or savings association's lending standards and practices, periodic monitoring and evaluation of the nature, quantity and resolution of customer complaints, and appropriate evaluation of the effectiveness of the bank's or savings association's standards and practices in accomplishing the objectives set forth in these Guidelines. The bank's or savings association's activities also should include appropriate steps for taking corrective action in response to failures to comply with applicable law and the bank's or savings association's lending standards, and for making adjustments to the bank's or savings association's activities as may be appropriate to enhance their effectiveness or to reflect changes in business practices, market conditions, or the bank's or savings association's lines of business, residential mortgage loan programs, or customer base.

■ 12. A new Appendix D is added to part 30 to read as follows:

Appendix D to Part 30—OCC Guidelines Establishing Heightened Standards for Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches

Table of Contents

I. Introduction
A. Scope
B. Preservation of Existing Authority
C. Definitions
II. Standards for Risk Governance Framework
A. Risk Governance Framework
B. Scope of Risk Governance Framework
C. Roles and Responsibilities
1. Role and Responsibilities of Front Line Units
2. Role and Responsibilities of Independent Risk Management
3. Role and Responsibilities of Internal Audit
D. Strategic Plan
E. Risk Appetite Statement
F. Concentration and Front Line Unit Risk Limits
G. Risk Appetite Review, Monitoring, and Communication Processes
H. Processes Governing Risk Limit Breaches
I. Concentration Risk Management
J. Risk Data Aggregation and Reporting
K. Relationship of Risk Appetite Statement, Concentration Risk Limits, and Front Line Unit Risk Limits to Other Processes
L. Talent Management Processes
M. Compensation and Performance Management Programs
III. Standards for Board of Directors
A. Ensure an Effective Risk Governance Framework
B. Provide Active Oversight of Management
C. Exercise Independent Judgment
D. Include Independent Directors
E. Provide Ongoing Training to Independent Directors
F. Self-Assessments

I. Introduction

1. The OCC expects a bank, as defined herein, to establish and implement a risk governance framework for managing and controlling the bank's risk-taking activities.

2. This appendix establishes minimum standards for the design and implementation of a bank's risk governance framework and minimum standards for the bank's board of directors [1] in providing oversight to the framework's design and implementation (''Guidelines''). These standards are in addition to any other applicable requirements in law or regulation.

3. A bank may use its parent company's risk governance framework if the framework meets these minimum standards, the risk profiles of the parent company and the bank are substantially the same as set forth in paragraph 4., and the bank has demonstrated through a documented assessment that its risk profile and its parent company's risk profile are substantially the same. The assessment should be conducted at least annually or more often, in conjunction with the review and update of the risk governance framework performed by independent risk management, as set forth in paragraph II.A.

4. A parent company's and bank's risk profiles would be considered substantially the same if, as of the most recent quarter-end Federal Financial Institutions Examination Council Consolidated Reports of Condition and Income (''Call Report''):

(i) The bank's average total consolidated assets represent 95% or more of the parent company's average total consolidated assets;

(ii) The bank's total assets under management represent 95% or more of the parent company's total assets under management; and

(iii) The bank's total off-balance sheet exposures represent 95% or more of the parent company's total off-balance sheet exposures.

A bank that does not satisfy this test may submit to the OCC for consideration an analysis that demonstrates that the risk profile of the parent company and the bank are substantially the same based upon other factors not specified in this paragraph.

5. In cases where the parent company's and bank's risk profiles are not substantially the same, a bank should establish its own risk governance framework. Such a framework should ensure that the bank's risk profile is easily distinguished and separate from that of its parent for risk management and supervisory reporting purposes and that the safety and soundness of the bank is not jeopardized by decisions made by the parent company's board of directors and management.

A. Scope

These Guidelines apply to any insured national bank, insured Federal savings association, or insured Federal branch of a foreign bank, with average total consolidated assets equal to or greater than $50 billion as of [EFFECTIVE DATE] of these Guidelines (together ''banks'' and each, a ''bank''). Average total consolidated assets is calculated as the average of the bank's total consolidated assets, as reported on the bank's Call Reports, for the four most recent consecutive quarters. The date on which the Guidelines apply to a bank that does not come within the scope of these Guidelines on [EFFECTIVE DATE], but subsequently becomes subject to the Guidelines because average total consolidated assets are equal to or greater than $50 billion after [EFFECTIVE DATE], shall be the as-of date of the most recent Call Report used in the calculation of the average.

The OCC reserves the authority:

(i) To apply these Guidelines to an insured national bank, insured Federal savings association, or insured Federal branch of a foreign bank that has average total consolidated assets less than $50 billion, if the OCC determines such entity's operations are highly complex or otherwise present a heightened risk as to warrant the application of these Guidelines;

(ii) For each bank, to extend the time for compliance with these Guidelines or modify these Guidelines; or

(iii) To determine that compliance with these Guidelines should no longer be required for each bank.

The OCC would generally make the determination in (iii) if a bank's operations are no longer highly complex or no longer present a heightened risk. When exercising the authority in this paragraph, the OCC will apply notice and response procedures, when appropriate, in the same manner and to the same extent as the notice and response procedures in 12 CFR 3.404.

In determining whether a bank's operations are highly complex or present a heightened risk, the OCC will consider the following factors: complexity of products and services, risk profile, and scope of operations.

B. Preservation of Existing Authority

Neither section 39 of the Federal Deposit Insurance Act (12 U.S.C. 1831p–1) nor these Guidelines in any way limits the authority of the OCC to address unsafe or unsound practices or conditions or other violations of law. The OCC may take action under section 39 and these Guidelines independently of, in conjunction with, or in addition to any other enforcement action available to the OCC.

C. Definitions

1. *Chief Audit Executive* is an individual who leads internal audit and is one level below the Chief Executive Officer in the bank's organizational structure.

2. *Chief Risk Executive* is an individual who leads an independent risk management unit and is one level below the Chief Executive Officer in the bank's organizational structure.

3. *Front line unit* is any organizational unit within the bank that:

(i) Engages in activities designed to generate revenue for the parent company or bank;

(ii) Provides services, such as administration, finance, treasury, legal, or human resources, to the bank; or

(iii) Provides information technology, operations, servicing, processing, or other support to any organizational unit covered by these Guidelines.

4. *Independent risk management* is any organizational unit within the bank that has responsibility for identifying, measuring, monitoring, or controlling aggregate risks. Such units maintain independence from front line units through the following reporting structure:

(i) The board of directors or the board's risk committee reviews and approves the risk governance framework and any material policies established under it. In addition, the board or its risk committee approves all decisions regarding the appointment or removal of the Chief Risk Executive and approves the annual compensation and salary adjustment of the Chief Risk Executive;

(ii) The Chief Executive Officer oversees the Chief Risk Executive's day-to-day activities; and

(iii) No front line unit executive oversees any independent risk management unit.

5. *Internal audit* is the organizational unit within the bank that is designated to fulfill the role and responsibilities outlined in 12

[1] In the case of an insured Federal branch of a foreign bank, the board of directors means the managing official in charge of the branch.

CFR part 30 Appendix A, II.B. Internal audit maintains independence from front line and independent risk management units through the following reporting structure:

(i) The board's audit committee reviews and approves internal audit's overall charter, risk assessments, and audit plans. In addition, the committee approves all decisions regarding the appointment or removal and annual compensation and salary adjustment of the Chief Audit Executive;

(ii) The Chief Executive Officer oversees the Chief Audit Executive's day-to-day activities;[2] and

(iii) No front line unit executive oversees internal audit.

6. *Risk appetite* is the aggregate level and types of risk the board of directors and management are willing to assume to achieve the bank's strategic objectives and business plan, consistent with applicable capital, liquidity, and other regulatory requirements.

7. *Risk profile* is a point-in-time assessment of the bank's risks, aggregated within and across each relevant risk category, using methodologies consistent with the risk appetite statement described in II.E. of these Guidelines.

II. Standards for Risk Governance Framework

A. *Risk governance framework.* The bank should establish and adhere to a formal, written risk governance framework that is designed by independent risk management and approved by the board of directors or the board's risk committee. Independent risk management should review and update the risk governance framework at least annually, and as often as needed to address changes in the bank's risk profile caused by internal or external factors or the evolution of industry risk management practices.

B. *Scope of risk governance framework.* The risk governance framework should cover the following risk categories that apply to the bank: credit risk, interest rate risk, liquidity risk, price risk, operational risk, compliance risk, strategic risk, and reputation risk.

C. *Roles and responsibilities.* The risk governance framework should include three distinct functions: front line units, independent risk management, and internal audit.[3] The roles and responsibilities for each of these functions are:

1. *Role and responsibilities of front line units.* Front line units should take responsibility and be held accountable by the Chief Executive Officer and the board of directors for appropriately assessing and effectively managing all of the risks associated with their activities. In fulfilling this responsibility, each front line unit should:

(a) Assess, on an ongoing basis, the material risks associated with its activities and use such risk assessments as the basis for fulfilling its responsibilities under paragraphs 1.(b) and 1.(c) and for determining if actions need to be taken to strengthen risk management or reduce risk given changes in the unit's risk profile or other conditions;

(b) Establish and adhere to a set of written policies that include front line unit risk limits as discussed in paragraph II.F. Such policies should ensure risks associated with the front line unit's activities are effectively identified, measured, monitored, and controlled, consistent with the bank's risk appetite statement, concentration risk limits, and all policies established within the risk governance framework under paragraphs II.C.2.(c) and II.G. through K.;

(c) Establish and adhere to procedures and processes, as necessary to ensure compliance with the policies described in paragraph 1.(b);

(d) Adhere to all applicable policies, procedures, and processes established by independent risk management;

(e) Develop, attract, and retain talent and maintain staffing levels required to carry out the unit's role and responsibilities effectively, as set forth in paragraphs 1.(a) through 1.(d);

(f) Establish and adhere to talent management processes that comply with paragraph II.L.; and

(g) Establish and adhere to compensation and performance management programs that comply with paragraph II.M.

2. *Role and responsibilities of independent risk management.* Independent risk management should oversee the bank's risk-taking activities and assess risks and issues independent of the Chief Executive Officer and front line units. In fulfilling these responsibilities, independent risk management should:

(a) Take primary responsibility and be held accountable by the Chief Executive Officer and the board of directors for designing a comprehensive written risk governance framework that meets these Guidelines and is commensurate with the size, complexity, and risk profile of the bank;

(b) Identify and assess, on an ongoing basis, the bank's material aggregate risks and use such risk assessments as the basis for fulfilling its responsibilities under paragraphs 2.(c) and 2.(d) and for determining if actions need to be taken to strengthen risk management or reduce risk given changes in the bank's risk profile or other conditions;

(c) Establish and adhere to enterprise policies that include concentration risk limits. Such policies should ensure that aggregate risks within the bank are effectively identified, measured, monitored, and controlled, consistent with the bank's risk appetite statement and all policies and processes established within the risk governance framework under paragraphs II.G. through K.;

(d) Establish and adhere to procedures and processes, as necessary to ensure compliance with the policies described in paragraph 2.(c);

(e) Ensure that front line units meet the standards set forth in paragraph II.C.1.;

(f) Identify and communicate to the Chief Executive Officer and the board of directors or the board's risk committee:

(i) Material risks and significant instances where independent risk management's assessment of risk differs from that of a front line unit; and

(ii) Significant instances where a front line unit is not adhering to the risk governance framework;

(g) Identify and communicate to the board of directors or the board's risk committee:

(i) Material risks and significant instances where independent risk management's assessment of risk differs from the Chief Executive Officer; and

(ii) Significant instances where the Chief Executive Officer is not adhering to, or holding front line units accountable for adhering to, the risk governance framework;

(h) Develop, attract, and retain talent and maintain staffing levels required to carry out the unit's role and responsibilities effectively, as set forth in paragraphs 2.(a) through 2.(g);

(i) Establish and adhere to talent management processes that comply with paragraph II.L.; and

(j) Establish and adhere to compensation and performance management programs that comply with paragraph II.M.

3. *Role and responsibilities of internal audit.* In addition to meeting the standards set forth in appendix A of part 30, internal audit should ensure that the bank's risk governance framework complies with these Guidelines and is appropriate for the size, complexity, and risk profile of the bank. In carrying out its responsibilities, internal audit should:

(a) Maintain a complete and current inventory of all of the bank's material businesses, product lines, services, and functions, and assess the risks associated with each, which collectively provide a basis for the audit plan described in paragraph 3.(b);

(b) Establish and adhere to an audit plan, updated quarterly or more often, as needed, that takes into account the bank's risk profile, emerging risks, and issues. The audit plan should require internal audit to evaluate the adequacy of and compliance with policies, procedures, and processes established by front line units and independent risk management under the risk governance framework. Changes to the audit plan should be communicated to the board's audit committee;

[2] In some banks, the audit committee may assume the Chief Executive Officer's responsibilities to oversee the Chief Audit Executive's day-to-day activities. This is an acceptable alternative under the Guidelines.

[3] The standards set forth in appendices A and B address risk management practices that are fundamental to the safety and soundness of any financial institution, and the standards established in appendix C address risk management practices that are fundamental to the safety and soundness of financial institutions involved in mortgage lending. Many of the risk management practices established and maintained by a bank to meet these standards should be components of its risk governance framework, within the construct of the three distinct functions described in this paragraph II.C. Therefore, banks subject to appendix D should ensure that practices established within their risk governance frameworks also meet the standards set forth in appendices A, B, and C. In addition, existing OCC guidance sets expectations for banks to establish risk management programs for certain risks, *e.g.,* compliance risk management. These risk-specific programs should also be considered components of the risk governance framework, within the context of the three functions described in paragraph II.C.

(c) Report in writing, conclusions, issues, and recommendations from audit work carried out under the audit plan described in paragraph 3.(b) to the board's audit committee. Internal audit's reports to the audit committee should identify the root cause of any issue and include:

(i) A determination of whether the root cause creates an issue that has an impact on one organizational unit or multiple organizational units within the bank; and

(ii) A determination of the effectiveness of front line units and independent risk management in identifying and resolving issues in a timely manner;

(d) Establish and adhere to processes for independently assessing the design and effectiveness of the risk governance framework on at least an annual basis.[4] The independent assessment should include a conclusion on the bank's compliance with the standards set forth in these Guidelines and the degree to which the bank's risk governance framework is consistent with leading industry practices;

(e) Identify and communicate to the board's audit committee significant instances where front line units or independent risk management are not adhering to the risk governance framework;

(f) Establish a quality assurance department that ensures internal audit's policies, procedures, and processes comply with applicable regulatory and industry guidance, are appropriate for the size, complexity, and risk profile of the bank, are updated to reflect changes to internal and external risk factors, and are consistently followed;

(g) Develop, attract, and retain talent and maintain staffing levels required to effectively carry out the unit's role and responsibilities, as set forth in paragraphs 3.(a) through 3.(f);

(h) Establish and adhere to talent management processes that comply with paragraph II.L.; and

(i) Establish and adhere to compensation and performance management programs that comply with paragraph II.M.

D. *Strategic plan.* The Chief Executive Officer should develop a written strategic plan with input from front line units, independent risk management, and internal audit. The board of directors should evaluate and approve the strategic plan and monitor management's efforts to implement the strategic plan at least annually. The strategic plan should cover, at a minimum, a three-year period and:

1. Contain a comprehensive assessment of risks that currently impact the bank or that could impact the bank during the period covered by the strategic plan;

2. Articulate an overall mission statement and strategic objectives for the bank, and include an explanation of how the bank will achieve those objectives;

3. Include an explanation of how the bank will update, as necessary, the risk governance framework to account for changes in the bank's risk profile projected under the strategic plan; and

4. Be reviewed, updated, and approved, as necessary, due to changes in the bank's risk profile or operating environment that were not contemplated when the strategic plan was developed.

E. *Risk appetite statement.* The bank should have a comprehensive written statement that articulates the bank's risk appetite and serves as the basis for the risk governance framework. The risk appetite statement should include both qualitative components and quantitative limits. The qualitative components should describe a safe and sound risk culture and how the bank will assess and accept risks, including those that are difficult to quantify. Quantitative limits should incorporate sound stress testing processes, as appropriate, and address the bank's earnings, capital, and liquidity position. The bank should set limits at levels that take into account appropriate capital and liquidity buffers and prompt management and the board of directors to reduce risk before the bank's risk profile jeopardizes the adequacy of its earnings, liquidity, and capital.[5]

F. *Concentration and front line unit risk limits.* The risk governance framework should include concentration risk limits and, as applicable, front line unit risk limits, for the relevant risks. Concentration and front line unit risk limits should ensure that front line units do not create excessive risks and, when aggregated across such units, these risks do not exceed the limits established in the bank's risk appetite statement.

G. *Risk appetite review, monitoring, and communication processes.* The risk governance framework should require:[6]

1. Review and approval of the risk appetite statement by the board of directors or the board's risk committee at least annually or more frequently, as necessary, based on the size and volatility of risks and any material changes in the bank's business model, strategy, risk profile, or market conditions;

2. Initial communication and ongoing reinforcement of the bank's risk appetite statement throughout the bank in a manner that ensures all employees align their risk-taking decisions with applicable aspects of the risk appetite statement;

3. Monitoring by independent risk management of the bank's risk profile relative to its risk appetite and compliance with concentration risk limits and reporting on such monitoring to the board of directors or the board's risk committee at least quarterly;

4. Monitoring by front line units of compliance with their respective risk limits and reporting to independent risk management at least quarterly; and

5. When necessary due to the level and type of risk, monitoring by independent risk management of front line units' compliance with front line unit risk limits, ongoing communication with front line units regarding adherence to these limits, and reporting of any concerns to the Chief Executive Officer and the board of directors or the board's risk committee, as set forth in II.C.2.(f) and (g), all at least quarterly.

H. *Processes governing risk limit breaches.* The bank should establish and adhere to processes that require front line units and independent risk management, in conjunction with their respective responsibilities, to:

1. Identify breaches of the risk appetite statement, concentration risk limits, and front line unit risk limits;

2. Distinguish breaches based on the severity of their impact on the bank;

3. Establish protocols for when and how to inform the board of directors, front line unit management, independent risk management, and the OCC of a risk limit breach that takes into account the severity of the breach and its impact on the bank;

4. Include in the protocols established in paragraph 3. the requirement to provide a written description of how a breach will be, or has been, resolved; and

5. Establish accountability for reporting and resolving breaches that include consequences for risk limit breaches that take into account the magnitude, frequency, and recurrence of breaches.

I. *Concentration risk management.* The risk governance framework should include policies and supporting processes appropriate for the bank's size, complexity, and risk profile for effectively identifying, measuring, monitoring, and controlling the bank's concentration of risk.

J. *Risk data aggregation and reporting.* The risk governance framework should include a set of policies, supported by appropriate procedures and processes, designed to ensure that the bank's risk data aggregation and reporting capabilities are appropriate for its size, complexity, and risk profile and support supervisory reporting requirements. Collectively, these policies, procedures, and processes should provide for:

1. The design, implementation, and maintenance of a data architecture and information technology infrastructure that supports the bank's risk aggregation and reporting needs during normal times and during times of stress;

2. The capturing and aggregating of risk data and reporting of material risks, concentrations, and emerging risks in a timely manner to the board of directors and the OCC; and

3. The distribution of risk reports to all relevant parties at a frequency that meets their needs for decision-making purposes.

K. *Relationship of risk appetite statement, concentration risk limits, and front line unit risk limits to other processes.* The bank's front line units and independent risk management should incorporate the risk appetite statement, concentration risk limits, and front line unit risk limits into the following:

1. Strategic and annual operating plans;

[4] The annual independent assessment of the risk governance framework may be conducted by internal audit, an external party, or internal audit in conjunction with an external party.

[5] Where possible, banks should establish aggregate risk appetite limits that can be disaggregated and applied at the front line unit level. However, where this is not possible, banks should establish limits that reasonably reflect the aggregate level of risk that the board of directors and executive management are willing to accept.

[6] With regard to paragraphs 3., 4., and 5. in this paragraph G., the frequency of monitoring and reporting should be performed more often, as necessary, based on the size and volatility of risks and any material change in the bank's business model, strategy, risk profile, or market conditions.

2. Capital stress testing and planning processes;
3. Liquidity stress testing and planning processes;
4. Product and service risk management processes, including those for approving new and modified products and services;
5. Decisions regarding acquisitions and divestitures; and
6. Compensation and performance management programs.

L. *Talent management processes.* The bank should establish and adhere to processes for talent development, recruitment, and succession planning to ensure that management and employees who are responsible for or influence material risk decisions have the knowledge, skills, and abilities to effectively identify, measure, monitor, and control relevant risks. The talent management processes should ensure that:

1. The board of directors or a board committee:
(i) Hires a Chief Executive Officer and approves the hiring of direct reports of the Chief Executive Officer with the skills and abilities to design and implement an effective risk governance framework;
(ii) Establishes reliable succession plans for the individuals described in (i) of this paragraph; and
(iii) Oversees the talent development, recruitment, and succession planning processes for individuals two levels down from the Chief Executive Officer.
2. The board of directors or a board committee:
(i) Hires one or more Chief Risk Executives and a Chief Audit Executive that possess the skills and abilities to effectively implement the risk governance framework;
(ii) Establishes reliable succession plans for the individuals described in (i) of this paragraph; and
(iii) Oversees the talent development, recruitment, and succession planning processes for independent risk management and internal audit.

M. *Compensation and performance management programs.* The bank should establish and adhere to compensation and performance management programs that meet the requirements of any applicable statute or regulation and are appropriate to:

1. Ensure the Chief Executive Officer, front line units, independent risk management, and internal audit implement and adhere to an effective risk governance framework;
2. Ensure front line unit compensation plans and decisions appropriately consider the level and severity of issues and concerns identified by independent risk management and internal audit;
3. Attract and retain the talent needed to design, implement, and maintain an effective risk governance framework; and
4. Prohibit incentive-based payment arrangements, or any feature of any such arrangement, that encourages inappropriate risks by providing excessive compensation or that could lead to material financial loss.

III. Standards for Board of Directors

A. *Ensure an effective risk governance framework.* Each member of the bank's board of directors has a duty to oversee the bank's compliance with safe and sound banking practices. Consistent with this duty, the board of directors should ensure that the bank establishes and implements an effective risk governance framework that meets the minimum standards described in these Guidelines. The board of directors or the board's risk committee should approve any changes to the risk governance framework.

B. *Provide active oversight of management.* The bank's board of directors should actively oversee the bank's risk-taking activities and hold management accountable for adhering to the risk governance framework. In providing active oversight, the board of directors should question, challenge, and when necessary, oppose recommendations and decisions made by management that could cause the bank's risk profile to exceed its risk appetite or jeopardize the safety and soundness of the bank.

C. *Exercise independent judgment.* When carrying out his or her duties under III.B., each member of the board of directors should exercise sound, independent judgment.

D. *Include independent directors.* To promote effective, independent oversight of bank management, at least two members of the board of directors should not be members of the bank's management or the parent company's management.[7]

E. *Provide ongoing training to independent directors.* To ensure each member of the board of directors has the knowledge, skills, and abilities needed to meet the standards set forth in these Guidelines, the board of directors should establish and adhere to a formal, ongoing training program for independent directors. This program should include training on:

(i) Complex products, services, lines of business, and risks that have a significant impact on the bank;
(ii) Laws, regulations, and supervisory requirements applicable to the bank; and
(iii) Other topics identified by the board of directors.

F. *Self-assessments.* The bank's board of directors should conduct an annual self-assessment that includes an evaluation of its effectiveness in meeting the standards in section III of these Guidelines.

PART 170 [REMOVED]

■ 13. Remove Part 170.

Dated: January 10, 2014.

Thomas J. Curry,

Comptroller of the Currency.

[FR Doc. 2014–00639 Filed 1–24–14; 8:45 am]

BILLING CODE 4810–33–P

[7] This provision does not supersede other regulatory requirements regarding the composition of the Board that apply to Federal savings associations. These institutions must continue to comply with such other requirements.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0031; Directorate Identifier 2013–CE–054–AD]

RIN 2120–AA64

Airworthiness Directives; SOCATA Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for SOCATA Model TBM 700 airplanes that would supersede AD 99–07–11. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as cracks on the outboard hinge fittings. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by March 13, 2014.

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

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

For service information identified in this proposed AD, contact SOCATA, Direction des Services, 65921 Tarbes Cedex 9, France; telephone +33 (0) 5 62 41 73 00; fax +33 (0) 5 62 41 76 54, or for North America: SOCATA NORTH AMERICA, North Perry Airport, 7501 South Airport Road, Pembroke Pines, Florida 33023; telephone: (954) 893–1400; fax: (954) 964–4141; email: *mysocata@socata.daher.com;* Internet: *www.mysocata.com*. You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City,

Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2014–0031; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Albert Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4119; fax: (816) 329–4090; email: *albert.mercado@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0031; Directorate Identifier 2013–CE–054–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

On March 18, 1999, we issued AD 99–07–11, Amendment 39–11096 (64 FR 14820, March 29, 1999) (''AD 99–07–11''). That AD required actions intended to address an unsafe condition on the products listed above.

Since we issued AD 99–07–11, SOCATA determined that the cause of the cracks in the horizontal stabilizer outboard hinge fitting was due to the incorrect installation of the fittings during production, which induced stress. SOCATA has issued new mandatory service information to require a modification to the outboard hinge fittings of the horizontal stabilizer to eliminate the stress.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No. 2013–0035, dated February 22, 2013 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

During the 1990s, several occurrences were reported of finding cracks in the outboard hinge fittings of the horizontal stabiliser on TBM 700 aeroplanes.

This condition, if not detected and corrected, could result in rupture of the outboard hinge fittings, which would adversely affect the structural integrity of the horizontal stabiliser. The in-flight loss of the horizontal stabiliser would result in reduced control of the aeroplane,

To address this unsafe condition, DGAC France issued AD 1999–060(A), requiring repetitive inspections of the fittings and, depending on findings, corrective action. After that AD was issued, SOCATA determined that the cause of the cracks was a wrong installation of the fittings during production, inducing stress. Consequently, DGAC France issued AD 2000–307(A), partially retaining the requirements of DGAC France AD 1999–060(A), which was superseded, and required, depending on findings, that the installation of the fittings of in-service aeroplanes be rectified by introduction of adjusting shims, a modification which was introduced as standard on the production line from MSN 162. The periodical inspection of the fittings for cracks was still required, pending a better understanding of the cause of the cracks. Since DCAG France AD 2000–307(A) was issued, the results of the further analysis revealed that the final design (installation of shims on the outboard hinge fittings of the horizontal stabiliser) guarantees a service fatigue life which exceeds the one established for the TBM 700 during certification. Consequently, for aeroplanes with this modification, the repetitive inspections of the fittings can be discontinued. However, as the installation of the fittings was only required depending on findings, this modification may not have been accomplished on all affected aeroplanes.

For the reasons described above, this AD supersedes (and thereby cancels the requirements of) DGAC France AD 2000–307(A) and requires installation of shims on the outboard hinge fittings of the horizontal stabiliser.

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2014–0031.

Relevant Service Information

DAHER–SOCATA has issued TBM Aircraft Mandatory Service Bulletin SB 70–080, Amendment 2, dated August 2012. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD will affect 159 products of U.S. registry. We also estimate that it would take about 6.5 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $500 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $167,347.50, or $1,052.50 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and

responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–11096 (64 FR 14820, March 29, 1999), and adding the following new AD:

SOCATA: Docket No. FAA–2014–0031; Directorate Identifier 2013–CE–054–AD.

(a) Comments Due Date

We must receive comments by March 13, 2014.

(b) Affected ADs

This AD supersedes AD 99–07–11, Amendment 39–11096 (64 FR 14820, March 29, 1999).

(c) Applicability

This AD applies to SOCATA TBM 700 airplanes, manufacturer serial numbers (MSN) 1 through 98, 100 through 156, and 158 through 161, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 55: Stabilizers.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as cracks on the outboard hinge fittings. We are issuing this AD to require the use of new service information issued by DAHER–SOCATA to eliminate the stress on the outboard hinge fittings, which is causing the cracks. If this condition is not prevented, the outboard hinge fittings could fail causing reduced structural integrity of the horizontal stabilizer, which could result in reduced control.

(f) Actions and Compliance

Unless already done, within the next 100 hours time-in-service after the effective date of this AD or within the next 12 months after the effective date of this AD, whichever occurs first, install shims on the outboard hinge fittings of the horizontal stabilizer. Do the modification following the Accomplishment Instructions in DAHER–SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–080, Amendment 2, dated August 2012.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Albert Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4119; fax: (816) 329–4090; email: *alebert.mercado@faa.gov*. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2013–0035, dated February 22, 2013, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2014–0031. For service information related to this AD, contact SOCATA, Direction des Services, 65921 Tarbes Cedex 9, France; telephone +33 (0) 5 62 41 73 00; fax +33 (0) 5 62 41 76 54, or for North America: SOCATA NORTH AMERICA, North Perry Airport, 7501 South Airport Road, Pembroke Pines, Florida 33023; telephone: (954) 8–9893–1400; fax: (954) 964–4141; email: *mysocata@socata.daher.com;* Internet: *www.mysocata.com*. You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on January 17, 2014.

Pat Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–01470 Filed 1–24–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–141036–13]

RIN 1545–BL91

Minimum Essential Coverage and Other Rules Regarding the Shared Responsibility Payment for Individuals

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations relating to the requirement to maintain minimum essential coverage enacted by the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010, as amended by the TRICARE Affirmation Act and Public Law 111–173. These proposed regulations affect individual taxpayers who may be liable for the shared responsibility payment for not maintaining minimum essential coverage. This document also provides notice of a public hearing on these proposed regulations.

DATES: Comments must be received by April 28, 2014. Outlines of topics to be discussed at the public hearing scheduled for May 21, 2014, at 10 a.m., must be received by April 28, 2014.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–141036–13), room 5205, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–141036–13), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, or sent electronically via the Federal eRulemaking Portal at *www.regulations.gov* (IRS REG–141036–13). The public hearing will be held in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Sue-Jean Kim or John B. Lovelace, (202)

317–7006; concerning the submission of comments, the public hearing, and to be placed on the building access list to attend the public hearing, Oluwafunmilayo Taylor, (202) 317–6901 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in § 1.5000A–3(h)(3) and § 1.5000A–4(a)(1) of this notice of proposed rulemaking has been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) under control number 1545–0074 in conjunction with the final regulations under section 5000A (TD 9632). The information is necessary to determine whether the individual shared responsibility provision applies to a taxpayer and, if it applies, the amount of the payment. Comments on the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, SE:W:CAR:MP:T:T:SP, Washington, DC 20224.

Comments on the collection of information should be received by March 28, 2014.

Background

The Patient Protection and Affordable Care Act, Public Law 111–148 (124 Stat. 119 (2010)), and the Health Care and Education Reconciliation Act of 2010, Public Law 111–152 (124 Stat. 1029 (2010)) (collectively, the Affordable Care Act), added section 5000A to the Internal Revenue Code. Section 5000A was subsequently amended by the TRICARE Affirmation Act of 2010, Public Law 111–159 (124 Stat. 1123) and Public Law 111–173 (124 Stat. 1215). Section 5000A provides that, for months beginning after December 31, 2013, a nonexempt individual must maintain minimum essential coverage or make a shared responsibility payment.

Final regulations under section 5000A (TD 9632) were published on August 30, 2013 (78 FR 53646). The preamble to the final regulations indicates that subsequent proposed regulations will provide that coverage under certain government-sponsored programs is not government-sponsored minimum essential coverage. The preamble to the final regulations also describes rules to be included in subsequent regulations for determining, for purposes of the lack of affordable coverage exemption, the required contribution for individuals eligible to enroll in an eligible employer-sponsored plan that provides employer contributions to health reimbursement arrangements (HRAs) or wellness program incentives. These proposed regulations address these issues, consistent with the rules contemplated in the preamble to the final regulations. In addition, these proposed regulations provide or clarify rules under section 5000A addressing the definition of excepted benefits, hardship exemptions that may be claimed on a Federal income tax return, and the computation of the monthly penalty amount.

Minimum Essential Coverage

Section 5000A(f)(1) enumerates the types of health care coverage that qualify as minimum essential coverage. They include, among others, coverage under specified government-sponsored programs and health benefits coverage that the Secretary of Health and Human Services (HHS), in coordination with the Secretary of the Treasury, recognizes as minimum essential coverage. Under section 5000A(f)(1)(A), specified government-sponsored programs include, among other things, the Medicaid program under title XIX of the Social Security Act and medical coverage under chapter 55 of title 10, United States Code, including the TRICARE program.

Section 1.5000A–2(b)(1)(ii) of the final regulations provides that government-sponsored programs that are minimum essential coverage include the Medicaid program under Title XIX of the Social Security Act (42 U.S.C. 1396 and following sections) other than certain Medicaid coverage that may provide limited benefits: (1) Optional coverage of family planning services under section 1902(a)(10)(A)(ii)(XXI) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XXI)); (2) optional coverage of tuberculosis-related services under section 1902(a)(10)(A)(ii)(XII) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XI)); (3) coverage of pregnancy-related services under section 1902(a)(10)(A)(ii)(IX) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(IX)); and (4) coverage limited to the treatment of emergency medical conditions in accordance with 8 U.S.C. 1611(b)(1)(A), as authorized by section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v)).

Excepted Benefits

Under section 5000A(f)(3) and § 1.5000A–2(g) of the final regulations, minimum essential coverage does not include any health insurance coverage that consists solely of excepted benefits described in section 2791(c)(1), (c)(2), (c)(3), or (c)(4) of the Public Health Service Act (42 U.S.C. 300gg–91(c)), or regulations issued under these provisions (45 CFR 148.220) (excepted benefits regulations). In general, excepted benefits are benefits that are limited in scope or are conditional. Under 2791(b)(1) of the Public Health Service Act (42 U.S.C. 300gg–91(b)(1)), *health insurance coverage* means benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as medical care) under any hospital or medical service policy or certificate, hospital or medical service plan contract, or health maintenance organization contract offered by a health insurance issuer.

Lack of Affordable Coverage Exemption

Section 5000A(e)(1) and § 1.5000A–3(e)(1) of the final regulations provide that an individual is exempt for a month when the individual cannot afford minimum essential coverage. For this purpose, an individual cannot afford minimum essential coverage if the individual's required contribution (determined on an annual basis) for minimum essential coverage exceeds a percentage (8 percent for 2014) of the individual's household income for the most recent taxable year for which the Secretary of HHS, in consultation with the Secretary of the Treasury, determines information is available.

For individuals ineligible for coverage under an eligible employer-sponsored plan, the required contribution is the annual premium for the applicable plan reduced by the premium tax credit allowable under section 36B for the taxable year (determined as if the individual enrolled in a plan through an Exchange for the entire taxable year). The applicable plan is the lowest cost bronze plan available in the Exchange serving the rating area where the individual resides that would cover all members of the individual's nonexempt family taking into account the rating factors that an Exchange would use to determine the cost of coverage. If the Exchange serving the rating area where the individual resides does not offer a single bronze plan that would cover all members of the individual's nonexempt family, the premium for the applicable plan is the sum of the premiums for the lowest cost bronze plans available in the Exchange that provide coverage for all members of the nonexempt family.

Hardship Exemptions

Section 5000A(e)(5) and § 1.5000A–3(h)(1) of the final regulations provide that, in general, an individual is exempt for a month that includes a day on which the individual has in effect a hardship exemption certification. A hardship exemption certification is issued by an Exchange under section 1311(d)(4)(H) of the Affordable Care Act (42 U.S.C. 18031(d)(4)(H)) certifying that the individual has suffered a hardship (as that term is defined in 45 CFR 155.605(g)) with respect to the individual's ability to obtain coverage under a qualified health plan. Section 1.5000A–3(h)(3) of the final regulations provides that a taxpayer who meets the requirements of 45 CFR 155.605(g)(3) or 45 CFR 155.605(g)(5) may claim a hardship exemption for a calendar year on a Federal income tax return.

Pursuant to the authority under 45 CFR 155.605(g), the Secretary of HHS has established an additional hardship exemption that applies to individuals enrolling in a qualified health plan through an Exchange prior to the close of the initial open enrollment period. Specifically, an individual may claim a hardship exemption for the months prior to the effective date of the individual's coverage on a Federal income tax return for 2014 without the need to request an exemption from the Exchange. See HHS Centers for Medicare and Medicaid Services, Shared Responsibility Provision Question and Answer (Oct. 28, 2013).

Monthly Penalty Amount

Under section 5000A(c)(1), the amount of the shared responsibility payment imposed on any taxpayer for any taxable year is equal to the lesser of (A) the sum of monthly penalty amounts for months when one or more failures to maintain minimum essential coverage occurred, or (B) an amount equal to the national average premium for qualified health plans that satisfy requirements enumerated in section 5000A(c).

Under section 5000A(c)(2), the monthly penalty amount, for any month, is 1/12 of the greater of (A) the flat dollar amount, or (B) a specified percentage of the taxpayer's household income over the taxpayer's applicable return filing threshold (as defined in section 6012(a)(1)).

The flat dollar amount is the lesser of (A) the sum of the defined applicable dollar amounts for all individuals in the shared responsibility family who did not have minimum essential coverage in a particular month, or (B) 300 percent of the applicable dollar amount. Under section 5000A(c)(3), the applicable dollar amount is $95 in 2014, $325 in 2015, and $695 in 2016. After 2016, the applicable dollar amount will be indexed by a cost-of-living adjustment.

The specified percentage is 1.0 percent for taxable years beginning in 2014, 2.0 percent for taxable years beginning in 2015, and 2.5 percent for taxable years beginning after 2015.

The final regulations incorporate these provisions.

Explanation of Provisions

I. Minimum Essential Coverage

A. Medicaid-related programs

1. Coverage for the Medically Needy

The Social Security Act provides states with flexibility to extend Medicaid eligibility to individuals with high medical expenses who would be eligible for Medicaid but for their income level (medically needy individuals). *See* section 1902(a)(10)(C) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)) and 42 CFR 435.300 and following sections. In general, individuals whose income is in excess of the maximum allowed for Medicaid eligibility but who are otherwise eligible for Medicaid may ''spend down'' their income, based on incurred medical expenses, and thereby become eligible for the benefits provided for medically needy individuals in the state. States providing coverage to medically needy individuals must establish a ''budget period'' lasting from one to six months. Eligibility for coverage as a medically needy individual, which must be determined each budget period, is provided only after an individual incurs sufficient medical expenses to spend down to the qualifying income level. Thus, depending on an individual's medical needs and the options exercised by the state program, eligibility may be assessed as frequently as every month, and an individual may move in and out of coverage for medically needy individuals multiple times in a year. States are permitted, and some states have adopted the option, to offer benefits to the medically needy that are more limited than the benefits generally provided to Medicaid beneficiaries.

Because the benefits provided to medically needy individuals are not required to be comprehensive, the coverage is analogous to coverage consisting of excepted benefits that is not minimum essential coverage under section 5000A(f)(3). Other types of coverage under government-sponsored programs that potentially provide limited benefits are not minimum essential coverage under the final regulations (for example, the optional coverage of family planning services under section 1902(a)(10)(A)(ii)(XXI) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XXI)), and the optional coverage of tuberculosis-related services under section 1902(a)(10)(A)(ii)(XII) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XII)). Accordingly, the proposed regulations provide that coverage for medically needy individuals generally is not government-sponsored minimum essential coverage. To the extent such coverage in a particular state is comprehensive coverage, such coverage may be recognized as minimum essential coverage by the Secretary of HHS, in coordination with the Secretary of the Treasury, under section 5000A(f)(1)(E).

Because individuals receiving medically needy coverage may not know at the time of open enrollment for the 2014 plan year that coverage under the program is not minimum essential coverage, Notice 2014–10 (available at *www.irs.gov*), (see § 601.601(d)(2)(ii)(b) of this chapter), released concurrently with these proposed regulations, provides that a taxpayer is not liable for the shared responsibility payment for a month in 2014 with respect to individuals in the taxpayer's shared responsibility family who are enrolled in medically needy coverage.

2. Section 1115 Demonstration Projects

Section 1115 of the Social Security Act (42 U.S.C. 1315) authorizes the Secretary of HHS to approve experimental, pilot, or demonstration projects that promote the objectives of the Medicaid program (''Section 1115 demonstration projects''). Some Section 1115 demonstration projects involve waivers of Medicaid requirements that affect individuals eligible under the approved Medicaid state plan (for instance, waivers to permit changes in manners of delivering Medicaid services), but do not change the basic requirement to provide comprehensive Medicaid coverage. Other Section 1115 demonstration projects, authorized under section 1115(a)(2) of the Social Security Act (42 U.S.C. 1315(a)(2)), allow a state to extend benefits to additional populations (expansion populations). Because the expansion populations are not described in approved Medicaid state plans, the coverage authorized under those Section 1115 demonstration projects is not required to be comprehensive and may be limited. Accordingly, the proposed regulations provide that coverage under Section 1115 demonstration projects authorized under section 1115(a)(2) of the Social Security Act generally is not

government-sponsored minimum essential coverage. However, comprehensive coverage for expansion populations under certain Section 1115 demonstration programs may be recognized as minimum essential coverage by the Secretary of HHS, in coordination with the Secretary of the Treasury, under section 5000A(f)(1)(E).

The Treasury Department and IRS understand that individuals receiving benefits as part of an expansion population under a demonstration project authorized under section 1115(a)(2) may not know at open enrollment for the 2014 plan year that the coverage they receive under a Section 1115 demonstration project is not minimum essential coverage. Accordingly, Notice 2014–10 (available at *www.irs.gov*), (see § 601.601(d)(2)(ii)(b) of this chapter), released concurrently with these proposed regulations, provides that a taxpayer will not be liable for the shared responsibility payment for a month in 2014 with respect to individuals in the taxpayer's shared responsibility family receiving benefits as part of an expansion population authorized under section 1115(a)(2).

B. Limited-Benefit Coverage Under Chapter 55 of Title 10, U.S.C.

Similar to Medicaid programs that provide a limited scope of benefits, two types of coverage provided under chapter 55 of Title 10, U.S.C., do not provide a scope of benefits comparable to the full TRICARE program under the same chapter. Under sections 1079(a), 1086(c)(1), and 1086(d)(1) of Title 10, U.S.C., the first type of limited-benefit coverage is provided for certain individuals who are excluded from TRICARE coverage for health care services from private sector providers and only eligible for space available care in a facility of the uniformed services (space available care). There is no guarantee of care and any care received is subject to the availability of space and facilities, as well as the capabilities of the medical and dental staff. Coverage potentially available to an affected individual may not be accessible if there is no space available at the facility where the individual seeks care or treatment. These affected individuals are not entitled to comprehensive health care coverage under chapter 55 of Title 10, U.S.C., and the Department of Defense has no statutory authority to pay claims for any outside care provided to these individuals.

Under sections 1074a and 1074b of Title 10, U.S.C., the second type of limited-benefit coverage is provided for certain individuals who are not on active duty and are entitled to episodic care for an injury, illness, or disease incurred or aggravated in the line of duty (line-of-duty care). Line-of-duty care is limited to care appropriate for treating the covered injury, illness, or disease. This type of limited-benefit coverage is similar to coverage consisting of excepted benefits, including workers' compensation, that is not minimum essential coverage under section 5000A(f)(3).

Neither of these types of limited-benefit coverage offers beneficiaries coverage for comprehensive medical care. Accordingly, the proposed regulations provide that Military Health System eligibility limited only to space available care and line-of-duty care are not government-sponsored programs providing minimum essential coverage. Because individuals enrolled in space available care or line-of-duty care may not know at open enrollment for the 2014 plan year that space available care and line-of-duty care are not minimum essential coverage, Notice 2014–10 (available at *www.irs.gov*), (see § 601.601(d)(2)(ii)(b) of this chapter), released concurrently with these proposed regulations, provides that a taxpayer is not liable for the shared responsibility payment for a month in 2014 with respect to individuals in the taxpayer's shared responsibility family who are enrolled in either space available care or line-of-duty care.

C. Excepted Benefits

Section 5000A(f)(3) and § 1.5000A–2(g) of the final regulations provide that minimum essential coverage does not include health insurance coverage that consists solely of excepted benefits. In the rulemaking process under section 5000A, the Treasury Department and the IRS have provided that minimum essential coverage does not include plans or programs that do not provide a comprehensive scope of benefits. See, for example, § 1.5000A–2(b)(1)(ii)(A) describing the Medicaid program for family planning services and § 1.5000A–2(b)(1)(v) excluding from the definition of minimum essential coverage medical care for veterans that does not provide comprehensive health care benefits. Consistent with this treatment, the proposed regulations clarify that minimum essential coverage excludes any coverage, whether insurance or otherwise, that consists solely of excepted benefits.

II. Exemption for Individuals Who Cannot Afford Coverage

A. Health Reimbursement Arrangements

The preamble to the final regulations provides that guidance on how employer contributions to HRAs are counted in determining an employee's or a related individual's required contribution will be consistent with final rulemaking under section 36B. The regulations proposed under section 36B addressing the treatment of employer contributions to HRAs were published on May 3, 2013 (78 FR 25909) (the section 36B proposed regulations). The section 36B proposed regulations provide that amounts newly made available for the current plan year under an HRA that is integrated with an eligible employer-sponsored plan are counted toward the employee's required contribution in determining the affordability of the coverage if the employee may use the amounts only for premiums or may choose to use the amounts for either premiums or cost sharing. An HRA generally must be integrated with an eligible employer-sponsored plan to satisfy the market reform provisions imposed by Title I of the Affordable Care Act. *See* Notice 2013–54 (2013–40 IRB 287 (September 30, 2013)), (see § 601.601(d)(2)(ii)(*b*) of this chapter), which is available at *www.irs.gov.*

Similar to the 36B proposed regulations, under these proposed regulations, an employer's new contributions to an HRA are taken into account in determining (in other words, they reduce) an employee's required contribution if the HRA is integrated with an employer-sponsored plan and the employee may use the amounts to pay premiums. Amounts in an HRA that may be used only for cost-sharing are not taken into account when determining affordability because they cannot affect the employee's out-of-pocket cost of acquiring minimum essential coverage.

B. Contributions to a Cafeteria Plan

Many employers maintain section 125 cafeteria plans under which employees are given the option of making salary reduction contributions toward the cost of non-taxable benefits or receiving an equivalent amount in taxable cash. The nontaxable benefit choices may include both health and non-health benefits. If an employee elects to make salary reduction contributions and to have those amounts applied towards the cost of premiums, those contributions are treated as employee contributions, and the employee's household income is increased by the amount of the

contributions for purposes of the affordability determination under section 5000A(e)(1)(A).

Alternatively, employers may make contributions that can be received only in the form of nontaxable benefits under the plan (sometimes referred to as flex contributions). In addition, some employers subsidize benefits available under the section 125 cafeteria plan so that an employee can elect a benefit while making salary reduction contributions in an amount less than the value of the benefit. Some employers will provide contributions even if the employee declines the subsidized benefit. For example, an employer might offer a benefit with a value of $10,000 for an employee salary reduction of $4,000, but provide other benefits with a value of $3,000 if the employee declines the $10,000 benefit.

Comments are requested on the treatment of employer contributions under a section 125 cafeteria plan for purposes of section 5000A to the extent employees may not opt to receive the employer contributions as a taxable benefit, such as cash. Specifically, comments are requested regarding how these contributions should be taken into account for purposes of determining the affordability of coverage.

III. Wellness Program Incentives

A. Individuals Eligible for Employer-sponsored Coverage

The preamble to the final section 5000A regulations provides that guidance on how wellness program incentives are counted in determining the affordability of coverage under section 5000A will be consistent with final rulemaking under section 36B. The proposed section 36B regulations address the treatment of wellness incentives by providing that, for purposes of determining an individual's required contribution for employer-sponsored coverage under section 36B(c)(2)(C)(i), wellness program incentives are treated as earned only if the incentives relate to tobacco use. This rule is consistent with other Affordable Care Act provisions (such as one allowing insurers to charge higher premiums based on tobacco use). Accordingly, these proposed regulations provide that, for purposes of determining for section 5000A an individual's required contribution for coverage under an employer-sponsored plan, wellness program incentives are treated as earned only if the incentives relate to tobacco use.

B. Individuals Ineligible for Employer-sponsored Coverage

In general, for individuals ineligible for coverage under employer-sponsored plans, the required contribution is the premium for the applicable plan reduced by the maximum amount of any premium tax credit allowable under section 36B for the taxable year. In general, the applicable plan is the lowest cost bronze plan available in the individual market through the Exchange serving the rating area in which the individual resides that would cover all members of the individual's nonexempt family. Pursuant to section 36B(b)(3)(C), the premium tax credit allowable under section 36B is calculated by reference to the adjusted monthly premium for the applicable second lowest cost silver plan without regard to any premium discounts or rebates in a state participating in the wellness discount demonstration project described in section 2705(l) of the Public Health Service Act (42 U.S.C. 300gg–4(l)).

A comment received on previously issued proposed regulations under section 5000A asked that, for purposes of computing the required contribution for an individual not eligible for coverage under an eligible employer-sponsored plan, the applicable plan for an individual residing in a rating area in a state participating in the individual market wellness program demonstration project disregard any premium-based wellness incentive requirements, including incentives relating to tobacco use. Standards and processes implementing the individual market wellness program demonstration project have not yet been established. After the individual market wellness program demonstration project is implemented, additional guidance will be provided on whether and how individuals residing in a rating area participating in the project will take wellness incentives into account in determining the affordability of their coverage for purposes of section 5000A.

C. Simplified Method

Proposed regulations previously issued under section 5000A (78 FR 7314) included an alternative method of identifying the premium for the applicable plan when a single bronze plan is not offered that would cover all members of the nonexempt family. During the comment period to the proposed regulations, questions arose concerning the efficacy of the proposed simplified method, as well as whether an election to use the simplified method should be revocable. The final regulations removed the proposed alternative method, and the Treasury Department and the IRS continue to consider this issue.

A taxpayer may be unable to find a single bronze plan that would cover all members of the taxpayer's nonexempt family. The final regulations provide the general rule that, if the Exchange serving the rating area where the individual resides does not offer a single bronze plan that would cover all members of the taxpayer's nonexempt family, the premium for the applicable plan is the sum of the premiums for the lowest cost bronze plans available in the Exchange that provide coverage for all members of the nonexempt family. The Treasury Department and the IRS request comments on alternative methods for identifying the premium for the applicable plan when a single bronze plan would not cover all members of the taxpayer's nonexempt family.

IV. Hardship Exemptions

The final regulations specify that an individual who meets the requirements of 45 CFR 155.605(g)(3) (relating to individuals with gross income below the applicable return filing threshold who filed a return) or 45 CFR 155.605(g)(5) (relating to the affordability of coverage under an eligible employer-sponsored plan for family members) may claim a hardship exemption for a calendar year on a Federal income tax return. Consistent with guidance released by the Secretary of HHS on October, 28, 2013, the proposed regulations provide that an individual who enrolls in a plan through an Exchange during the open enrollment period for coverage for 2014 may claim a hardship exemption for months in 2014 prior to the effective date of the individual's coverage without obtaining a hardship exemption certification from an Exchange.

If additional situations are identified where an individual should be allowed to claim a hardship exemption without obtaining a hardship exemption certification from an Exchange, the Secretary of HHS and the Secretary of the Treasury will continue to coordinate guidance. To facilitate issuing guidance in this situation, the proposed regulations provide that a taxpayer may claim a hardship exemption on a return if the Secretary of HHS issues published guidance of general applicability describing the hardship and indicating that the hardship can be claimed on a Federal income tax return pursuant to guidance published by the Secretary of the Treasury, and the Secretary of the Treasury issues published guidance of general applicability allowing an

individual to claim such hardship exemption on a Federal income tax return without obtaining a hardship exemption from an Exchange.

Monthly Penalty Amounts

The final regulations provide that, for each taxable year, the shared responsibility payment is the lesser of the sum of monthly penalty amounts for each individual in the shared responsibility family or the sum of the monthly national average bronze plan premiums for the shared responsibility family. The monthly penalty amount is computed for the taxpayer, not for each individual in the shared responsibility family. To avoid any confusion about this treatment, the proposed regulations remove from § 1.5000A–4(a) the clause ''for each individual in the shared responsibility family'' and add a reference to the taxpayer on whom the shared responsibility payment is imposed under § 1.5000A–1(c).

Applicability Date

These regulations are proposed to apply for months beginning after December 31, 2013.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to the proposed regulations. Pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. chapter 6), it is hereby certified that the proposed regulations will not have a significant economic impact on a substantial number of small entities. The applicability of the proposed regulations is limited to individuals, who are not small entities as defined by the RFA (5 U.S.C. 601). Accordingly, the RFA does not apply. Therefore, a regulatory flexibility analysis is not required. Pursuant to section 7805(f) of the Code, the proposed regulations have been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before the proposed regulations are adopted as final regulations, consideration will be given to any comments that are submitted timely to the IRS as prescribed in this preamble under the ''Addresses'' heading. The Treasury Department and the IRS request comments on all aspects of the proposed rules. All comments will be available at *www.regulations.gov* or upon request.

A public hearing has been scheduled for May 21, 2014, beginning at 10 a.m., in the Auditorium, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. Due to building security procedures, visitors must enter at the Constitution Avenue entrance. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing must submit electronic or written comments, and an outline of the topics to be discussed and the time to be devoted to each topic (signed original and eight (8) copies) by April 28, 2014. A period of 10 minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal authors of the proposed regulations are Sue-Jean Kim and John B. Lovelace, Office of the Associate Chief Counsel (Income Tax & Accounting). Other personnel from the Treasury Department and the IRS participated in the development of the regulations.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

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

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

■ **Par 2.** An undesignated center heading is added immediately following § 1.1563–4 to read as follows:

Individual Shared Responsibility Payment for Not Maintaining Minimum Essential Coverage

■ **Par. 3.** Section 1.5000A–0 is amended by:

■ 1. Revising the entry for § 1.5000A–2(b)(2).

■ 2. Removing the entries for § 1.5000A–2(b)(2)(i), (b)(2)(ii), and (b)(2)(iii).

■ 3. Revising the entries for § 1.5000A–3(e)(4)(ii)(C) and (e)(4)(ii)(D).

■ 4. Adding a new entry for § 1.5000A–3(e)(4)(ii)(E).

■ 5. Revising the entry for § 1.5000A–3(h)(3).

The revisions and addition read as follows.

§ 1.5000A–0 Table of contents.

* * * * *

§ 1.5000A–2 Minimum essential coverage.

* * * * *

(b) * * *

(2) Certain health care coverage not minimum essential coverage under a government-sponsored program.

* * * * *

§ 1.5000A–3 Exempt individuals.

* * * * *

(e) * * *

(4) * * *

(ii) * * *

(C) Wellness program incentives.

(D) Credit allowable under section 36B.

(E) Required contribution for part-year period.

* * * * *

(h) * * *

(3) Hardship exemption without hardship exemption certification.

* * * * *

■ **Par. 4.** Section 1.5000A–2 is amended by:

■ 1. Revising paragraphs (b)(1)(ii) and (b)(2).

■ 2. Removing the language ''health insurance'' in paragraph (g).

The revisions read as follows:

§ 1.5000A–2 Minimum essential coverage.

* * * * *

(b) * * *

(1) * * *

(ii) *Medicaid.* The Medicaid program under Title XIX of the Social Security Act (42 U.S.C. 1396 and following sections);

* * * * *

(2) *Certain health care coverage not minimum essential coverage under a government-sponsored program. Government-sponsored program* does not mean any of the following:

(i) Optional coverage of family planning services under section 1902(a)(10)(A)(ii)(XXI) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XXI));

(ii) Optional coverage of tuberculosis-related services under section 1902(a)(10)(A)(ii)(XII) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XII));

(iii) Coverage of pregnancy-related services under section 1902(a)(10)(A)(i)(IV) and (a)(10)(A)(ii)(IX) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)(IV), (a)(10)(A)(ii)(IX));

(iv) Coverage limited to treatment of emergency medical conditions in accordance with 8 U.S.C. 1611(b)(1)(A), as authorized by section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v));

(v) Coverage for medically needy individuals under section 1902(a)(10)(C) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)) and 42 CFR 435.300 and following sections; or

(vi) Coverage authorized under section 1115(a)(2) of the Social Security Act (42 U.S.C. 1315(a)(2));

(vii) Coverage under section 1079(a), 1086(c)(1), or 1086(d)(1) of title 10, U.S.C., that is solely limited to space available care in a facility of the uniformed services for individuals excluded from TRICARE coverage for care from private sector providers; and

(viii) Coverage under sections 1074a and 1074b of title 10, U.S.C. for an injury, illness, or disease incurred or aggravated in the line of duty for individuals who are not on active duty.

* * * * *

■ **Par. 5.** Section 1.5000A–3 is amended by:

■ 1. Revising paragraphs (e)(3)(ii)(D) and (e)(3)(ii)(E).

■ 2. Redesignating paragraphs (e)(4)(ii)(C) and (e)(4)(ii)(D) as (e)(4)(ii)(D) and (e)(4)(ii)(E), respectively, and adding and reserving a new paragraph (e)(4)(ii)(C).

■ 3. Revising paragraphs (h)(1) and (h)(3).

The revisions and additions read as follows:

§ 1.5000A–3 Exempt individuals.

* * * * *

(e) * * *

(3) * * *

(ii) * * *

(D) *Employer contributions to health reimbursement arrangements.* Amounts newly made available for the current plan year under a health reimbursement arrangement that is integrated with an eligible employer-sponsored plan and that an employee may use to pay premiums are taken into account in determining the employee's or a related individual's required contribution.

(E) *Wellness program incentives.* Nondiscriminatory wellness program incentives offered by an eligible employer-sponsored plan that affect premiums are treated as earned in determining an employee's or a related individual's required contribution to the extent the incentives relate to tobacco use. Wellness program incentives that do not relate to tobacco use are treated as not earned for this purpose.

* * * * *

(4) * * *

(ii) * * *

(C) *Wellness programs incentives.* [Reserved]

* * * * *

(h) *Individuals with hardship exemption certification*—(1) *In general.* Except as provided in paragraph (h)(3) of this section, an individual is an exempt individual for a month that includes a day on which the individual has in effect a hardship exemption certification described in paragraph (h)(2) of this section.

* * * * *

(3) *Hardship exemption without hardship exemption certification.* An individual may claim an exemption without obtaining a hardship exemption certification described in paragraph (h)(2) of this section—

(i) For any month that includes a day on which the individual meets the requirements of 45 CFR 155.605(g)(3) or 45 CFR 155.605(g)(5);

(ii) For the months in 2014 prior to the individual's effective date of coverage, if the individual enrolls in a plan through an Exchange prior to the close of the open enrollment period for coverage in 2014; or

(iii) For any month that includes a day on which the individual meets the requirements of any other hardship for which:

(A) The Secretary of HHS issues guidance of general applicability describing the hardship and indicating that an exemption for such hardship can be claimed on a Federal income tax return pursuant to guidance published by the Secretary; and

(B) The Secretary issues published guidance of general applicability, see § 601.601(d)(2) of this chapter, allowing an individual to claim the hardship exemption on a return without obtaining a hardship exemption from an Exchange.

* * * * *

■ **Par. 6.** Section 1.5000A–4 is amended by revising paragraph (a) introductory text and paragraph (a)(1) to read as follows:

§ 1.5000A–4 Computation of shared responsibility payment.

(a) *In general.* For each taxable year, the shared responsibility payment imposed on a taxpayer in accordance with § 1.5000A–1(c) is the lesser of—

(1) The sum of the monthly penalty amounts; or

* * * * *

John Dalyrmple,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2014–01439 Filed 1–23–14; 4:15 pm]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2010–0121; A–1–FRL–9905–79–Region 1]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Low Emission Vehicle Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Connecticut. The regulations adopted by Connecticut include the California Low Emission Vehicle (LEV) II light-duty motor vehicle emission standards effective in model year 2008, the California LEV II medium-duty vehicle standards effective in model year 2009, and greenhouse gas emission standards for light-duty motor vehicles and medium-duty vehicles effective with model year 2009. The Connecticut LEV regulation submitted also includes a zero emission vehicle (ZEV) provision, as well as emission control label and environmental performance label requirements. Connecticut has adopted these revisions to reduce emissions of volatile organic compounds (VOC) and nitrogen oxides (NO_X) in accordance with the requirements of the Clean Air Act (CAA), as well as to reduce greenhouse gases (carbon dioxide, methane, nitrous oxide, and hydrofluorocarbons). In addition, Connecticut has worked to ensure that their program is identical to California's, as required by the CAA. The intended effect of this action is to propose approval of the Connecticut LEV II program. In addition, EPA is proposing to approve the removal of the definition and regulation of ''composite motor vehicles'' from the Connecticut's SIP-approved vehicle inspection and maintenance program. These actions are being taken under the CAA.

DATES: Written comments must be received on or before February 26, 2014.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R01–OAR–2010–0121 by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. Email: *arnold.anne@epa.gov*.
3. Fax (617) 918–0047.
4. *Mail:* ''Docket Identification Number EPA–R01–OAR–2010–0121,'' Anne Arnold, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, (Mail code OEP05–2), Boston, MA 02109–3912.
5. *Hand Delivery or Courier*. Deliver your comments to: Anne Arnold, Manager, Air Quality Planning Unit, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, (mail code OEP05–2), Boston, MA 02109–3912. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R01–OAR–2010–0121. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov,* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

In addition, copies of the state submittal are also available for public inspection during normal business hours, by appointment at the State Air Agency; the Bureau of Air Management, Department of Energy and Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106–1630.

FOR FURTHER INFORMATION CONTACT: Donald O. Cooke, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, (Mail code OEP05–2), Boston, MA 02109–3912, telephone number (617) 918–1668, fax number (617) 918–0668, email *cooke.donald@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. Organization of this document. The following outline is provided to aid in locating information in this preamble.

I. Background and Purpose
II. The California LEV Program
III. Relevant EPA and CAA Requirements
A. Waiver Process
B. State Adoption of California Standards
IV. Level of Emission Reductions This Program Will Achieve
V. Revisions to the Connecticut Motor Vehicle Inspection Program
VI. Proposed Action
VII. Statutory and Executive Order Reviews

I. Background and Purpose

On January 22, 2010, the Connecticut Department of Environmental Protection (now known as the Connecticut Department of Energy and Environmental Protection, CT DEEP) submitted a revision to its State Implementation Plan (SIP) consisting of Connecticut's Low Emissions Vehicle II (LEV II) program, as adopted on December 4, 2004, and subsequently amended on December 22, 2005 and August 4, 2009. The Connecticut LEV II program is cited as a weight-of-evidence measure in Connecticut's Attainment Demonstration SIP for the 1997 8-hour ozone standard, submitted to EPA on February 1, 2008.

On December 4, 2004, Connecticut repealed the provisions of section 22a–174–36 of the Regulations of Connecticut State Agencies, rescinding both the California Low Emission Vehicle I program and the National Low Emission Vehicle (NLEV) program. In accordance with section 177 of the Clean Air Act (CAA) and as required by Connecticut Public Act 04–84,[1] Connecticut adopted section 22a–174–36b, the California Low Emission Vehicle II (LEV II) program, including all ''zero emission vehicle'' program elements, commencing with 2008 model year vehicles.

On December 22, 2005, Connecticut amended section 22a–174–36b of the Regulations of Connecticut State Agencies, making minor technical corrections and clarifications; adopting California LEV II emission standards and related provisions for medium-duty vehicles commencing with the 2009 model year; adopting recently announced revisions concerning LEV II greenhouse gas emission standards and related provisions for passenger cars, light duty trucks and medium-duty

[1] On May 10, 2004, the Governor of the State of Connecticut signed into law Public Act 04–84, which the General Assembly adopted on April 22, 2004. Public Act 04–84, amending section 22a–174g of the Connecticut General Statutes (C.G.S.), directs the Commissioner of Environmental Protection to adopt regulations by December 31, 2004, in accordance with the provisions of chapter 54 of the C.G.S., to implement the light duty motor vehicle emission standards of the state of California applicable to motor vehicles of model year 2008 and later. Furthermore, this Public Act directs the Commissioner to amend such regulations from time to time, in accordance with any changes in the standards made by the state of California. California has revised its Low Emission Vehicle standards to adopt green house gas emission standards for passenger cars, light duty trucks and medium duty passenger vehicles commencing with 2009 and subsequent model year vehicles.

passenger vehicles commencing with the 2009 model year in accordance with section 177 of the CAA and Connecticut Public Act 04–84; and providing additional clarification and flexibility with respect to the implementation of the zero emissions vehicle (ZEV) program in Connecticut.

On August 4, 2009, Connecticut adopted a third amendment consisting of revisions to two sections of the air quality regulations concerning motor vehicles. The recall, warranty, ZEV, and ZEV travel provision amendments update the Connecticut LEV program consistent with changes California made to its LEV program. Specifically, section 22a–174–36b was revised in three respects:

—First, section 22a–174–36b was updated in accordance with Connecticut Public Act 06–161 [2] to require manufacturers to place environmental performance labels starting on 2008 model year and later vehicles sold or leased in Connecticut on or after January 1, 2009. Labels must contain a smog score and a global warming score measuring the amount of greenhouse gas emissions from the car compared to the average emissions of all vehicle models of the same model year for that class of cars. The label will provide consumers with information on how a vehicle purchase will affect the environment.

—Second, section 22a–174–36b was updated in accordance with changes made to the California Air Resources Board (CARB) low emissions vehicle program, which serves as the basis for section 22a–174–36b. The updated provisions include the ''travel provisions'' contained in the ZEV program. Travel provisions amend methods by which manufacturers are credited when placing zero emission or other advanced technology vehicles in service in California or any state that has adopted California's motor vehicle emission control program under section 177 of the CAA.

—Third, technical changes consistent with California's vehicle recall and warranty provisions were included.

In addition to the amendments to the Connecticut LEV program, Connecticut's January 22, 2010 SIP revision includes a change in its motor vehicle emissions inspection program to exempt composite vehicles from tailpipe inspections. The first change to section 22a–174–27, ''Emission standards and on-board diagnostic II test requirements for periodic motor vehicle inspection and maintenance,'' consists of removing the definition of ''composite vehicle'' at section 22a–174–27(b)(3). This section previously stated, ''Composite Motor Vehicle'' means a vehicle that is designated ''COMP'' or ''COMPO'' in the ''make'' field of an applicable Connecticut motor vehicle registration certificate.'' The second change was the removal of section 22a–174–27(e), ''Composite motor vehicles,'' which previously stated, ''For 2005 and earlier model year composite motor vehicles, the maximum allowable emissions shall be 4.0 VOL. % CO [volume % carbon monoxide] and 800 ppm HC [parts per million hydrocarbons]. For 2006 and later model year composite motor vehicles, the maximum allowable emissions shall be 1.2 VOL. % CO and 220 ppm HC.'' When EPA approved Connecticut's December 19, 2007 inspection and maintenance program SIP revision on December 5, 2008 (73 FR 74019), we approved the August 25, 2004 version of section 22a–174–27 into the SIP. The Connecticut regulation section 22a–174–27, adopted by Connecticut on August 25, 2004, does not reflect Connecticut's Public Act 07–167, which was signed into law on June 25, 2007 by the Governor of the State of Connecticut. Public Act 07–167, as codified in Connecticut General Statutes (C.G.S.) section 14–164c(c), exempts composite vehicles from on-board diagnostic emissions testing requirements.[3]

II. The California LEV Program

CARB adopted the first generation of LEV regulations (LEV I) in 1990, which were effective through the 2003 model year. CARB adopted California's second generation LEV regulations (LEV II) following a November 1998 hearing. Subsequent to the adoption of the California LEV II program in February 2000, EPA adopted separate Federal standards known as the Tier 2 regulations (February 10, 2000; 65 FR 6698). In December 2000, CARB modified the California LEV II program to take advantage of some elements of the Federal Tier 2 regulations to ensure that only the cleanest vehicle models would continue to be sold in California. EPA granted California a waiver for its LEV II program on April 22, 2003 (68 FR 19811).

The LEV II regulations expanded the scope of the LEV I regulations by setting strict fleet-average emission standards for light-duty, medium-duty (including sport utility vehicles) and heavy-duty vehicles. The standards began with the 2004 model year and increased in stringency through the 2010 model year and beyond. The LEV II regulations provide flexibility to auto manufacturers by allowing them to certify their vehicle models to one of several different emissions standards. The different tiers of increasingly stringent LEV II emission standards to which a manufacturer may certify a vehicle are: Low emission vehicle (LEV), ultra-low emission vehicle (ULEV), super-ultra low emission vehicle (SULEV), partial zero emission vehicle (PZEV), advanced technology partial zero emission vehicle (ATPZEV) and zero emission vehicle (ZEV).

The manufacturer must show that the overall fleet for a given model year meets the specified phase-in requirements according to the fleet average non-methane hydrocarbon requirement for that year. The fleet average non-methane hydrocarbon emission limits are progressively lower with each model year. The program also requires auto manufacturers to include a ''smog index'' label on each vehicle sold, which is intended to inform

[2] On June 6, 2006, the Governor of the State of Connecticut signed into law Public Act 06–161. Public Act 06–161 requires the Department of Energy and Environmental Protection (DEEP) commissioner, in consultation with the Department of Motor Vehicles (DMV) commissioner, to: (1) Establish a greenhouse gas (GHG) labeling program for new motor vehicles sold or leased in Connecticut beginning with the 2009 model year; and (2) educate the public about the labeling program and GHGs. It bars the sale or lease of a 2009 or later model year motor vehicle without the required GHG label and funds these programs through a $5 fee the DMV must impose on new car registrations starting January 1, 2007, and bars the sale or lease of a 2009 or later model year motor vehicle without the required GHG label. The Act applies to vehicles with a gross vehicle weight rating of 10,000 pounds or less.

[3] Specifically, C.G.S. section 14–164(c) exempts the following twelve (12) categories from ''an inspection procedure using an on-board diagnostic information system for all 1996 model year and newer motor vehicles:'' ''(1) Vehicles having a gross weight of more than ten thousand pounds; (2) vehicles powered by electricity; (3) bicycles with motors attached; (4) motorcycles; (5) vehicles operating with a temporary registration; (6) vehicles manufactured twenty-five or more years ago; (7) new vehicles at the time of initial registration; (8) vehicles registered but not designed primarily for highway use; (9) farm vehicles, as defined in subsection (q) of *section 14–49;* (10) diesel-powered type II school buses; (11) a vehicle operated by a licensed dealer or repairer either to or from a location of the purchase or sale of such vehicle or for the purpose of obtaining an official emissions or safety inspection; or (12) vehicles that have met the inspection requirements of *section 14–103a* and are registered by the commissioner as composite vehicles.'' Section 14–103a further dictates that the commissioner inspect ''[a]ny motor vehicle that (1) has been reconstructed, (2) is composed or assembled from the several parts of other motor vehicles, (3) the identification and body contours of which are so altered that the vehicle no longer bears the characteristics of any specific make of motor vehicle, or (4) has been declared a total loss by any insurance carrier and subsequently reconstructed.'' EPA interprets the exemption in C.G.S. section 14–164(c) to apply to all of and only these twelve (12) categories.

consumers about the amount of pollution produced by that vehicle relative to other vehicles.

In addition to meeting the LEV II requirements, large or intermediate volume manufacturers must ensure that a certain percentage of the passenger cars and lightest light-duty trucks that they market in California are ZEVs. This is referred to as the ZEV mandate. California has modified the ZEV mandate several times since it took effect. Most recently, CARB has put in place an alternative compliance program (ACP) to provide auto manufacturers with several options to meet the ZEV mandate. The ACP established ZEV credit multipliers to allow auto manufacturers to take credit for meeting the ZEV mandate by selling more PZEVs and ATPZEVs than they are otherwise required to sell. On December 28, 2006, EPA granted California's request for a waiver of Federal preemption to enforce provisions of the ZEV regulations through model year 2011.

On October 15, 2005, California amended its LEV II program to include greenhouse gas (GHG) emission standards for passenger cars, light-duty trucks, and medium-duty passenger vehicles. On December 21, 2005, California requested that EPA grant a waiver of preemption under CAA section 209(b) for its greenhouse gas emission regulations. On June 30, 2009, EPA granted CARB's request for a waiver of CAA preemption to enforce its greenhouse gas emission standards for model year 2009 and later new motor vehicles (July 8, 2009; 74 FR 32744–32784). This decision withdrew and replaced EPA's prior denial of the CARB's December 21, 2005 waiver request, which was published in the **Federal Register** on March 6, 2008 (73 FR 12156–12169).

III. Relevant EPA and CAA Requirements

Section 209(a) of the CAA prohibits states from adopting or enforcing standards relating to the control of emissions from new motor vehicles or new motor vehicle engines. However, under section 209(b) of the CAA, EPA shall grant a waiver of the section 209(a) prohibition to the State of California unless EPA makes specified findings, thereby allowing California to adopt its own motor vehicle emissions standards. Other states may adopt California's motor vehicle emission standards under section 177 of the CAA.

For additional information regarding California's motor vehicle emission standards and adoption by other states, please see EPA's ''California Waivers and Authorizations'' Web page at URL address: *http://www.epa.gov/otaq/cafr.htm*. This Web site also lists relevant **Federal Register** notices that have been issued by EPA in response to California waiver and authorization requests.

A. Waiver Process

The CAA allows California to seek a waiver of the preemption which prohibits states from enacting emission standards for new motor vehicles. EPA must grant this waiver before California's rules may be enforced. When California files a waiver request, EPA publishes a notice for public hearing and written comment in the **Federal Register**. The written comment period remains open for a period of time after the public hearing. Once the comment period expires, EPA reviews the comments and the Administrator determines whether the requirements for obtaining a waiver have been met.

According to CAA section 209—State Standards, EPA shall grant a waiver unless the Administrator finds that California:

—was arbitrary and capricious in its finding that its standards are in the aggregate at least as protective of public health and welfare as applicable Federal standards;

—does not need such standards to meet compelling and extraordinary conditions; or

—proposes standards and accompanying enforcement procedures that are not consistent with section 202(a) of the CAA.

The most recent EPA waiver relevant to EPA's proposed approval of Connecticut's LEV program is ''California State Motor Vehicle Pollution Control Standards; Notice of Decision Granting a Waiver of Clean Air Act Preemption for California's 2009 and Subsequent Model Year Greenhouse Gas Emission Standards for New Motor Vehicles'' (July 8, 2009; 74 FR 32744–32784). This final rulemaking allows California to establish standards to regulate greenhouse gas emissions from new passenger cars, light-duty trucks and medium-duty vehicles. The four new greenhouse gas air contaminants added to California's existing regulations for criteria and criteria-precursor pollutants and air toxic contaminants are: carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and hydrofluorocarbons (HFCs).

B. State Adoption of California Standards

Section 177 of the CAA allows other states to adopt and enforce California's standards for the control of emissions from new motor vehicles, provided that, among other things, such state standards are identical to the California standards for which a waiver has been granted under CAA section 209(b). In addition, the state must adopt such standards at least two years prior to the commencement of the model year to which the standards will apply. EPA issued guidance (CISD–07–16) [4] regarding its cross-border sales policy for California-certified vehicles. This guidance includes a list and map of states that have adopted California standards, specific to the 2008–2010 model years. All SIP revisions submitted to EPA for approval must also meet the requirements of CAA section 110.

The provisions of Connecticut Public Act 04–84 and section 177 of the CAA both require the Connecticut Department of Energy and Environmental Protection to amend the Connecticut LEV program at such time as the State of California amends its California LEV program. Connecticut has demonstrated its commitment to maintain a Connecticut LEV program consistent with the California LEV program through the adoption of two regulatory amendments to Connecticut's initial LEV program.

EPA notes that a number of California Code of Regulations (CCR) Title 13 provisions incorporated-by-reference in section 22a–174–36b were amended by California in January of 2010 and became operative under California State law on February 13, 2010. As the Connecticut SIP revision was submitted to EPA on January 22, 2010, these subsequent revisions to California regulations will be addressed by Connecticut at a later date.[5]

IV. Level of Emission Reductions This Program Will Achieve

The Connecticut LEV program is included in Connecticut's February 1, 2008 8-hour ozone attainment demonstration SIP as a weight-of-

[4] See EPA's October 29, 2007 letter to Manufactures regarding ''Sales of California-certified 2008–2010 Model Year Vehicles (Cross-Border Sales Policy),'' with attachments. Attachment 1—EPA Policy on Cross-Border Sales of 2008 to 2010 Model Years California-Certified Vehicles; Attachment 2—Questions and Answers on EPA's Cross Border Sales Policies; and Attachment 3—Updated summary table and a set of maps reflecting the status of Section 177 states by model year. *http://iaspub.epa.gov/otaqpub/display_file.jsp?docid=16888&flag=1.*

[5] On August 1, 2013, Connecticut adopted revisions to Section 22a–174–36b ''Low Emission Vehicle II Program'' and Section 22a–174–36c ''Low Emission Vehicle III Program.'' These regulations have not yet been submitted to EPA as a SIP revision and are not part of today's action.

evidence measure, but Connecticut does not rely on the LEV program for any specific level of emission reduction. If EPA finalizes its proposed approval of the Connecticut LEV program into the SIP, future emission benefit from this program could be calculated through EPA's Motor Vehicle Emissions Simulator Model, MOVES2010, which was officially released on March 2, 2010 (75 FR 9411).

V. Revisions to the Connecticut Motor Vehicle Inspection Program

Regulations of Connecticut State Agencies section 22a–174–27 establishes emissions standards and test requirements for the periodic motor vehicle inspection and maintenance program to ensure that EPA-required air quality benefits are achieved. EPA previously approved this motor vehicle inspection and maintenance program into the Connecticut SIP. (See December 5, 2008; 73 FR 74019.) On June 25, 2007, the Governor of the State of Connecticut signed into law Public Act 07–167, which the General Assembly adopted on June 4, 2007. Public Act 07–167 as codified in Connecticut General Statutes section 14–164c(c) added a specific exemption for composite vehicles from on-board diagnostic inspection, while maintaining that composite vehicles continue to be subject to inspection requirements of section 14–103a. The amendments to Connecticut General Statutes section 14–164c and its corresponding SIP amendments will exempt composite vehicles from unique tailpipe emission testing and on-board diagnostic inspection.

According to the Connecticut Department of Motor Vehicles, a composite vehicle is defined as, ''Any motor vehicle composed or assembled from several parts of other motor vehicles, or the identification and body contours of which are so altered that the vehicle no longer bears the characteristics of any specific make of motor vehicle. Any vehicle not assembled by a manufacturer licensed as such in the State of Connecticut is classified as a composite motor vehicle.'' Connecticut Inspection and Maintenance Program data indicates that in 2007, there were 359 composite motor vehicles in Connecticut. After application of existing emission inspection exemptions found in 14–164(c) of the Connecticut General Statutes, only 100 of 359 composite motor vehicles would be required to be inspected by the Division of Motor Vehicles each year. Exempting these 100 vehicles from Connecticut's Inspection and Maintenance program, which applies to approximately 1,959,000 vehicles, will not have significant air quality impacts.

During the inspection and maintenance cycle of January 1, 2008 to December 31, 2009, 1,934,285 gasoline-powered vehicles and 24,758 diesel-powered vehicles received initial Connecticut inspection and maintenance testing. Exempting the 100 cars, which have all emission-related components and settings and are subject to all applicable emission regulations, from a state emission inspection will not change the motor vehicle inspection and maintenance program inputs in MOVES2010, nor will it change the resulting motor vehicle emission factors generated by MOVES2010. Furthermore, EPA believes removing composite motor vehicle from emission testing does not contravene the anti-backsliding provisions established in section 110(l) of the CAA.

VI. Proposed Action

EPA is proposing to approve into the Connecticut SIP Connecticut's section 22a–174–36b, Low Emission Vehicle (LEV II) program, which was submitted to EPA on January 22, 2010. EPA is also proposing to approve section 22a–174–36(i) of the Connecticut State Regulations, which eliminates Connecticut's earlier National Low Emission Vehicle (NLEV) program and Connecticut's Low Emission Vehicle (LEV I) program and replaces them with the Connecticut LEV II program. The Connecticut Low Emission Vehicle II program adopted by Connecticut includes: The California LEV II light-duty program beginning with model year 2008; the California LEV II medium-duty vehicle emission standards beginning with model year 2009; the California LEV II green house gas emission standards for passenger cars, light-duty trucks and medium-duty passenger vehicles commencing with 2009 model year vehicles; environmental performance labeling (with labels containing both smog scores and global warming scores) for 2008 model year and later vehicles; and the California ZEV provision. EPA is proposing to approve the Connecticut LEV II program requirements into the SIP because EPA has found that the requirements are consistent with the CAA.

Finally, EPA is proposing to remove Connecticut's section 22a–174–27(b)(3), the definition of composite motor vehicle, and section 22a–174–27(e), the maximum allowable composite motor vehicle emissions, from the Connecticut SIP. Composite motor vehicles were eliminated from Connecticut's motor vehicle emission inspection program in 2007, consistent with Public Act 07–167 as codified in section 14–164c(c) of the General Statute of Connecticut.

EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA New England Regional Office listed in the **ADDRESSES** section of this **Federal Register**.

VII. Statutory and Executive Order Reviews

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

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

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: January 15, 2014.

H. Curtis Spalding,

Regional Administrator, EPA New England.

[FR Doc. 2014–01502 Filed 1–24–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[EPA–R07–OAR–2013–0765; FRL–9905–65–Region–7]

Approval and Promulgation of Implementation Plans; State of Kansas; Annual Emissions Fee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the State Implementation Plan (SIP) and Operating Permits Program revisions submitted by the state of Kansas which align the state's rules entitled ''Annual Emissions Fee'' with the Federal Air Emissions Reporting Requirements Rule (AERR).

DATES: Comments on this proposed action must be received in writing by February 26, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2013–0765, by mail to Lachala Kemp, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Lachala Kemp at (913) 551–7214, or by email at *kemp.lachala@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of the **Federal Register**, EPA is approving the state's SIP and Operating Permits Program revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: January 8, 2014.

Karl Brooks,

Regional Administrator, Region 7.

[FR Doc. 2014–01210 Filed 1–24–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 224

[Docket No. 130321272–4020–01; 0648–XC589]

Listing Endangered or Threatened Species: Proposed Amendment to the Endangered Species Act Listing of the Southern Resident Killer Whale Distinct Population Segment

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

ACTION: Proposed rule; 12-month finding; request for comments.

SUMMARY: In response to a petition submitted by the People for the Ethical Treatment of Animals Foundation to include the killer whale ''Lolita'' as a protected member of the endangered Southern Resident killer whale Distinct Population Segment (DPS), we, the National Marine Fisheries Service (NMFS), have completed a status review and propose to amend the regulatory language of the Endangered Species Act (ESA) listing of the DPS by removing the exclusion for captive members of the population. The current regulatory language excluded Lolita, the sole member of the Southern Resident killer whale DPS held in captivity, from the endangered listing. With removal of the exclusion, Lolita, a female killer whale captured from the Southern Resident population in 1970 who resides at the Miami Seaquarium in Miami, Florida, would be included in the Southern Resident killer whale DPS. The Southern Resident killer whale DPS was listed as endangered under the ESA in 2005. We accepted the petition to include Lolita in the Southern Resident killer whale DPS on April 29, 2013, initiating a public comment period and a status review. Based on our review of the petition, public comments, and the best available scientific information, we find that amending the regulatory language to remove the exclusion for captive whales from the Southern Resident Killer whale DPS is warranted. We are soliciting scientific and commercial information pertaining to the proposed rule.

DATES: Scientific and commercial information pertinent to the proposed action and comments must be received by March 28, 2014.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2013–0056, by any of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0056,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Protected Resources Division, NMFS, Northwest Region, Protected Resources Division, 7600 Sand Point Way NE., Attention Lynne Barre, Branch Chief.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments

received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only. The petition, 90-day finding, comments on the 90-day finding, and 12-month finding are available at regulations.gov. Go to *http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0056*.

FOR FURTHER INFORMATION CONTACT: Lynne Barre, NMFS Northwest Region, (206) 526–4745; Marta Nammack, NMFS Office of Protected Resources, (301) 427–8469.

SUPPLEMENTARY INFORMATION:

ESA Statutory Provisions and Policy Considerations

On January 25, 2013, we received a petition submitted by the People for the Ethical Treatment of Animals Foundation on behalf of the Animal Legal Defense Fund, Orca Network, Howard Garrett, Shelby Proie, Karen Munro, and Patricia Sykes to include the killer whale (*Orcinus orca)* known as Lolita in the ESA listing of the Southern Resident killer whales. Lolita is a female killer whale captured from the Southern Resident population in 1970, who currently resides at the Miami Seaquarium in Miami, Florida. Copies of the petition are available upon request (see **ADDRESSES,** above) and on our Web page at: *http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/killer_whale/lolita_petition.html.*

In accordance with section 4(b)(3)(A) of the ESA, to the maximum extent practicable within 90 days of receipt of a petition to list or delist a species as threatened or endangered, the Secretary of Commerce is required to make a finding on whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and to promptly publish such finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). The Secretary of Commerce has delegated this duty to NMFS. If we find that the petition presents substantial information indicating that the petitioned action may be warranted, we must commence a review of the status of the species concerned, during which we will conduct a comprehensive review of the best available scientific and commercial information. On April 29, 2013 (78 FR 25044), we made a finding that there was sufficient information indicating that the petitioned action may be warranted and requested comments to inform a status review.

After accepting a petition and initiating a status review, within 12 months of receipt of the petition we must conclude the review with a determination that the petitioned action is not warranted, or a proposed determination that the action is warranted. Under specific facts, we may also issue a determination that the action is warranted but precluded. In this notice, we make a finding that the petitioned action to include the killer whale known as Lolita in the ESA listing of the Southern Resident killer whale DPS is warranted and propose to amend the regulatory language describing the DPS by removing the current exclusion for captive whales.

Under the ESA, the term ''species'' means a species, a subspecies, or a DPS of a vertebrate species (16 U.S.C. 1532(16)). A joint NMFS–U.S. Fish and Wildlife (USFWS) policy clarifies the Services' interpretation of the phrase ''Distinct Population Segment,'' or DPS (61 FR 4722; February 7, 1996). The DPS Policy requires the consideration of two elements when evaluating whether a vertebrate population segment qualifies as a DPS under the ESA: (1) Discreteness of the population segment in relation to the remainder of the species/taxon, and, if discrete; (2) the significance of the population segment to the species/taxon.

A species is ''endangered'' if it is in danger of extinction throughout all or a significant portion of its range, and ''threatened'' if it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range (ESA sections 3(6) and 3(20), respectively, 16 U.S.C. 1532(6) and (20)). Thus, we interpret an ''endangered species'' to be one that is presently in danger of extinction. A ''threatened species,'' on the other hand, is not presently in danger of extinction, but is likely to become so in the foreseeable future (that is, at a later time). In other words, the primary statutory difference between a threatened and endangered species is the timing of when a species may be in danger of extinction, either presently (endangered) or in the foreseeable future (threatened). Pursuant to the ESA and our implementing regulations, we determine whether a species is threatened or endangered based on any one or a combination of the following section 4(a)(1) factors: The present or threatened destruction, modification, or curtailment of habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; inadequacy of existing regulatory mechanisms; and any other natural or manmade factors affecting the species' existence (16 U.S.C. 1533(a)(1), 50 CFR 424.11(c)).

We make listing determinations based on the best available scientific and commercial data available after conducting a review of the status of the species and after taking into account efforts being made by any State or foreign nation or political subdivision thereof to protect the species.

Background

Three distinct forms or ecotypes of killer whales, termed residents, transients, and offshores, are recognized in the northeastern Pacific Ocean. Resident killer whales in U.S. waters are distributed from Alaska to California, with four distinct populations: Southern, Northern, Southern Alaska, and Western Alaska (Krahn *et al.,* 2002; 2004). Resident killer whales are fish eaters and live in stable matrilineal pods. The West Coast transient killer whales have a different social structure, are found in smaller groups, and eat marine mammals. Offshore killer whales are found in large groups, and their diet is presumed to consist primarily of fish, including sharks. While the ranges of the different ecotypes of whales overlap in the northeastern Pacific Ocean, available genetic data indicate that there is a high degree of reproductive isolation among residents, transients, and offshores (Krahn *et al.,* 2004; NMFS, 2013).

The Southern Resident killer whale population consists of three pods, identified as J, K, and L pods, that reside for part of the year in the inland waterways of Washington State and British Columbia (Strait of Georgia, Strait of Juan de Fuca, and Puget Sound), principally during the late spring, summer, and fall (NMFS, 2008). Pods visit coastal sites off Washington and Vancouver Island, and travel as far south as central California and as far north as Southeast Alaska (Ford *et al.,* 2000; NMFS, 2008; Department of Fisheries and Oceans, unpublished data).

In 2001 we received a petition to list the Southern Resident killer whale population as threatened or endangered under the ESA (CBD, 2001) and we formed a Biological Review Team (BRT)

to assist with a status review (NMFS, 2002). After conducting the status review, we determined that listing the Southern Resident killer whale population as a threatened or endangered species was not warranted because the science at that time did not support identifying the Southern Resident killer whale population as a DPS as defined by the ESA (67 FR 44133; July 1, 2002). Because of the uncertainties regarding killer whale taxonomy (i.e., whether killer whales globally should be considered as one species or as multiple species and/or subspecies), we announced we would reconsider the taxonomy of killer whales within 4 years. Following the determination, the Center for Biological Diversity and other plaintiffs challenged our ''not warranted'' finding under the ESA in U.S. District Court. The U.S. District Court for the Western District of Washington issued an order on December 17, 2003, which set aside our ''not warranted'' finding and remanded the matter to us for redetermination of whether the Southern Resident killer whale population should be listed under the ESA (*Center for Biological Diversity* v. *Lohn,* 296 F. Supp. 2d. 1223 (W.D. Wash. 2003)). The court found that where there is ''compelling evidence that the global *Orcinus orca* taxon is inaccurate,'' the agency may not rely on ''a lack of consensus in the field of taxonomy regarding the precise, formal taxonomic redefinition of killer whales.'' As a result of the court's order, we co-sponsored a Cetacean Taxonomy workshop in 2004, which included a special session on killer whales, and reconvened a BRT to prepare an updated status review document for Southern Resident killer whales (NMFS, 2004).

The BRT agreed that the Southern Resident killer whale population likely belongs to an unnamed subspecies of resident killer whales in the North Pacific, which includes the Southern and Northern Residents, as well as the resident killer whales of Southeast Alaska, Prince William Sound, Kodiak Island, the Bering Sea and Russia (but not transients or offshores). The BRT concluded that the Southern Resident killer whale population is discrete from other populations within the North Pacific Resident taxon and significant with respect to the North Pacific Resident taxon and therefore should be considered a DPS. In addition, the BRT conducted a population viability analysis which modeled the probability of species extinction under a range of assumptions. Based on the findings of the status review and an evaluation of the factors affecting the DPS, we published a proposed rule to list the Southern Resident killer whale DPS as threatened on December 22, 2004 (69 FR 76673). After considering public comments on the proposed rule and other available information, we reconsidered the status of the Southern Resident killer whale DPS and issued a final rule to list the Southern Resident killer whale DPS as endangered on November 18, 2005 (70 FR 69903). The regulatory language in the listing limited the DPS to whales from J, K and L pods, wherever they are found in the wild, and not including Southern Resident killer whales placed in captivity prior to listing or their captive born progeny.

Following the listing, we designated critical habitat, completed a recovery plan, and conducted a 5-year review for the Southern Resident killer whale DPS. We issued a final rule designating critical habitat for the Southern Resident killer whale DPS on November 29, 2006 (71 FR 69055). After engaging stakeholders and providing multiple drafts for public comment, we announced the Final Recovery Plan for the Southern Resident killer whale DPS on January 24, 2008 (73 FR 4176). We have continued working with partners to implement actions in the recovery plan. In March 2011, we completed a 5-year review of the ESA status of the Southern Resident killer whale DPS concluding that no change was needed in its listing status, and that the Southern Resident killer whale DPS would remain listed as endangered (NMFS, 2011). The 5-year review also noted that there was no relevant new information for this species regarding the application of the DPS policy.

On August 2, 2012, we received a petition submitted by the Pacific Legal Foundation on behalf of the Center for Environmental Science Accuracy and Reliability, Empresas Del Bosque, and Coburn Ranch to delist the endangered Southern Resident killer whale DPS under the ESA. We made a 90-day finding accepting the petition and soliciting information to inform a status review (77 FR 70733; November 27, 2012). Based on a review of the scientific information (NWFSC, 2013) and our full status review, we issued a 12-month finding on August 5, 2013, that the petitioned action was not warranted and the Southern Resident killer whale DPS remains listed as endangered (78 FR 47277).

Lolita Petition

On January 25, 2013, we received a petition submitted by the People for the Ethical Treatment of Animals Foundation on behalf of the Animal Legal Defense Fund, Orca Network, Howard Garrett, Shelby Proie, Karen Munro, and Patricia Sykes to include the killer whale (*Orcinus orca*) known as Lolita in the ESA listing of the Southern Resident killer whales. The petition describes Lolita, a female killer whale captured from the Southern Resident population in 1970, who currently resides at the Miami Seaquarium in Miami, Florida, as the only remaining member of the Southern Residents alive in captivity. The petitioners present information about Lolita's origin and contend that Lolita is a member of the endangered Southern Resident DPS and should be included within the ESA listing. In addition, they provide a legal argument that ''the ESA applies to captive members of listed species'' and assert that ''NMFS has a non-discretionary duty to include Lolita in the listing of the Southern Resident killer whales under the ESA.'' The petition also includes information about how each of the five section 4(a)(1) factors applies with respect to Lolita. Lastly, the petitioners contend that including Lolita in the ESA listing will contribute to conservation of the wild Southern Resident killer whale population.

On April 29, 2013, we found that the information contained in the petition, viewed in the context of information readily available in our files, presented substantial scientific information that would lead a reasonable person to believe that the petitioned action may be warranted (78 FR 25044). We noted that the information on Lolita's genetic heritage and consideration of captive individuals under the ESA provided a basis for us to accept the petition. The petition included an assessment of how listing Lolita would help conserve the wild Southern Resident population and also a review of the 4(a)(1) factors described earlier and considered in listing determinations. Our 90-day finding accepting the petition, however, was based on the biological information regarding Lolita's genetic heritage and consideration of the applicability of the ESA to captive members of endangered species. Our review of Lolita's status with respect to the Southern Resident killer whale DPS similarly focuses on these two aspects and does not include a review of the 4(a)(1) factors for Lolita or the wild population. Our status review considers the best available information, including information received through the public comment period, a review of scientific information conducted by our Northwest Fisheries Science Center

(Center), and information in the petition.

Upon publishing our 90-day finding accepting the petition, we initiated a status review and solicited information from the public to help us gather any additional information to inform our review of Lolita's relationship to the Southern Resident killer whale DPS. During the public comment period, which closed on June 28, 2013, we received 1,837 comments from citizens, researchers, non-profit organizations, government agencies, and the public display industry, from the United States and around the world. While we solicited information concerning Lolita's genetic heritage and status, the vast majority of individual commenters simply stated their support for the petition to include Lolita as a member of the Southern Resident killer whale DPS. Along with support for the petition or as a stand-alone comment, many commenters suggested that Lolita be freed from her captivity and returned to her native waters of the Pacific Northwest. Commenters also expressed concern over Lolita's current care at the Miami Seaquarium, which is regulated by the United States Department of Agriculture's Animal and Plant Health Inspection Service under the Animal Welfare Act (AWA) and beyond the scope of our determination regarding the petition. Because the AWA captive care requirements are not under NMFS jurisdiction and are beyond the scope of our determination, those comments are not addressed in this proposed rule. Five comments, all submitted by groups associated with the public display industry, provided substantive comments opposing the petition. Eight comments from conservation organizations, individuals, or government agencies were substantive in support of the petition, many citing recent **Federal Register** notices from the USFWS that provide information on the consideration of captive individuals under the ESA with respect to the listing status of captive chimpanzees (78 FR 35201; June 12, 2013) and the status of captive individuals from three listed antelope species (78 FR 33790; June 5, 2013).

The recent review of biological information and our DPS determination conducted by the Center in response to the petition to delist the Southern Resident killer whale DPS included a review of information specific to Lolita's genetic heritage (NMFS, 2013). This review and update of our determinations about killer whale taxonomy and identification of a DPS informs our 12-month finding about the petitioned action to include Lolita in the Southern Resident killer whale DPS.

Determination of Taxon and DPS

Based on the best information available, we previously concluded, with advice from the 2004 BRT (Krahn *et al.,* 2004), that the Southern Resident killer whale population (J, K, and L pods) met the two criteria of the DPS policy (discreteness and significance) and constituted a DPS of the North Pacific Resident subspecies. A detailed analysis of (1) the reference taxon for consideration under the DPS policy; (2) the discreteness of the Southern Resident population from other populations within that taxon; and (3) the significance of the Southern Resident population to that taxon was included in our 12-month determination that the petition to delist was not warranted (78 FR 47277; August 5, 2013) and is summarized below. Based on our recent status review and in response to a petition to delist the Southern Resident killer whale DPS, we concluded that the best available scientific information indicates that, similar to our 2005 rulemaking when we listed the Southern Resident DPS, the North Pacific Resident subspecies is the appropriate reference taxon for considering whether the Southern Resident killer whale population is discrete and significant. In our 2005 rulemaking we concluded that there was strong evidence that the Southern Resident killer whale population is discrete from other North Pacific Resident killer whale populations as defined by the 1996 DPS policy. The new information subsequent to 2004, such as recent genetic studies, is consistent with and generally strengthens the conclusion that the Southern Resident killer whale population is a discrete population within the North Pacific Resident taxon. As in 2004, all the available information clearly indicates that the Southern Resident population is discrete from other populations in the North Pacific resident subspecies. In addition we concluded that the new information on genetics and behavioral and cultural diversity available since 2004 was consistent with or strengthens the 2004 BRT's conclusion that the Southern Resident killer whale population meets the significance criterion of the DPS policy. In summary, in our 12-month finding that delisting was not warranted we concluded that members of the Southern Resident killer whale population are discrete from other populations within the North Pacific Resident killer whale taxon and significant with respect to the North Pacific Resident killer whale taxon and therefore comprise a valid DPS which remains listed as endangered (78 FR 47277; August 5, 2013).

12-Month Finding and Proposed Change to Listing

The petition maintains that Lolita is a member of the Southern Resident killer whale population and states that she must, therefore, be included in the listed DPS. As summarized above, our consideration of the petitioned action focuses on biological information regarding Lolita's genetic heritage and the application of the ESA to captive members of a listed species or DPS. The petitioners contend that Lolita was taken from L pod during captures on August 8, 1970, in Penn Cove, approximately 50 miles (80 km) north of Seattle, Washington, that her mother is believed to be L25, an adult female Southern Resident killer whale who remains in the wild, and that Lolita makes the unique calls of the L25 subpod. In our recent status review update (NMFS, 2013), we cite a new genetic analysis, available since the original 2005 listing, which indicates that Lolita has a genotype consistent with a Southern Resident origin (Hoelzel *et al.* 2007; Hoelzel, personal communication) and note that Lolita's acoustic calls are typical of L pod (Ford, 1987; Candice Emmons, personal communication). As described above, in support of the DPS determination for Southern Resident killer whales, recent genetic studies all indicate that the Southern Resident population is significantly differentiated and that there is a high degree of reproductive isolation from other resident populations that comprise the North Pacific Resident subspecies. Differences in acoustic behavior between populations of resident killer whales also support the conclusion that Southern Resident killer whales are discrete and significant and, therefore, qualify as a DPS. Lolita shares both genetic and acoustic characteristics with the members of the Southern Resident killer whale DPS found in the wild. Based upon this best available science we confirm that Lolita is a member of the Southern Resident killer whale population and as such she should be included as a member of the Southern Resident Killer Whale DPS.

In addition to the biological information about Lolita's origin and acoustic behavior, the petitioners also provide legal arguments regarding the application of the ESA to captive members of a listed species. While the ESA authorizes the listing, delisting, or reclassification of a species, subspecies,

or DPS of a vertebrate species, it does not authorize the exclusion of the members of a subset or portion of a listed species, subspecies, or DPS from a listing decision. In 2001, the U.S. District Court in Eugene, Oregon (*Alsea Valley Alliance* v.*Evans,* 161 F. Supp.2d 1154 (D. Or. 2001)) (Alsea), ruled that once we had identified and listed a DPS (for Oregon Coast coho), the ESA did not allow listing only a subset (that which excluded 10 captive hatchery stocks) of that DPS. NMFS agrees with the reasoning of this case that it cannot exclude Lolita from the listing having found her to be part of the species.

Some commenters contend that Lolita should not be included in the Southern Resident killer whale DPS, similarly to other wild whales that are members of the North Pacific Resident subspecies (i.e. Northern Resident and Alaska Resident killer whale populations). These commenters fail to recognize the previously discussed best available science defining the genetic and acoustic characteristics that Lolita shares with the Southern Resident killer whale DPS. We find these shared characteristics to be compelling lines of evidence that render Lolita and other members of the Southern Resident killer whale DPS discrete from and significant to the North Pacific Resident subspecies (NMFS, 2013).

Other commenters note that there are other characteristics, such as behavior and habitat use, that Lolita does not share with the other wild members of the Southern Resident killer whales and suggest that NMFS could exercise its discretion to identify a separate captive only DPS. However, legislative history surrounding the 1978 Amendments to the ESA that gave the Services the authority to designate DPSs indicates that Congress intended designation of DPSs to be used for the designation of wild populations, not separation of captive held specimens from wild members of the same taxonomic species (see Endangered Species Act Oversight: Hearing Before Senate Subcommittee on Resource Protection, Senate Committee on Environment and Public Works, 95th Cong. 50 (July 7, 1977). Additionally, these arguments fail to adhere to Congress' directive to the Services that the authority to designate DPSs be exercised ''sparingly'' (Senate Report 151, 96th Congress, 1st Session). Finally, NMFS decision-making relevant to identifying and designating DPSs is discretionary and not subject to judicial review (*Safari Club International* v. *Jewell,* 2013 WL 4041541 (DDC 2013)).

The ESA does not support the exclusion of captive members from a listing based solely on their status as captive. On its face the ESA does not treat captives differently. Rather, specific language in Section 9 and Section 10 of the ESA presumes their inclusion in the listed entity, and captives are subject to certain exemptions to Section 9. Section 9(a)(1)(A)–(G) of the ESA applies to endangered species regardless of their captive status. However, Section 9(b) provides certain exemptions from the 9(a)(1)(A) and (a)(1)(G) prohibitions for listed animals held in captivity or in a controlled environment as of the date of the species' listing (or enactment of the ESA), provided the holding in captivity and any subsequent use is not in the course of commercial activity. Additionally, Section 9(b)(2) refers to captive raptors and identifies that the prohibitions in 9(a)(1) shall not apply to raptors legally held in captivity. Section 10(a)(1)(A) of the ESA allows issuance of permits to ''enhance the propagation or survival'' of the species. This demonstrates that Congress recognized the value of captive holding and propagation of listed species held in captivity but intended that such specimens would be protected under the ESA, with these activities generally regulated by permit.

We have specifically identified captive members as part of the listed unit during listing actions, such as for endangered smalltooth sawfish (68 FR 15674; April 1, 2003), and endangered Atlantic sturgeon (77 FR 5914; February 6, 2012), and in the proposed listing of five species of foreign sturgeons (78 FR 65249; October 31, 2013). Further, based upon the purposes of the ESA and its legislative history, the USFWS has recently concluded that the ESA does not allow captive animals to be assigned different legal status from their wild counterparts on the basis of their captive status. Subsequent to the submission of the petition regarding Lolita, USFWS published a proposed rule to amend the listing status of captive chimpanzees, so that all chimpanzees (wild and captive) would be listed as endangered (78 FR 35201; June 12, 2013). USFWS also published a 12-month finding that delisting the captive members of three listed antelope species was not warranted (78 FR 33790; June 5, 2013).

Based on the preceding discussion, the information submitted during the public comment period, and best available science and information, we find that Lolita is a member of the Southern Resident killer whale population and should be included as a member of the listed Southern Resident killer whale DPS. Accordingly, we propose to remove the exclusion for captive whales in the regulatory language describing the Southern Resident killer whale DPS. Our finding is consistent with the recent USFWS conclusions regarding the status of captive animals under the ESA and also with the Marine Mammal Commission recommendation to adopt a policy consistent with the USFWS in the proposed chimpanzee listing rule, and treat all biological members of the Southern Resident killer whales as part of the DPS, regardless of whether those individuals are in the wild or in captivity (Marine Mammal Commission letter, August 13, 2013).

As part of the 2005 ESA listing of the Southern Resident killer whale DPS (70 FR 69903; November 18, 2005), we conducted an analysis of the five ESA section 4(a)(1) factors and concluded that the DPS was in danger of extinction and listed it as endangered. In March 2011, we completed a 5-year review of the ESA status of the Southern Resident killer whale DPS, concluding that no change was needed in its listing status and that the Southern Resident killer whale DPS would remain listed as endangered (NMFS, 2011). The petition includes an analysis of the five ESA section 4(a)(1) factors with respect to Lolita, although petitioners note that the analysis is not required to justify Lolita's inclusion in the DPS and that Lolita's genetic heritage is sufficient to support her inclusion in the listing. We agree that biological information regarding Lolita's origin and consideration of the applicability of the ESA to captive members of endangered species provide a sufficient basis for our determination and, therefore, do not include a review of the 4(a)(1) factors for Lolita or the wild population.

While progress toward recovery has been achieved since the listing, as described in the 5-year review, the status of the DPS remains as endangered. Since the 5-year review was completed, additional actions have been taken to address threats, such as regulations to protect killer whales from vessel impacts (76 FR 20870; April 14, 2011), completion of a scientific review of the effects of salmon fisheries on Southern Resident killer whales (Hilborn, 2012), and ongoing technical working groups with the Environmental Protection Agency to assess contaminant exposure. However, the population growth outlined in the biological recovery criteria and some of the threats criteria have not been met. We have no new information that would change the recommendation in our 5-year review that the Southern Resident killer whale DPS remain classified as endangered (NMFS, 2011). Our

proposed rule would amend the language describing the Southern Resident killer whale DPS to remove the exception for captive whales, and, if the proposal is finalized, Lolita would then be included under the endangered classification.

Effects of Amendment to Listing

Conservation measures provided for species listed as endangered or threatened under the ESA include concurrent designation of critical habitat if prudent and determinable (16 U.S.C. 1533(a)(3)(A)); recovery plans and actions (16 U.S.C. 1536(f)); Federal agency requirements to consult with NMFS and to ensure that its actions do not jeopardize the species or result in adverse modification or destruction of critical habitat should it be designated (16 U.S.C. 1536); and prohibitions on taking (16 U.S.C. 1538).

Following the listing, we designated critical habitat and completed a recovery plan for the Southern Resident killer whale DPS. We issued a final rule designating critical habitat for the Southern Resident killer whale DPS November 29, 2006 (71 FR 69055). The designation includes three specific areas: (1) The Summer Core Area in Haro Strait and waters around the San Juan Islands; (2) Puget Sound; and (3) the Strait of Juan de Fuca, which together comprise approximately 2,560 square miles (6,630 square km). The designation excludes areas with water less than 20 feet (6.1 m) deep relative to extreme high water. The designated critical habitat will not be affected by removing the exclusion of captive whales from the regulatory language describing the Southern Resident killer whale DPS. As the USFWS identified in its recent chimpanzee rule, there is an ''anomaly of identifying the physical and biological features that would be essential to the conservation of a species consisting entirely of captive animals in an artificial environment'' (78 FR 35201; June 12, 2013). This observation also holds for a listed entity with only one captive member. In the event that this proposed action is finalized, we do not intend to modify the critical habitat designation to include consideration of Lolita and her captive environment.

After engaging stakeholders and providing multiple drafts for public comment, we announced the Final Recovery Plan for the Southern Resident killer whale DPS on January 24, 2008 (73 FR 4176). Lolita's capture and captivity is mentioned in the recovery plan; however, the recovery actions in the plan are focused on addressing the threats to and the recovery of the wild population. If this proposal is finalized, as the recovery plan is updated in the future, we will consider including an update that Lolita is included in the DPS.

Sections 7(a)(2) of the ESA requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species, or to adversely modify critical habitat. In the USFWS proposed rule for chimpanzees (78 FR 35201; June 12, 2013), USFWS identifies that ''the section 7 consultation process is not well suited to analysis of adverse impacts posed to a purely captive-held group of specimens given that such specimens are maintained under controlled, artificial conditions.'' This observation also holds for a listed entity with only one captive member. Previous guidance on examples of Federal actions that have the potential to impact Southern Resident killer whales was focused on activities that may affect wild whales. If this proposal is finalized, additional considerations of actions that have the potential to affect Southern Resident killer whales, including Lolita, will be considered along with prohibitions on activities that affect the Southern Resident killer whale DPS. Some of these considerations are discussed below.

Take Prohibitions and Identification of Those Activities That Would Constitute a Violation of Section 9 of the ESA

On July 1, 1994, NMFS and USFWS published a policy (59 FR 34272) that requires us to identify, to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the ESA. The ESA does not prohibit possession of animals lawfully taken, so a permit is required only if the person possessing the animal intends to engage in an otherwise prohibited act. Prohibited activities for ESA-listed endangered species include, but are not limited to: (1) ''Take'' of such species, as defined in the ESA (including to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct); (2) delivering, receiving, carrying, transporting, or shipping in interstate or foreign commerce, in the course of a commercial activity, any such species; or (3) selling or offering for sale in interstate or foreign commerce any such species.

Activities that we believe may result in violation of section 9 prohibitions against ''take'' under section 9, depending on the circumstances, include, but are not limited to, releasing a captive animal into the wild. For example, in the recent proposed listing of five species of sturgeon, we noted that release of a captive animal into the wild has the potential to injure or kill not only the particular animal, but also the wild populations of that same species through introduction of diseases or inappropriate genetic mixing (78 FR 65249; October 31, 2013). Additionally, we consider the following activities, depending on the circumstances, as likely not resulting in a violation of ESA section 9 (and therefore do not require a section 10 permit): (1) Continued possession of captives, and (2) continued provision of Animal Welfare Act-compliant care and maintenance of captives, including handling and manipulation as necessary for care and maintenance, as long as such practices or procedures are not likely to result in injury. We are seeking public comment on these issues as part of this proposed rulemaking.

Peer Review

On July 1, 1994, the NMFS and USFWS published a series of policies regarding listings under the ESA, including a policy for peer review of scientific data (59 FR 34270). The intent of the peer review policy is to ensure that listings are based on the best scientific and commercial data available. Prior to a final listing, NMFS will solicit the expert opinions of three qualified specialists selected from the academic and scientific community, Federal and state agencies, and the private sector on listing recommendations to ensure the best biological and commercial information is being used in the decision-making process, as well as to ensure that reviews by recognized experts are incorporated into the review process of rulemakings developed in accordance with the requirements of the ESA.

Public Comments Solicited on Listing Change

To ensure that the final action resulting from this proposal will be as accurate and effective as possible, we solicit comments from the public, governmental agencies, tribes, the scientific community, industry, environmental entities, and any other interested parties concerning the proposal to amend the regulatory language describing the listing of the Southern Resident killer whale DPS by removing the exception for captive whales. We will consider all of the information provided before making a final decision. You may submit your comments and materials concerning this proposal by any one of several methods (see **ADDRESSES**). We will review all

public comments and any additional information regarding the status of these subspecies and will complete a final determination within 12 months of publication of this proposed rule, as required under the ESA. Final promulgation of the regulation(s) will consider the comments and any additional information we receive, and such communications may lead to a final regulation that differs from this proposal.

Public Hearings

If requested by the public within 45 days of publication of this proposed rule, a hearing will be held regarding this proposal to amend the listing of the Southern Resident killer whale DPS by removing the exclusion for captive whales. If a hearing is scheduled, details regarding location(s), date(s), and time(s) will be published in a forthcoming **Federal Register** notice.

Classification

National Environmental Policy Act (NEPA)

The 1982 amendments to the ESA, in section 4(b)(1)(A), restrict the information that may be considered when assessing species for listing. Based on this limitation of criteria for a listing decision and the opinion in *Pacific Legal Foundation* v. *Andrus,* 657 F. 2d 829 (6th Cir. 1981), we have concluded that NEPA does not apply to ESA listing actions. (See NOAA Administrative Order 216–6.)

Executive Order 12866, Regulatory Flexibility Act, and Paperwork Reduction Act

As noted in the Conference Report on the 1982 amendments to the ESA, economic impacts cannot be considered when assessing the status of a species. Therefore, the economic analysis requirements of the Regulatory Flexibility Act are not applicable to the listing process. In addition, this proposed rule is exempt from review under Executive Order 12866. This proposed rule does not contain a collection-of-information requirement for the purposes of the Paperwork Reduction Act.

Executive Order 13122, Federalism

In accordance with E.O. 13132, we determined that this proposed rule does not have significant Federalism effects and that a Federalism assessment is not required. In keeping with the intent of the Administration and Congress to provide continuing and meaningful dialogue on issues of mutual state and Federal interest, this proposed rule will be shared with the relevant state agencies in each state in which the species is believed to occur, and those states will be invited to comment on this proposal. As we proceed, we intend to continue engaging in informal and formal contacts with the states, and other affected local or regional entities, giving careful consideration to all written and oral comments received.

References Cited

The complete citations for the references used in this document can be obtained by contacting NMFS (See **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT**) or on our Web page at: *http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/killer_whale/lolita_petition.html*

List of Subjects in 50 CFR Part 224

Administrative practice and procedure, Endangered and threatened species, Reporting and recordkeeping requirements.

Dated: January 17, 2014.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 224 is proposed to be amended as follows:

PART 224—ENDANGERED MARINE AND ANADROMOUS SPECIES

■ 1. The authority citation for part 224 continues to read as follows:

Authority: 16 U.S.C. 1531–1543 and 16 U.S.C. 1361 et seq.

§ 224.101 [Amended]

■ 2. In paragraph (b) of § 224.101, remove ''Killer whale (*Orcinus orca*), Southern Resident distinct population segment, which consists of whales from J, K and L pods, wherever they are found in the wild, and not including Southern Resident killer whales placed in captivity prior to listing or their captive born progeny; Ladoga ringed seal (*Phoca (=Pusa)hispida ladogensis*)''; and add in its place ''Killer whale (*Orcinus orca*)'' to read as ''Killer whale (*Orcinus orca*), Southern Resident distinct population segment, which consists of whales from J, K and L pods, wherever they are found;''

[FR Doc. 2014–01506 Filed 1–24–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 131206999–4046–01]

RIN 0648–BD85

Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery; Control Date for Lobster Conservation Management Areas

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

ACTION: Advance notice of proposed rulemaking (ANPR); request for comments.

SUMMARY: At the request of the Atlantic States Marine Fisheries Commission, this notice announces a control date that may be applicable, but not limited to, limiting the number of permits or traps a business entity may own in Lobster Conservation Management Area 3 or in any of the Lobster Conservation Management Areas. NMFS intends this notice to promote awareness of possible rulemaking, alert interested parties of potential eligibility criteria for future access, and discourage speculative entry into and/or investment in the American lobster fishery while the Atlantic States Marine Fisheries Commission and NMFS consider if and how participation in the American lobster fishery should be controlled.

DATES: January 27, 2014 shall be known as the ''control date'' for the American lobster fishery, and may be used as a reference date for future management measures related to the maintenance of a fishery with characteristics consistent with the Commission's objectives and applicable Federal laws. Written comments must be received on or before February 26, 2014.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2013–0169 by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0169,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to John K. Bullard, Regional Administrator, National Marine Fisheries Service, 55 Great Republic

Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on Lobster Control Date.''

Instructions: Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. We may not consider comments sent by any other method, to any other address or individual, or received after the end of the comment period. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). We accept attachments to electronic comments only in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Carly Bari, Fisheries Management Specialist, 978–281–9224, fax 978–281–9135.

SUPPLEMENTARY INFORMATION: The American Lobster Fishery Management Plan is implemented by the NMFS under the framework of the Atlantic States Marine Fisheries Commission's (Commission) Interstate Fishery Management Plan for American Lobster (ISFMP). Through the ISFMP, the Commission adopts fishery conservation and management strategies for the American lobster resource and coordinates the efforts of the states and NMFS to implement these strategies. The ISFMP establishes seven Lobster Conservation Management Areas (Areas), from Maine to North Carolina, including state waters, which extend from the coast to 3 nautical miles (5.56 km) from shore, and the Exclusive Economic Zone (EEZ), which extends from 3–200 nautical miles (5.56–370.4 km). Within each Area, the states appoint members of the lobster industry to serves on a Lobster Conservation Management Team who advises the Commission on management programs for each Area. The lobster fishery is a year-round fishery in the United States, including the summer and fall months when the lobsters are molting. Most lobsters are taken in lobster traps, while a small amount are taken incidentally in gillnets and trawls.

With the advent of the Commission's Trap Transferability Program, members of the lobster industry, as well as the Commission, became concerned about fishing power becoming consolidated in Area 3 among relatively few permit holders who could then purchase trap allocation, increase fishing power, and reshape the fishery in a way that would be detrimental to existing and historical fishing patterns. Area 3 is the largest of all the Lobster Conservation Management Areas, occurs exclusively in the EEZ, and extends from Maine to Cape Hatteras, North Carolina. Industry and the Commission were concerned that previously latent effort could be cheaply purchased and activated, which would create additional pressure on the lobster stock, as well as the fishing businesses currently existing in the area. Accordingly, the Commission approved Addendum XXII in October 2013, which recommended that the states and NMFS limit the number of traps that any one individual or entity may own.

On November 18, 2013, the Commission requested that NMFS publish this control date to discourage permit consolidation and speculative activation of previously unused effort or capacity in the American lobster fishery during the time that alternative management regimes to control capacity or latent effort are discussed and potentially developed and implemented. This action communicates to fishermen that participation after the control date may not be treated the same as participation before the control date. This control date may also be considered for future management decisions and rulemaking for any of the Lobster Conservation Management Areas. NMFS may also choose to take no further action to control entry or access to the American lobster fishery.

This notification establishes January 27, 2014 as the new control date for potential use in determining historical or traditional participation in Area 3 of the American lobster fishery. Establishing a control date does not commit NMFS to develop any particular management regime or criteria for participation in these fisheries. In the future, NMFS may choose a different control date or a management program that does not make use of any control date. Any future action by NMFS will be taken pursuant to the Atlantic Coastal Fisheries Cooperative Management Act and the Magnuson-Stevens Fishery Conservation and Management Act.

This notification also gives the public notice that interested participants should locate and preserve records that substantiate and verify their participation in the American lobster fishery.

This notification and control date do not impose any legal obligations, requirements, or expectation.

Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 5101 *et seq.*

Dated: January 17, 2014.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2014–01509 Filed 1–24–14; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 79, No. 17

Monday, January 27, 2014

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

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2013–0042]

Notice of Request for Extension of a Currently Approved Information Collection (Advanced Meat Recovery)

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and the Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to request an extension of an approved information collection regarding the regulatory requirements associated with the production of meat from Advanced Meat Recovery systems because the OMB approval will expire on March 31, 2014.

DATES: Comments on this notice must be received on or before March 28, 2014.

ADDRESSES: FSIS invites interested persons to submit comments on this notice. Comments may be submitted by either of the following methods:

- *Federal eRulemaking Portal:* This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, CD–ROMs, etc.:* Send to Docket Room Manager, U.S. Department of Agriculture, Food Safety and Inspection Service, Patriots Plaza 3, 1400 Independence Avenue SW., Mailstop 3782, Room 8–163B, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to Patriots Plaza 3, 355 E. Street SW., Room 8–163B, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2013–0042. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E. Street SW., Room 8–164, Washington, DC 20250–3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR ADDITIONAL INFORMATION CONTACT: Gina Kouba, Paperwork Reduction Act Coordinator, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW., Room 6077, South Building, Washington, DC 20250; Telephone: (202) 690–6510.

SUPPLEMENTARY INFORMATION:

Title: Advanced Meat Recovery.

OMB Number: 0583–0130.

Expiration Date of Approval: 3/31/2014.

Type of Request: Extension of an approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*). The statute provides that FSIS is to protect the public by verifying that meat products are safe, wholesome, not adulterated, and properly labeled and packaged.

FSIS is announcing its intention to request an extension of an approved information collection addressing paperwork and recordkeeping requirements regarding the regulatory requirements associated with the production of meat from Advanced Meat Recovery (AMR) systems because the OMB approval will expire on March 31, 2014.

FSIS requires that official establishments that produce meat from AMR systems (1) ensure that the bones used for the systems do not contain brain, trigeminal ganglia, or spinal cord and, if the establishments produce beef AMR product, are from cattle younger than 30 months of age; (2) test for calcium, iron, spinal cord, and dorsal root ganglia (DRG); (3) document their testing protocols; (4) handle product in a manner that does not cause product to be misbranded or adulterated; and (5) maintain records of their documentation and of their test results (9 CFR 318.24).

FSIS has made the following estimates based upon an information collection assessment:

Estimate of Burden: FSIS estimates that it will take respondents an average of a half hour per response.

Respondents: Official establishments that produce meat from AMR systems.

Estimated No. of Respondents: 56.

Estimated No. of Annual Responses per Respondent: 900.

Estimated Total Annual Burden on Respondents: 25,200 hours.

Copies of this information collection assessment can be obtained from Gina Kouba, Paperwork Reduction Act Coordinator, Food Safety and Inspection Service, USDA, 1400 Independence SW., Room 6077, South Building, Washington, DC 20250; Telephone: (202)690–6510.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS'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, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

Responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Additional Public Notification

FSIS will announce this notice online through the FSIS Web page located at *http://www.fsis.usda.gov/wps/portal/fsis/topics/regulations/federal-register.*

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures,

regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/wps/portal/fsis/programs-and-services/email-subscription-service.* Options range from recalls to export information to regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Nondiscrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.)

Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's Target Center at (202) 720–2600 (voice and TTY).

To file a written complaint of discrimination, write USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250–9410 or call (202) 720–5964 (voice and TTY). USDA is an equal opportunity provider and employer.

Done at Washington, DC on: January 17, 2014.

Alfred V. Almanza,

Administrator.

[FR Doc. 2014–01476 Filed 1–24–14; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2013–0048]

Codex Alimentarius Commission: Meeting of the Codex Committee on Methods of Analysis and Sampling

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA), Center for Food Safety and Applied Nutrition (CFSAN), are sponsoring a public meeting to take place on February 5, 2014. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States positions that will be discussed at the 35th Session of the Codex Committee on Methods of Analysis and Sampling (CCMAS) of the Codex Alimentarius Commission (Codex), which will take place in Budapest, Hungary, from March 3–7, 2014. The Acting Under Secretary for Food Safety and the FDA recognize the importance of providing interested parties the opportunity to obtain background information on the 35th Session of CCMAS and to address items on the agenda.

DATES: The public meeting is scheduled for February 5, 2014 from 2:00 p.m. to 4:00 p.m.

ADDRESSES: The public meeting will take place at the Harvey W. Wiley Federal Building, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Room 1A–002, 5100 Paint Branch Parkway, College Park, MD 20740.

Documents related to the 35th Session of the CCMAS will be accessible via the World Wide Web at the following address: *http://www.codexalimentarius.org/meetings-reports/en/.*

Dr. Gregory O. Noonan, U.S. Delegate to the 35th Session of the CCMAS, and the FDA, invite U.S. interested parties to submit their comments electronically to the following email address: *Gregory.Noonan@fda.hhs.gov.*

Call-In Number: If you wish to participate in the public meeting for the 35th Session of the CCMAS by conference call, please use the call-in number and participant code listed below.

Call-In Number: 1–301–796–2700 or 1–877–231–0558 (toll free).

Participant Code: 5349#.

FOR FURTHER INFORMATION CONTACT: *For further information about the 35th Session of the CCMAS contact:* Gregory O. Noonan, Ph.D., Research Chemist, Center for Food Safety and Applied Nutrition, Food and Drug Administration, Harvey W. Wiley Federal Building, 5100 Paint Branch Parkway, College Park, MD 20740; Telephone: (240) 402–2250, Fax: (301) 436–2634, Email: *Gregory.Noonan@fda.hhs.gov.*

For further information about the public meeting contact: Marie Maratos, U.S. Codex Office, South Building, Room 4861, 1400 Independence Avenue SW., Washington, DC 20250; Telephone: (202)205–7760, Fax: (202)720–3157, Email: *Marie.Maratos@fsis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Codex Alimentarius (Codex) was established in 1963 by two United Nations organizations, the Food and Agriculture Organization and the World Health Organization. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The Codex Committee on Methods of Analysis and Sampling is responsible for:

(a) Defining the criteria appropriate to Codex methods of analysis and sampling;

(b) Serving as a coordinating body for Codex with other international groups working in methods of analysis and sampling and quality assurance systems for laboratories;

(c) Specifying the basis of final recommendations submitted to it by other bodies;

(d) Considering, amending, and endorsing, methods of analysis and sampling proposed by Codex (commodity) committees, except that methods of analysis and sampling for residues of pesticides or veterinary drugs in food, the assessment of micro biological quality and safety in food, and the assessment of specifications for food additives do not fall within the terms of reference of this Committee;

(e) Elaborating sampling plans and procedures;

(f) Considering specific sampling and analysis problems submitted to it by the Commission or any of its Committees; and

(g) Defining procedures, protocols, guidelines or related texts for the assessment of food laboratory proficiency, as well as quality assurance systems for laboratories.

The CCMAS is hosted by Hungary.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 35th Session of CCMAS will be discussed during the public meeting:

- Matters Referred to the Committee by the Codex Alimentarius Commission and Other Codex Committees
- Endorsement of Methods of Analysis Provisions in Codex Standards
- Proposed Draft Principles for the Use of Sampling and Testing in International Food Trade: Explanatory Notes (at Step 4)
- Discussion paper on considering procedures for establishing criteria
- Discussion paper on elaboration of procedures for regular updating of methods
- Discussion paper on Sampling in Codex standards
- Report of an Inter-Agency Meeting on Methods of Analysis
- Other Business and Future Work

Each issue listed will be fully described in documents distributed, or to be distributed, by the Codex Secretariat prior to the Committee meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

Public Meeting

At the February 5, 2014, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. Delegate for the 35th Session of the CCMAS, Gregory Noonan (see **ADDRESSES**). Written comments should state that they relate to activities of the 35th Session of the CCMAS.

USDA Nondiscrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.)

Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's Target Center at (202) 720–2600 (voice and TTY).

To file a written complaint of discrimination, write USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250–9410 or call (202) 720–5964 (voice and TTY). USDA is an equal opportunity provider and employer.

Additional Public Notification

FSIS will announce this notice online through the FSIS Web page located at *http://www.fsis.usda.gov/wps/portal/fsis/topics/regulations/federal-register.*

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/wps/portal/fsis/programs-and-services/email-subscription-service.* Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done at Washington, DC on: January 9, 2014.

Mary Frances Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2014–01474 Filed 1–24–14; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Klamath National Forest; California; Crawford Vegetation Management Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Klamath National Forest is preparing an environmental impact statement (EIS) for the proposed Crawford Vegetation Management Project to improve forest health and biological diversity and to provide forest products on approximately 1,467 acres. The project was originally proposed as an environmental assessment and an opportunity for public scoping comments was provided between August 2011 and October 2011. Although consultation and analysis are still ongoing, so far they indicate that in order to effectively meet the purpose and need of the project, proposed project treatments might result in a likely to adversely affect determination for the Northern Spotted Owl and its habitat. Responsible official, Forest Supervisor Patricia Grantham, has decided to prepare an EIS instead of an EA for this project. The proposed action for the EIS is identical to the previous proposal as scoped in 2011.

The project is located about 15 miles southwest of the community of Happy Camp, off of the Bear Peak Road (Forest Road 15N19). The legal description of the proposed project area is: Township 14 North, Range 5 East, Sections 1, 12; Township 14 North, Range 6 East, Section 1, 3–5,12, 13, 15–17, 20–22, 28, 29; Township 15 North, Range 5 East, Section 25, 36; and Township 15 North, Range 6 East, section 26–29, 32–36, Humboldt Meridian.

DATES: Comments concerning the scope of the analysis must be received by February 11, 2014. The draft environmental impact statement is expected April 2014 and the final environmental impact statement is expected September 2014.

ADDRESSES: Send written comments to Patricia A. Grantham, ATTN: Lisa Bousfield, Happy Camp Oak Knoll Ranger District, 63822 Highway 96, P.O. Box 377, Happy Camp, CA 96039. Comments may also be sent via email to: *pacificsouthwest-klamath-happy-camp@fs.fed.us,* or via facsimile to 530–493–1796. Put the project name in the subject line; attachments may be in the following formats: Plain text (.txt), rich text format (.rtf), Word (.doc, .docx), or portable document format (.pdf). Comments may also be hand-delivered to the Happy Camp Oak Knoll District office during normal business hours (8 a.m. to 4:30 p.m. Monday–Friday, excluding holidays). For oral comments contact the interdisciplinary team leader, Lisa Bousfield at 530–493–1766.

FOR FURTHER INFORMATION CONTACT: Lisa Bousfield, Happy Camp Oak Knoll Ranger District, Klamath National Forest, Happy Camp, California, 96039. Phone: 530–493–1766. Email: *lbousfield@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday. Proposal information is also available on Klamath National Forest's project Web page at: *http://www.fs.fed.us/nepa/nepa_project_exp.php?project=30373.*

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The purpose and need of the project is to improve forest health and biological diversity and to provide forest products. There is a need to close the gap between the existing and desired conditions, while protecting forest resources. The objectives are as follows: Forest Health: (1) Reduce tree density and competition, and restore a more resilient condition. (2) Maintain tree vigor for long term general health and to minimize insect and disease susceptibility. (3) Design and implement treatments that move the area towards conditions similar to which existed prior to fire suppression. (4) Use prescribed fire to reduce existing fuel buildups, treat pre- and post-harvest fuels, and influence vegetative development or composition. (5) Design desired fuel treatments to mimic the natural processes of the area and break up fuel continuity. (6) Reduce potential fire size and severity in order to protect natural resources, life, and property within and adjacent to the project area. (7) Maintain soil productivity. Forest Biological Diversity: (1) Manage specific areas to provide habitat for early and mid-seral species while retaining a legacy component. (2) Maintain and promote meadow, wetland, and riparian habitats for vegetation diversity and wildlife species. (3) Maintain conifer/species diversity. (4) Maintain black oak, chinquapin, and madrone when possible. (5) Develop trees toward legacy recruitment components. Provide Forest Products: (1) Provide personal use posts and poles. (2) Provide firewood—personal or commercial. (3) Provide a programmed flow of timber products, within the natural capabilities of the area.

Proposed Action

The Crawford Project includes five overlapping types of treatment: (1) Commercial Thinning—Natural Stands and Plantation Thinning; (2) Noncommercial Fuels Reduction Treatment; (3) Noncommercial Precommercial Thinning (PCT); (4) Mastication; and (5) Meadow and Wetland Restoration. In addition, the proposed action includes the use of 0.29 miles of temporary road on existing roadbeds within the project area, and construction of a total of approximately 0.69 miles of new temporary roads. No roads will be added to or deleted from the National Forest Transportation System. The estimated number of new landings needed for the project is 16 (about 10 acres) and 50 existing landings (about 15 acres).

Responsible Official

Patricia A. Grantham, Klamath National Forest Supervisor.

Nature of Decision To Be Made

The responsible official will decide whether to adopt and implement the proposed action, an alternative to the proposed action, or take no action to make changes to existing conditions in the Crawford Project Area.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. The project was originally proposed as an environmental assessment and an opportunity for public scoping comments was provided between August 2011 and October 2011. The proposed action for the EIS is identical the proposal as originally scoped in 2011. If you previously commented on the project, your comments have been and will continue to be considered in the development of alternatives. In order to move forward with this project, we ask that you do not repeat your comments. Following alternative development, the Forest Service will be providing another opportunity to comment on the alternatives and analysis.

If you have any new comments, we welcome those at this time. We are particularly interested in hearing about any potential issues, which are defined as points of discussion, dispute, or debate about the effects of the proposed action. Your participation will help the interdisciplinary team develop effective, issue-driven alternatives and mitigations to the proposed action as needed.

It is important that reviewers provide their comments at such times and in such a manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public project record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the agency with the ability to provide the respondent with subsequent environmental documents.

Dated: January 21, 2014.

Patricia A. Grantham,

Forest Supervisor.

[FR Doc. 2014–01480 Filed 1–24–14; 8:45 am]

BILLING CODE 3410–11–P

CIVIL RIGHTS COMMISSION

Agenda and Notice of Public Meeting of the North Dakota Advisory Committee

Date and Time: Wednesday, February 12, 2014, 12:00 p.m. [CST].

Place: Via Teleconference. Public Dial-in 1–877–446–3914; Listen Line Code: 6974885.

TDD: Dial Federal Relay Service 1–800–977–8339 give operator the following number: 303–866–1040—or by email at *ebohor@usccr.gov.*

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the North Dakota Advisory Committee to the Commission will convene via conference call. The purpose of the meeting is for orientation and ethics training. The committee will also discuss various civil rights issues in the state and decide a project to move forward on.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by Wednesday, March 12, 2014. Comments may be mailed to the Rocky Mountain Regional Office, U.S. Commission on Civil Rights, 999 18th Street, Suite 1380 South, Denver, CO 80202, faxed to (303) 866–1050, or emailed to Evelyn Bohor at *ebohor@usccr.gov.* Persons who desire additional information may contact the Rocky Mountain Regional Office at 303–866–1040.

Records generated from this meeting may be inspected and reproduced at the Rocky Mountain Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Rocky Mountain Regional Office at the above phone number, email or street address.

The meetings will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated: January 21, 2014.

David Mussatt,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2014–01428 Filed 1–24–14; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Industry and Security (BIS).

Title: Report of Requests for Restrictive Trade Practice or Boycott.

OMB Control Number: 0694–0012.

Form Number(s): BIS–621P, BIS–6051P, BIS–6051P–A.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 412.

Average Hours Per Response: 1 hour to 1 hour and 30 minutes.

Burden Hours: 482.

Needs and Uses: This information is used to monitor requests for participation in foreign boycotts against countries friendly to the U.S. The information is analyzed to note changing trends and to decide upon appropriate action to be taken to carry out the United States' policy of discouraging its citizens from participating in foreign restrictive trade practices and boycotts directed against U.S.-friendly countries.

Affected Public: Businesses or other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

Copies of the above information collection proposal can be obtained by calling or writing Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov.*

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Jasmeet Seehra, OMB Desk Officer, by email to *Jasmeet_K._Seehra@omb.eop.gov,* or by fax to (202) 395–5167.

Dated: January 21, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–01431 Filed 1–24–14; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Marine Mammal Stranding Reports/Marine Mammal Rehabilitation Disposition Report.

OMB Control Number: 0648–0178.

Form Number(s): NA.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 400.

Average Hours per Response: 30 minutes.

Burden Hours: 5,800.

Needs and Uses: This request is for extension of a current information collection.

The marine mammal stranding report provides information on strandings so that the National Marine Fisheries Service (NMFS) can compile and analyze, by region, the species, numbers, conditions, and causes of illnesses and deaths in stranded marine mammals. NMFS requires this information to fulfill its management responsibilities under the Marine Mammal Protection Act (16 U.S.C. 1421a). NMFS is also responsible for the welfare of marine mammals while in rehabilitation status. The data from the marine mammal rehabilitation disposition report are required for monitoring and tracking of marine mammals held at various NMFS-authorized facilities. This information is submitted primarily by members of the marine mammal stranding networks which are authorized by NMFS.

Affected Public: Not-for-profit organizations; individuals or households.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: OIRA_Submission@omb.eop.gov.

Copies of the above information collection proposal can be obtained by calling or writing Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482–0336, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

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.*

Dated: January 21, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–01430 Filed 1–24–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Management and Oversight of the National Estuarine Research Reserve System.

OMB Control Number: 0648–0121.

Form Number(s): NA.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 29.

Average Hours Per Response: Grant applications, 8 hours; additional documentation with applications, 1 hour; grant progress reports, 5 hours; grant final reports, 2 hours; management plans and site profiles, 1,800 hours each; site designations, 2,500 hours.

Burden Hours: 8,909.

Needs and Uses: This request is for extension of a current information collection.

The Coastal Zone Management Act of 1972 (CZMA; 16 U.S.C. 1461 *et seq.*) provides for the designation of estuarine research reserves representative of various regions and estuarine types in the United States to provide opportunities for long-term research, education and interpretation. During the site selection and designation process, information is collected from states in order to prepare a management plan and environmental impact statement. Designated reserves apply annually for operations funds by submitting a work plan; subsequently progress reports are

required every six months for the duration of the award. Each reserve compiles an ecological characterization or site profile to describe the biological and physical environment of the reserve, research to date and research gaps. Reserves revise their management plans every five years. This information is required to ensure that reserves are adhering to regulations and that the reserves are in keeping with the purpose for which they were designated.

Affected Public: Not-for-profit institutions; state, local and tribal governments.

Frequency: Annually, semiannually, every three years and every five years.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: OIRA_Submission@omb.eop.gov.

Copies of the above information collection proposal can be obtained by calling or writing Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482–0336, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

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.*

Dated: January 21, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–01432 Filed 1–24–14; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Statement of Financial Interests, Regional Fishery Management Councils.

OMB Control Number: 0648–0192.

Form Number(s): NA.

Type of Request: Regular submission (revision and extension of a current information collection).

Number of Respondents: 330.

Average Hours Per Response: 35 minutes.

Burden Hours: 193.

Needs and Uses: This request is for revision and extension of a current information collection.

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson Stevens Act) authorizes the establishment of Regional Fishery Management Councils to exercise sound judgment in the stewardship of fishery resources through the preparation, monitoring, and revision of such fishery management plans under circumstances (a) which will enable the States, the fishing industry, consumers, environmental organizations, and other interested persons to participate in the development of such plans, and (b) which take into account the social and economic needs of fishermen and dependent communities.

Section 302(j) of the Magnuson-Stevens Act requires that Council nominees and appointees disclose their financial interest in any Council fishery. These interests include harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be, undertaken within any fishery over which the Council concerned has jurisdiction, or with respect to an individual or organization with a financial interest in such activity.

The Secretary is required to submit an annual report to Congress on action taken to implement the disclosure of financial interest and recusal requirements, including identification of any conflict of interest problems with respect to the Councils and Secretary, Scientific and Statistical Committees (SSCs) and recommendations for addressing any such problems.

The Act further provides that a member shall not vote on a Council decision that would have a significant and predictable effect on a financial interest if there is a close causal link between the Council decision and an expected and substantially disproportionate benefit to the financial interest of the affected individual relative to the financial interest of other participants in the same gear type or sector of the fishery. However, an affected individual who is declared ineligible to vote on a Council action may participate in Council deliberations relating to the decision after notifying the Council of his/her recusal and identifying the financial interest that would be affected.

Revision: NMFS is in the process of revising the form by adding clearer instructions, providing examples of submissions, and updating the form to provide a more appropriate and intuitive format.

Affected Public: Individuals or households.

Frequency: Annually and when updates are required.

Respondent's Obligation: Mandatory.

OMB Desk Officer: OIRA_Submission@omb.eop.gov.

Copies of the above information collection proposal can be obtained by calling or writing Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482–0336, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

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.*

Dated: January 21, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–01429 Filed 1–24–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–822]

Certain Frozen Warmwater Shrimp From Thailand; Amended Final Results of Antidumping Duty Administrative Review

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

DATES: *Effective Date:* January 27, 2014.

FOR FURTHER INFORMATION CONTACT: Blaine Wiltse, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–6345.

SUPPLEMENTARY INFORMATION:

Amended Final Results

On July 10, 2012, the Department of Commerce (the Department) published the final results of its administrative review of the antidumping duty order on certain frozen warmwater shrimp from Thailand.[1] The period of review (POR) is February 1, 2010, through January 31, 2011.

[1] *See Certain Frozen Warmwater Shrimp From Thailand: Final Results of Antidumping Duty Administrative Review and Final No Shipment Determination,* 77 FR 40574 (July 10, 2012) (*Final Results*).

Following the publication of the *Final Results,* Marine Gold Products Limited (Marine Gold); Pakfood Public Company Ltd.; Thai Royal Frozen Food Company Limited; Thai Union Frozen Products Public Co., Ltd.; and Thai Union Seafood Company Ltd. (collectively, ''Thai Respondents'') challenged the Department's *Final Results* in the United States Court of International Trade (CIT). The Thai Respondents challenged the Department's decision not to calculate an individual antidumping duty margin for Marine Gold as a voluntary respondent, and the Department's decision not to offset positive antidumping duty margins with negative ones. On August 2, 2013, the CIT remanded the *Final Results* for further consideration of Marine Gold's request for individual examination as a voluntary respondent, while noting that the Thai Respondents dropped their challenge to the Department's decision not to offset positive antidumping duty margins with negative ones.[2]

On January 9, 2014, the United States and Marine Gold entered into an agreement to settle this dispute and requested a stipulated judgment. On January 9, 2014, the CIT issued an order of judgment by stipulation. Consistent with the January 9, 2014 settlement agreement and the judgment by stipulation, we will instruct U.S. Customs and Border Protection to liquidate all unliquidated entries of certain frozen warmwater shrimp from Thailand produced and/or exported by Marine Gold, and entered, or withdrawn from warehouse, for consumption in the United States during the POR at the importer-specific per-unit assessment rates determined by setting Marine Gold's weighted-average dumping margin at 0.41 percent (*de minimis*). However, we are not establishing a revised cash deposit rate for Marine Gold because the antidumping duty order on certain frozen warmwater shrimp from Thailand was revoked with respect to merchandise produced and/or exported by Marine Gold on July 16, 2013, with an effective date of February 1, 2012.[3]

We are issuing this determination and publishing these amended final results and notice in accordance with section 516A(e) of the Act.

[2] *See Ad Hoc Shrimp Trade Action Comm.* v. *United States,* 925 F. Supp. 2d 1367, 1368 n.4, 1369–1372 (CIT 2013).

[3] *See Certain Frozen Warmwater Shrimp From Thailand: Final Results of Antidumping Duty Administrative Review, Partial Rescission of Review, and Revocation of Order (in Part); 2011–2012,* 78 FR 42497, 42499 (July 16, 2013).

Dated: Januaru 16, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–01501 Filed 1–24–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Final Results of the 2011–2012 Antidumping Duty Administrative Review and New Shipper Reviews

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

SUMMARY: On July 8, 2013, the Department of Commerce (the Department) published the preliminary results of the 25th administrative review and two new shipper reviews (NSRs) of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished (TRBs), from the People's Republic of China (PRC).[1] The period of review (POR) is June 1, 2011, through May 31, 2012. Based on our analysis of the comments received, we have made certain changes in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled ''Final Results of the Review.''

DATES: *Effective Date:* January 27, 2014.

FOR FURTHER INFORMATION CONTACT: Blaine Wiltse or Alan Ray, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6345 or (202) 482–5463, respectively.

Background

The administrative review covers six exporters of the subject merchandise, of which the Department selected Changshan Peer Bearing Co. Ltd. (CPZ/SKF) as a mandatory respondent for individual examination. The respondents which were not selected for individual examination are listed in the ''Final Results of the Review'' section of this notice. The NSRs cover Haining Automann Parts Co., Ltd. (Automann), and Zhejiang Zhengda Bearing Co., Ltd. (Zhengda).

On July 8, 2013, the Department published the *Preliminary Results.* In August 2013, we received case and rebuttal briefs from The Timken Company (the petitioner), as well as from CPZ/SKF, Automann, and Zhengda.

As explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013.[2] Therefore, all deadlines in this segment of the proceeding have been extended by 16 days. If the new deadline falls on a non-business day, in accordance with the Department's practice, the deadline will become the next business day. Furthermore, on November 12, 2013, the Department extended the final results in the current review to no later than January 21, 2014.[3]

The Department has conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise covered by the order includes tapered roller bearings. The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 8482.20.00, 8482.91.00.50, 8482.99.15, 8482.99.45, 8483.20.40, 8483.20.80, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.80, 8708.70.6060, 8708.99.2300, 8708.99.4850, 8708.99.6890, 8708.99.8115, and 8708.99.8180. The HTSUS subheadings are provided for convenience and customs purposes only; the written

[1] *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and New Shipper Reviews; 2011–2012,* 78 FR 40692 (July 8, 2013) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated October 18, 2013.

[3] *See* Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, from Blaine Wiltse, Senior International Trade Compliance Analyst, Office II, Antidumping and Countervailing Duty Operations, entitled, ''Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty Administrative Review and New Shipper Reviews,'' dated November 12, 2013.

description of the scope of the order[4] is dispositive.[5]

PRC-Wide Entity

The Department initiated a review of two companies, Ningbo General Bearing Co., Ltd. (NGBC) and Timken de Mexico S.A. de C.V. (Timken Mexico), which did not provide separate rate applications. Because these companies do not already have separate rates, they remain part of the PRC-wide entity in this review.[6] Accordingly, the PRC-wide entity is under review for these final results. In non-market economy (NME) proceedings, ''rates'' may consist of a single weighted-average dumping margin applicable to all exporters and producers.[7] Therefore, we assigned the PRC-wide entity a rate of 92.84 percent, the rate most recently assigned to the PRC-wide entity in this proceeding.[8] We have received no information since the issuance of the *Preliminary Results* that provides a basis for reconsidering this determination, and we will, therefore, continue to apply the rate of 92.84 percent to the PRC-wide entity, including NGBC and Timken Mexico.

Separate Rates

In the *Preliminary Results,* we found that Dana Heavy Axle S.A. de C.V. (DHAM), a separate-rate respondent, is a wholly foreign-owned company with no PRC ownership and, therefore, it demonstrated its eligibility for a separate rate.[9] For the final results, we continue to find no evidence indicating that DHAM is under the control of the PRC and, accordingly, have granted separate rate status to DHAM.

Also as stated in the *Preliminary Results,* evidence provided by Automann, CPZ/SKF, Zhejiang Sihe Machine Co., Ltd. (Sihe), Zhejiang Zhaofeng Mechanical and Electronic Co., Ltd. (Zhaofeng), and Zhengda, supported finding an absence of both *de jure* and *de facto* government control, and, therefore, we preliminarily granted a separate rate to each of these companies.[10] We have received no information since the issuance of the *Preliminary Results* that provides a basis for reconsidering this determination. Therefore, for the final results, we continue to find that Automann, CPZ/SKF, Sihe, Zhaofeng, and Zhengda are eligible for a separate rate.

Weighted-Average Dumping Margin for the Non-Examined, Separate-Rate Companies

For the exporters subject to a review that are determined to be eligible for a separate rate, but are not selected as individually examined respondents, the Department generally weight averages the rates calculated for the individually examined respondents, excluding any rates that are zero, *de minimis,* or based entirely on facts available.[11] In this instance, the only individually-examined company is CPZ/SKF, which has a rate that is not zero, *de minimis,* or based entirely on facts available. Accordingly, consistent with the Department's practice,[12] we have determined that the weighted-average dumping margin to be assigned to the separate rate respondents not individually examined (*i.e.,* DHAM, Sihe, and Zhaofeng) should be the weighted-average dumping margin calculated for the mandatory respondent, CPZ/SKF.

Analysis of Comments Received

All issues raised in the case briefs by parties to this administrative review and NSRs are addressed in the Issues and Decision Memo. A list of the issues which parties raised and to which we respond in the Issues and Decision Memo is attached to this notice as an Appendix. The Issues and Decision Memo is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov*, and it is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memo can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed Issues and Decision Memo and the electronic version of the Issues and Decision Memo are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we made changes in the margin calculations for all respondents. These changes are discussed in the relevant sections of the Issues and Decision Memo and company-specific analysis memos, as appropriate.

Period of Review

The POR is June 1, 2011, through May 31, 2012.

Final Results of the Review

Regarding the administrative review, we are assigning the following weighted-average dumping margins to the firms listed below for the period June 1, 2011, through May 31, 2012, as follows:

Exporter	Weighted-average dumping margin (percent)
Changshan Peer Bearing Co., Ltd	0.74
Dana Heavy Axle S.A. de C.V.*	0.74
Zhejiang Sihe Machine Co., Ltd*	0.74
Zhejiang Zhaofeng Mechanical and Electronic Co., Ltd.*	0.74
PRC-Wide Entity[13]	92.84

* This company applied for or demonstrated eligibility for a separate rate in this administrative review. The rate for this company is the calculated weighted-average dumping margin for CPZ/SKF.

Regarding the NSRs, we are assigning the following weighted-average dumping margins to the firms listed below for the period June 1, 2011, through May 31, 2012:

[4] *See Notice of Antidumping Duty Order; Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, From the People's Republic of China,* 52 FR 22667 (June 15, 1987).

[5] For a complete description of the scope of the Order, see the ''Issues and Decision Memorandum for the Antidumping Duty Administrative Review and New Shipper Reviews (2011–2012): Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China,'' from James Maeder, Director, Office II, Antidumping and Countervailing Duty Operations, to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, dated concurrently with, and adopted by, this notice (Issues and Decision Memo).

[6] *See Preliminary Results,* 78 FR at 40694, and accompanying Preliminary Decision Memorandum at 5–7.

[7] *See* 19 CFR 351.107(d).

[8] *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Final Results of Antidumping Duty Administrative Review,* 74 FR 3987, 3988 (January 22, 2009).

[9] *See Preliminary Results,* 78 FR at 40694, and accompanying Preliminary Decision Memorandum at 6.

[10] *See Preliminary Results,* 78 FR at 40694, and accompanying Preliminary Decision Memorandum at 7.

[11] *See, e.g., Wooden Bedroom Furniture From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review, Preliminary Results of New Shipper Review and Partial Rescission of Administrative Review,* 73 FR 8273, 8279 (February 13, 2008) (unchanged in *Wooden Bedroom Furniture from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and New Shipper Review,* 73 FR 49162 (August 20, 2008)).

[12] *See, e.g., Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2010–2011,* 78 FR 3396, 3397 (January 16, 2013).

[13] The PRC-Wide Entity includes all entities for which the Department initiated a review but which did not establish their eligibility for a separate rate. *See Preliminary Results,* 78 FR at 40694, and accompanying Preliminary Decision Memorandum at 5–8.

Exporter	Producer	Weighted-average dumping margin (percent)
Haining Automann Parts Co., Ltd	Haining Automann Parts Co., Ltd	60.25
Zhejiang Zhengda Bearing Co., Ltd	Zhejiang Zhengda Bearing Co., Ltd	0.00

Disclosure

We intend to disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), the Department has determined, and Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise and deposits of estimated duties, where applicable, in accordance with the final results of this review and these NSRs. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of reviews.

For an individually-examined respondent (either exporter or producer and exporter combination specified above) whose weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent), we calculated importer-specific assessment rates for entries subject to this review. For entries exported by CPZ/SKF and for entries produced and exported by Automann, we calculated an *ad valorem* rate for each importer by dividing the total amount of dumping calculated for the importer's examined sales by the total entered values associated with those sales. For duty assessment rates calculated on this basis, we will direct CBP to assess the resulting *ad valorem* rate against the entered customs values for the subject merchandise. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review where an importer-specific assessment rate is not zero or *de minimis.* Where either the respondent's weighted-average dumping margin is zero or *de minimis,*[14] or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[15]

The Department recently announced a refinement to its assessment practice in NME cases. Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the rate applicable for the PRC-wide entity.[16] Additionally, if the Department determines that an exporter had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the rate applicable for the PRC-wide entity.[17]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the exporters listed above which have a separate rate, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review (except, if the rate is *de minimis,* then a cash deposit rate of zero will be established for that company); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the PRC-wide entity, 92.84 percent; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter.

With respect to the NSRs, consistent with the Department's practice,[18] the Department has established a combination cash deposit rate for Automann and Zhengda as follows: (1) For subject merchandise exported and produced by Automann or Zhengda, the cash deposit rate will be the rate established for each producer and exporter combination in the final results of these reviews; (2) for subject merchandise exported by Automann or Zhengda but not produced by the same company, the cash deposit rate will be the rate for the PRC-wide entity, 92.84 percent; (3) for subject merchandise produced by Automann or Zhengda but not exported by the same company, the cash deposit rate will be the rate applicable to that exporter.

These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.222.

[14] *Id.*

[15] *See* 19 CFR 351.106(c)(2).

[16] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

[17] *Id.*

[18] *See Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Final Results of Antidumping Duty New Shipper Review; 2011–2012,* 78 FR 33341, 33342 (June 4, 2013).

Dated: January 16, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix—List of Topics Discussed in the Issues and Decision Memo

General Issues

1. Surrogate Value for Truck Freight
2. Using the Annual Report of NSK Bearing Company (Thailand) Limited To Calculate Surrogate Financial Ratios

CPZ/SKF Issues

3. Consideration of an Alternative Comparison Method in Administrative Reviews
4. Differential Pricing Analysis
5. Value of Steel Used in Products Produced by the Peer Bearing Company
6. Factors of Production Used in Determining Normal Value

Automann Issue

7. Surrogate Value for Sensors

[FR Doc. 2014–01503 Filed 1–24–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–971]

Multilayered Wood Flooring From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review; 2011

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty (CVD) order on multilayered wood flooring (wood flooring) from the People's Republic of China (PRC). The period of review (POR) is April 6, 2011, through December 31, 2011. This review covers multiple exporters/producers, two of which are being individually reviewed as mandatory respondents, and another is being individually reviewed as a voluntary respondent. We preliminarily find that the mandatory respondents, Armstrong Wood Products (Kunshan) Co., Ltd. (Armstrong) and The Lizhong Wood Industry Limited Company of Shanghai (Lizhong) (also known as, ''Shanghai Lizhong Wood Products Co., Ltd.''), as well as the voluntary respondent, Fine Furniture (Shanghai) Limited (Fine Furniture), received countervailable subsidies during the POR. The mandatory respondents' CVD rates have been used to calculate the rate applied to the other firms subject to this review. The Department also intends to rescind the review of one company, Changzhou Hawd Flooring Co., Ltd., that timely certified that it had no shipments of subject merchandise to the United States during the POR. Interested parties are invited to comments on these preliminary results.

DATES: *Effective Date:* January 27, 2014.

FOR FURTHER INFORMATION CONTACT: Catherine Cartsos, Mary Kolberg, Joshua Morris, or Austin Redington, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1757, (202) 482–1785, (202) 482–1779, or (202) 482–1664, respectively.

Scope of the Order

Multilayered wood flooring is composed of an assembly of two or more layers or plies of wood veneer(s) [1] in combination with a core. Imports of the subject merchandise are provided for under the following subheadings of the Harmonized Tariff Schedule of the United States (HTSUS): 4412.31.0520; 4412.31.0540; 4412.31.0560; 4412.31.2510; 4412.31.2520; 4412.31.4040; 4412.31.4050; 4412.31.4060; 4412.31.4070; 4412.31.5125; 4412.31.5135; 4412.31.5155; 4412.31.5165; 4412.31.6000; 4412.31.9100; 4412.32.0520; 4412.32.0540; 4412.32.0560; 4412.32.2510; 4412.32.2520; 4412.32.3125; 4412.32.3135; 4412.32.3155; 4412.32.3165; 4412.32.3175; 4412.32.3185; 4412.32.5600; 4412.39.1000; 4412.39.3000; 4412.39.4011; 4412.39.4012; 4412.39.4019; 4412.39.4031; 4412.39.4032; 4412.39.4039; 4412.39.4051; 4412.39.4052; 4412.39.4059; 4412.39.4061; 4412.39.4062; 4412.39.4069; 4412.39.5010; 4412.39.5030; 4412.39.5050; 4412.94.1030; 4412.94.1050; 4412.94.3105; 4412.94.3111; 4412.94.3121; 4412.94.3131; 4412.94.3141; 4412.94.3160; 4412.94.3171; 4412.94.4100; 4412.94.5100; 4412.94.6000; 4412.94.7000; 4412.94.8000; 4412.94.9000; 4412.94.9500; 4412.99.0600; 4412.99.1020; 4412.99.1030; 4412.99.1040; 4412.99.3110; 4412.99.3120; 4412.99.3130; 4412.99.3140; 4412.99.3150; 4412.99.3160; 4412.99.3170; 4412.99.4100; 4412.99.5100; 4412.99.5710; 4412.99.6000; 4412.99.7000; 4412.99.8000; 4412.99.9000; 4412.99.9500; 4418.71.2000; 4418.71.9000; 4418.72.2000; and 4418.72.9500.

While HTSUS subheadings are provided for convenience and customs purposes, the written product description remains dispositive.

A full description of the scope of the order is contained in the memorandum from Thomas Gilgunn, Acting Director, Office I, Antidumping and Countervailing Duty Operations to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Decision Memorandum for Preliminary Results of Countervailing Duty Administrative Review: Multilayered Wood Flooring from the People's Republic of China'' dated concurrently with this notice (Preliminary Decision Memorandum), which is hereby adopted by this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://trade.gov/enforcement/*. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Intent to Partially Rescind Administrative Review

On March 28, 2013, we received a timely filed no shipment certification from Changzhou Hawd Flooring Co., Ltd. Because there is no evidence on the record to indicate that this company had sales of subject merchandise during the POR, pursuant to 19 CFR 351.213(d)(3), the Department intends to rescind the review with respect to Changzhou Hawd Flooring Co., Ltd. A final decision regarding whether to rescind on this company will be made in the final results of this review.

Methodology

The Department has conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily

[1] A ''veneer'' is a thin slice of wood, rotary cut, sliced or sawed from a log, bolt or flitch. Veneer is referred to as a ply when assembled.

determine that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[2] For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum.

Preliminary Results of the Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated individual subsidy rates for the mandatory respondents, Armstrong and Lizhong, as well as for the voluntary respondent, Fine Furniture.

For the non-selected respondents, we have followed the Department's practice, which is to base the margin on an average of the subsidy rates calculated for those companies selected for individual review (*i.e.,* the mandatory respondents), excluding *de minimis* rates or rates based entirely on adverse facts available.[3] Therefore, we have preliminarily assigned to these companies the simple average of the rates calculated for Armstrong and Lizhong. We have used a simple average rather than a weighted average because weight averaging the rates of the mandatory respondents risks disclosure of proprietary information.

We preliminarily find the net subsidy rate for the producers/exporters under review to be as follows:

Producer/Exporter	Net subsidy rate
Armstrong Wood Products (Kunshan) Co., Ltd. (also known as, "Armstrong Wood Products Kunshan Co., Ltd.")	0.90
The Lizhong Wood Industry Limited Company of Shanghai (also known as, "Shanghai Lizhong Wood Products Co., Ltd."); Linyi Youyou Wood Co., Ltd.	0.63
Fine Furniture (Shanghai) Limited; Great Wood (Tonghua) Limited; FF Plantation (Shishou) Limited	1.32
A&W (Shanghai) Woods Co., Ltd	0.77
Baishan Huafeng Wood Product Co., Ltd	0.77
Baiying Furniture Manufacturer Co., Ltd	0.77
Baroque Timber Industries (Zhongshan) Co., Ltd	0.77
Changbai Mountain Development and Protection Zone Hongtu Wood Industry Co., Ltd	0.77
Chinafloors Timber (China) Co., Ltd	0.77
Dalian Dajen Wood Co., Ltd	0.77
Dalian Huilong Wooden Products Co., Ltd	0.77
Dalian Jiuyuan Wood Industry Co., Ltd	0.77
Dalian Kemian Wood Industry Co., Ltd	0.77
Dalian Penghong Floor Products Co., Ltd	0.77
Dazhuang Floor Co. (dba Dasso Industrial Group Co., Ltd.)	0.77
Dontai Fuan Universal Dynamics LLC	0.77
Dunhua City Hongyuan Wood Industry Co., Ltd	0.77
Dunhua City Wanrong Wood Industry Co., Ltd	0.77
Dunhua Dexin Wood Industry Co., Ltd	0.77
Dunhua Jisheng Wood Industry Co., Ltd	0.77
Dun Hua City Jisen Wood Industry Co., Ltd	0.77
Dun Hua Sen Tai Wood Co., Ltd.,	0.77
Fu Lik Timber (HK) Co., Ltd	0.77
Fusong Jinlong Wooden Group Co., Ltd	0.77
Fusong Qianqiu Wooden Group Co., Ltd	0.77
Fusong Qianqiu Wooden Product Co., Ltd	0.77
GTP International	0.77
Guangdong Fu Lin Timber Technology Limited	0.77
Guangdong Yihua Timber Industry Co., Ltd	0.77
Guangzhou Jiasheng Timber Industry Co., Ltd	0.77
Guangzhou Panyu Kangda Board Co., Ltd	0.77
Guangzhou Panyu Southern Star Co., Ltd	0.77
Guanghzhou Panyu Shatou Trading Co. Ltd	0.77
HaiLin LinJing Wooden Products, Ltd	0.77
Hunchun Forest Wolf Industry Co., Ltd	0.77
Huzhou Chenghang Wood Co., Ltd	0.77
Huzhou Fuma Wood Bus. Co., Ltd	0.77
Huzhou Fulinmen Imp. & Exp. Co., Ltd	0.77
Huzhou Jesonwood Co., Ltd	0.77
Huzhou Sunergy World Trade Co., Ltd	0.77
Jianfeng Wood (Suzhou) Co., Ltd	0.77
Jiangsu Senmao Bamboo, Wood Industry Co., Ltd	0.77
Jiangsu Simba Flooring Co., Ltd	0.77
Jiazing Brilliant Import & Export Co., Ltd	0.77
Jilin Forest Industry Jinqiao Flooring Group Co., Ltd	0.77
Jilin Xinyuan Wooden Industry Co., Ltd	0.77
Karly Wood Product Limited	0.77
Kemian Wood Industry (Kunshan) Co., Ltd	0.77
Kunming Alston (AST) Wood Products Co., Ltd	0.77
Kushan Yingyi-Nature Wood Industry Co., Ltd	0.77
Metropolitan Hardwood Floors, Inc	0.77
MuDanJiang Bosen Wood Industry Co., Ltd	0.77
Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd	0.77

[2] *See* sections 771(5)(B)and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and, section 771(5A) of the Act regarding specificity.

[3] *See, e.g., Certain Pasta From Italy: Preliminary Results of the 13th (2008) Countervailing Duty Administrative Review,* 75 FR 18806, 18811 (April 13, 2010), unchanged in *Certain Pasta from Italy: Final Results of the 13th (2008) Countervailing Duty Administrative Review,* 75 FR 37386 (June 29, 2010).

Producer/Exporter	Net subsidy rate
Nanjing Minglin Wooden Industry Co., Ltd	0.77
Power Dekor Group Co., Ltd	0.77
Puli Trading Co., Ltd	0.77
Riverside Plywood Corporation	0.77
Sampling Elegant Living Trading (Labuan) Limited	0.77
Samling Global USA, Inc	0.77
Samling Riverside Co., Ltd	0.77
Sennorwell International Group (Hong Kong) Limited	0.77
Shanghai Demeijia Wooden Co., Ltd	0.77
Shanghai Eswell Timber Co., Ltd	0.77
Shanghai Lairunde Wood Co., Ltd	0.77
Shanghai New Sihi Wood Co., Ltd	0.77
Shanghai Shenlin Corp	0.77
Shenyang Haobainian Wood Co	0.77
Shenyang Sende Wood Co., Ltd	0.77
Shenzhenshi Huanwei Woods Co., Ltd	0.77
Suzhou Anxin Weiguang Timber Co., Ltd	0.77
Suzhou Dongda Wood Co., Ltd	0.77
Suzhou Times Flooring Co., Ltd	0.77
Vicwood Industry (Suzhou) Co. Ltd	0.77
Xiamen Yung De Ornament Co., Ltd	0.77
Xinyuan Wooden Industry Co., Ltd	0.77
Xuzhou Shenghe Wood Co., Ltd	0.77
Yekalon Industry, Inc	0.77
Yixing Lion-King Timber Industry Co., Ltd	0.77
Zhejiang AnJi XinFeng Bamboo & Wood Co., Ltd	0.77
Zhejiang Biyork Wood Co., Ltd	0.77
Zhejiang Dadongwu GreenHome Wood Co., Ltd	0.77
Zhejiang Desheng Wood Industry Co., Ltd	0.77
Zhejiang Fudeli Timber Indutry Co., Ltd	0.77
Zhejiang Haoyun Wood Co., Ltd	0.77
Zhejiang Jeson Wood Co., Ltd	0.77
Zhejiang Jiechen Wood Industry Co., Ltd	0.77
Zhejiang Longsen Lumbering Co., Ltd	0.77
Zhejiang Shiyou Timber Co., Ltd	0.77
Zhejiang Tianzhen Bamboo & Wood Development Co., Ltd	0.77

Disclosure and Public Comment

The Department will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.[4] Interested parties may submit written comments (case briefs) for this administrative review no later than 30 days from the date of publication of this **Federal Register** notice, and rebuttal comments (rebuttal briefs) within five days after the time limit for filing case briefs.[5] Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice.[6] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined.[7] Parties should confirm by telephone the date, time, and location of the hearing.

Parties are reminded that briefs and hearing requests are to be filed electronically using IA ACCESS and that electronically filed documents must be received successfully in their entirety by 5 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, the Department will issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after issuance of these preliminary results.

Assessment Rates

Consistent with section 751(a)(1) of the Act, upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

Also in accordance with section 751(a)(1) of the Act, the Department intends to instruct CBP to collect cash deposits of estimated countervailing duties in amounts shown above for each of the respective companies shown above. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most recent company specific or all-others rate applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

This administrative review and notice are in accordance with sections

[4] *See* 19 CFR 351.224(b).

[5] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1).

[6] *See* 19 CFR 351.310(c).

[7] *See* 19 CFR 351.310.

751(a)(1) and 777(i) of the Act and 19 CFR 351.213.

Dated: January 16, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Intent To Partially Rescind Administrative Review
5. Subsidies Valuation Information
6. Analysis of Programs

[FR Doc. 2014–01499 Filed 1–24–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–858, C–489–817]

Certain Oil Country Tubular Goods From India and Turkey: Preliminary Determination of Critical Circumstances in the Countervailing Duty Investigations

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

SUMMARY: The Department of Commerce (Department) preliminarily determines that critical circumstances exist for imports of certain oil country tubular goods (OCTG) from India and Turkey.

DATES: *Effective Date:* January 27, 2014.

FOR FURTHER INFORMATION CONTACT: Lingjun Wang at (202) 482–2316 (India) or Jennifer Meek at (202) 482–2778 (Turkey), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On July 2, 2013, Petitioners [1] filed antidumping duty (AD) and countervailing duty (CVD) petitions concerning imports of OCTG from, *inter alia,* India and Turkey.[2] The Department published the initiation of the investigations on July 29, 2013,[3] and issued the preliminary determinations on December 16, 2013.[4]

On December 18, 2013, Petitioners filed amendments to the petitions, pursuant to section 703(e)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.206(c)(1), alleging that critical circumstances exist with respect to imports of OCTG.[5] In accordance with 19 CFR 351.206(c)(2)(ii), when a critical circumstances allegation is submitted later than 20 days before the scheduled date of the preliminary determination, the Department must issue a preliminary finding within 30 days after Petitioners submit the allegation.[6]

On December 30, 2013, the Department requested that respondents report their shipment data for a three-year period ending in December 2013, the month of the preliminary subsidies determinations.[7] On January 6, 7, 9 and 14, 2014, respondents submitted their shipment data.

Section 703(e)(1) of the Act provides that the Department will preliminarily determine that critical circumstances exist in a CVD investigation if there is a reasonable basis to believe or suspect that: (A) the alleged countervailable subsidy is inconsistent with the Subsidies and Countervailing Measures Agreement (SCM Agreement) (*i.e.,* so called ''prohibited subsidies''),[8] and (B) there have been massive imports of the subject merchandise over a relatively short period.

The Alleged Countervailable Subsidy Is Inconsistent With the SCM Agreement

The SCM Agreement prohibits ''subsidies contingent, in law or in fact, whether solely or as one of several other conditions, upon export performance.'' [9] In the India proceeding, based on information the Government of India and respondents reported, the Department determined that subsidies provided under the following four programs are contingent upon export performance and countervailable: (1) Advance License Program/Advance Authorization Program; (2) Export Promotion Capital Goods (EPCG) Program; (3) Pre-Shipment and Post-Shipment Export Financing; and, (4) SGOM Sales Tax Program.[10]

In the Turkey proceeding, based on information the Government of Turkey and respondents reported, the Department determined that subsidies provided under the following two programs are contingent upon export performance and countervailable: (1) Deductions from Taxable Income for Export Revenue; and, (2) Export Financing.[11]

There Have Been Massive Imports of the Subject Merchandise Over a Relatively Short Period

Pursuant to 19 CFR 351.206(h), the Department will not consider imports to be massive unless imports during a relatively short period (comparison period) have increased by at least 15 percent over imports in an immediately preceding period of comparable duration (base period). The Department normally considers the comparison period to begin on the date that the proceeding began (*i.e.,* the date the petition was filed) and to end at least three months later.[12] Furthermore, the Department may consider the comparison period to begin at an earlier time if it finds that importers, exporters, or foreign producers had a reason to believe that proceedings were likely

---

[1] Petitioners are Maverick Tube Corporation, United States Steel Corporation, Boomerang Tube, Energex Tube, a division of JMC Steel Group, Northwest Pipe Company, Tejas Tubular Products, TMK IPSCO, Vallourec Star, L.P., and Welded Tube USA Inc. (collectively, Petitioners).

[2] *See* Letter from Petitioners, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Certain Oil Country Tubular Goods from India, the Republic of Korea, the Republic of the Philippines, Saudi Arabia, Taiwan, Thailand, the Republic of Turkey, Ukraine, and the Socialist Republic of Vietnam'' (July 2, 2013).

[3] *See Certain Oil Country Tubular Goods From India and Turkey: Initiation of Countervailing Duty Investigations,* 78 FR 45502 (July 29, 2013).

[4] *See Certain Oil Country Tubular Goods From India: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Determination,* 78 FR 77421 (December 23, 2013) (Preliminary Determination India) and *Certain Oil Country Tubular Goods From the Republic of Turkey: Preliminary Negative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Determination,* 78 FR 77420 (December 23, 2013) (Preliminary Determination Turkey).

[5] *See* Letter from Petitioners, ''Amendment to Petition for the Imposition of Antidumping and Countervailing Duties: Oil Country Tubular Goods from India'' (December 18, 2013) (Amendment India) and ''Amendment to Petition for the Imposition of Antidumping and Countervailing Duties: Oil Country Tubular Goods from Turkey'' (December 18, 2013) (Amendment Turkey).

[6] Petitioners also alleged critical circumstances exist with respect to imports of merchandise in the companion AD investigations. In accordance with 19 CFR 351.206(c)(2)(i), the Department will issue preliminary critical circumstances findings in those investigations no later than the preliminary AD determinations scheduled for February 13, 2014.

[7] The Department requests three years of data in order to identify seasonal fluctuations, if any.

[8] *See* section 771(8)(A) of the Act. The SCM Agreement is the agreement referred to in section 101(d)(12) of the Uruguay Round Agreements Act, 19 U.S.C. § 3551(d)(12).

[9] *See* SCM Agreement, Article 3.1(a).

[10] *See* Preliminary Determination India and accompanying Preliminary Decision Memorandum at 14–21.

[11] *See* Preliminary Determination Turkey and accompanying Preliminary Decision Memorandum at 10–12.

[12] *See* 19 CFR 351.206(i). Since the Department typically uses monthly import/shipment data in its analysis, if a petition is filed in the first half of the month, the Department's practice has been to consider the month in which the petition was filed as part of the comparison period.

before the petition was filed.[13] In addition, the Department expands the periods as more data are available.

Petitioners maintain that importers, exporters, or foreign producers, through industry media and conferences, had reason to believe that the petitions were likely two months before they were filed. As such, Petitioners argue that the comparison period should begin in May 2013, not July, when the petitions were filed. Furthermore, supported by import data published by the Department's Bureau of Census and the U.S. International Trade Commission, Petitioners claim that imports of OCTG from India and Turkey increased by 50.92 percent and 25.76 percent, respectively, between the base and comparison periods.[14]

After reviewing the information Petitioners submitted to support their claims that parties had advance knowledge of the petitions, we have determined parties did not have reason to believe that petitions were likely until they were filed in July 2013. Petitioners have presented evidence which they claim shows that certain parties considered these proceedings likely or even ''imminent.'' The evidence also refers specifically to AD and CVD proceedings. Specifically, Petitioners presented evidence of the following:

○ March 2013—Two trade lawyers publish an article in Global Trade Monitor (GTM), a publication of their own law firm, stating proceedings against Korea may come as soon as the end of the month. Their analysis also presents data for India, Turkey, Ukraine, and Vietnam.[15]

○ March 2013—The president of the American Institute for International Steel (AIIS) mentions the possibility of proceedings against India, Turkey, Vietnam, and ''others'' during an AIIS luncheon in Houston.[16]

○ April 2013—An article in American Metal Market (AMM) reports that proceedings against Korea are imminent and mentions the possibility of proceedings against ''other Asian'' and ''Eastern European'' countries.[17]

○ May 2013—Another article in AMM reports that proceedings against Korea will be filed in July and mentions the possibility of proceedings against India, the Philippines, and Turkey, among other countries.[18]

○ June 2013—A third AMM article reports that a ''suspension deal'' is possible for Korea and that the end of June (the end of the fiscal quarter) will be a ''decisive day'' for the U.S. industry to decide whether proceedings should be filed against Korea, India, Turkey, Ukraine, and Vietnam.[19]

However, all the evidence provided is speculative and also demonstrates that much doubt still existed. For example, while the GTM article states proceedings against Korea might be filed by ''the end of the month,'' it also notes rumors of such filings might be ''empty threats.''[20] Likewise, the AMM articles use words such as ''imminent'' when discussing proceedings against Korea, but also refer to the U.S. industry as ''mulling the possibility'' of filing petitions.[21] The articles also quote industry insiders noting that such ''rumors'' have been circulating for years and that U.S. producers must first decide whether their profits will prevent an affirmative injury determination before filing.[22] In sum, we preliminarily find that the evidence does not rise to the level of showing that importers or foreign exporters/producers had reason to believe, prior to the filing of the petitions, that a proceeding was likely. Therefore, we have relied on the periods before and after the filing of the petitions in July in determining whether imports have been massive (*i.e.,* January through June 2013 compared with July through December 2013).[23]

Respondents in both the India and Turkey proceedings provided their shipment data from April 2010 through November or December 2013. After analyzing the data submitted, we determine imports from Jindal SAW Limited (Jindal SAW) in the India investigation were massive (*i.e.,* increased by more than 15 percent between the base and comparison periods) over a relatively short period of time within the context of 19 CFR 351.206(h). Imports from GVN Fuels Limited (GVN), the other mandatory respondent in the India investigation, however, were not massive. Combining Jindal SAW's and GVN's imports, we determine imports from all other producers/exporters likewise were not massive. Both mandatory respondents, Borusan lstikbal Ticaret and Borusan Mannesmann Born Sanayi (Borusan) and Tosyali Dis Ticaret A.S (Tosyali), in the Turkey investigation had massive imports according to our analysis, and thus so did all other producers/exporters. The details of our calculations are contained in business-proprietary analysis memoranda.[24]

Final Critical Circumstances Determinations

The Department will make final determinations concerning critical circumstances when we make final subsidy determinations in these investigations, currently scheduled for April 29, 2014. All interested parties will have the opportunity to address these determinations further in case briefs.

U.S. International Trade Commission Notification

In accordance with section 703(f) of the Act, the Department will notify the U.S. International Trade Commission about these preliminary determinations.

Suspension of Liquidation

Section 703(e)(2) of the Act provides that in the case of an affirmative preliminary CVD determination, any suspension of liquidation shall apply (or, if notice of suspension has already been published, be amended to apply) to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the later of (a) the date which is 90 days before the date on which the suspension of liquidation was first ordered, or (b) the date on which notice of initiation of the investigation was published. As discussed above, we preliminarily find that critical circumstances exist for imports from India produced and/or exported by Jindal SAW and imports from Turkey produced and/or exported by Borusan, Toscelik, and all other

[13] *Id.*

[14] *See* Amendment India at 5 and Amendment Turkey at 8.

[15] *See* Amendment India at Exhibit Supp. II–32 and Exhibit Supp. III–157, and Amendment Turkey at Exhibit 1.

[16] *See* Amendment India at Exhibit Supp. II–33 and Exhibit Supp. III–158, and Amendment Turkey at Exhibit 2.

[17] *See* Amendment India at Exhibit Supp. II–34 and Exhibit Supp. III–159, and Amendment Turkey at Exhibit 3.

[18] *See* Amendment India at Exhibit Supp. II–35 and Exhibit Supp. III–160, and Amendment Turkey at Exhibit 4.

[19] *See* Amendment India at Exhibit Supp. II–36 and Exhibit Supp. III–161, and Amendment Turkey at Exhibit 5.

[20] *See* Amendment India at Exhibit Supp. II–32 and Exhibit Supp. III–157, and Amendment Turkey at Exhibit 1.

[21] *See* Amendment India at Exhibit Supp. II–34 and Exhibit Supp. III–159, and Amendment Turkey at Exhibit 3.

[22] *See* Amendment India at Exhibit Supp. II–35 and Exhibit Supp. III–160, and Amendment Turkey at Exhibit 4.

[23] One respondent in the India investigation stated its shipment data for December would be provided at a later date. Therefore, we compared its imports for the five-month periods February through June and July through November.

[24] *See* Memorandum to the File from Mark Hoadley, Calculation of Increase of Imports Over a Relatively Short Period of Time: CVD Investigation of OCTG from India (January 17, 2014) and Memorandum to the File from Mark Hoadley, Calculation of Increase of Imports Over a Relatively Short Period of Time: CVD Investigation of OCTG from Turkey (January 17, 2014).

producers/exporters. However, we also reached negative preliminary CVD determinations for Jindal SAW in India and also for Borusan, Toscelik, and all others producers/exporters in Turkey. Accordingly, there is no suspension of liquidation of entries from these entities.

This notice is issued and published pursuant to section 777(i) of the Act.

Dated: January 17, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–01505 Filed 1–24–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is re-scheduling a public meeting of its Herring Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, February 13, 2014, at 10 a.m. This meeting has been re-scheduled from January 22, 2014.

ADDRESSES: The meeting will be held at the DoubleTree by Hilton Hotel, 50 Ferncroft Road, Danvers, MA 01923; telephone: (978) 777–2500; fax: (978) 750–7959.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The Advisory Panel will discuss development of a range of alternatives for Framework 4 to the Atlantic Herring FMP. Framework 4 will address the disapproved elements of Amendment 5, including provisions related to net slippage and dealer weighing requirements. The Advisory Panel will review the January 14 Herring Committee discussion/recommendations and January 28–30, 2014 Council recommendations and will develop related Herring AP recommendations. The Advisory Panel will also discuss development of the NMFS-led Omnibus Amendment to address industry-funded monitoring as well as the timeline for Framework 4, the omnibus industry-funded amendment, and other 2014 herring management priorities. Other business may be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: January 22, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–01435 Filed 1–24–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD095

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting of the South Atlantic Fishery Management Council (SAFMC) Oculina Experimental Closed Area Evaluation Team.

SUMMARY: The Oculina Experimental Closed Area Evaluation Team will discuss the Oculina Experimental Closed Area via webinar and a series of breakout sessions. See **SUPPLEMENTARY INFORMATION**.

DATES: The webinar will be held on Thursday, February 13, 2014, from 9 a.m. until 12 p.m., and the breakout sessions will occur during the week of March 10, 2014.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Anna Martin at the SAFMC (see **FOR FURTHER INFORMATION CONTACT** below) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of the webinar.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Anna Martin, Fishery Biologist; telephone: (843) 571–4366; email: *anna.martin@safmc.net.*

SUPPLEMENTARY INFORMATION: The Evaluation Team is comprised of law enforcement representatives, research scientists, resource managers, commercial fishermen, recreational fishermen, outreach experts, and non-governmental organization representatives. The Team is tasked with reviewing and providing recommendations for the ongoing research and monitoring, outreach, and law enforcement components of the Evaluation Plan.

The SAFMC extended the snapper grouper bottom fishing restrictions for the Oculina Experimental Closed Area (OECA) for an indefinite period in Snapper Grouper Amendment 13A. The amendment required that the size and configuration of the OECA be reviewed within three years of the implementation date of 13A and that a 10-year re-evaluation be conducted. The re-evaluation is the subject of this webinar.

The items of discussion during the data webinar are as follows:

1. Participants will initiate discussions on the re-evaluation of the OECA.

2. Breakout sessions will be held with the Evaluation Team to discuss Research & Monitoring, Outreach, and Law Enforcement components of the Evaluation Team.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice

that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 10 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: January 22, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–01434 Filed 1–24–14; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 79 No. 12, Friday 17, 2014, page 3182.

ANNOUNCED TIME AND DATE OF OPEN MEETING: Thursday, January 23, 2014, 10:00 a.m.–12:00 p.m.

CHANGES TO OPEN MEETING: RESCHEDULED TO: Friday, January 24, 2014, 10:00 a.m.–12:00 p.m.

For a recorded message containing the latest agenda information, call (301) 504–7948.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Todd A. Stevenson, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: January 23, 2014.

Todd A. Stevenson,

Secretary.

[FR Doc. 2014–01528 Filed 1–23–14; 11:15 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–HA–0010]

Proposed Collection; Comment Request

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

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of 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 28, 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.

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 Defense Health Cost Assessment & Program Evaluation Office, Defense Health Agency, ATTN: Dr. Kimberley Marshall, 7700 Arlington Blvd., Suite 5101, Falls Church, VA 22042–5101.

SUPPLEMENTARY INFORMATION:

Title; and OMB Number: TRICARE Award Fee Provider Survey; OMB Control Number 0720–0048.

Needs and Uses: The information collection requirement is necessary to obtain and record TRICARE network civilian provider-user satisfaction with the administrative processes/services of managed care support contractors (MCSC) in three TRICARE regions within the United States (North, West, and South) and three regions internationally (Europe, Pacific and Latin America). The survey will obtain provider opinions regarding claims processing, customer service, and administrative support by the TRICARE regional contractors. The reports of findings from these surveys, coupled with performance criteria from other sources, will be used by the TRICARE Regional Administrative Contracting Officers to determine award fees.

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

Annual Burden Hours: 102

Number of Respondents: 1224

Responses per Respondent: 1

Average Burden per Response: 5 minutes per respondent

Frequency: On occasion

The Defense Health Cost Assessment & Program Evaluation (DHCAPE) Office under the authority of the Office of the Assistant Secretary of Defense (Health Affairs)/Defense Health Agency will undertake a survey of TRICARE network providers to ask a series of questions regarding satisfaction with the TRICARE Health Plan. For these purposes, a provider is defined as a person, business, or institution that provides health care. For example, a doctor, hospital, or ambulance company is a provider. Providers must be authorized under TRICARE regulations and have their status certified by the regional contractors to provide services to TRICARE beneficiaries.

Defense Health Agency (DHA), the Defense Department activity that administers the health care plan for the uniformed services, retirees and their families, serves more than 9.6 million eligible beneficiaries worldwide in the Military Health System. TRICARE supplements the health care resources of the uniformed services with networks of civilian professionals to provide high-quality health care services while maintaining the capability to support military operations. DHA has partnered with civilian regional contractors in the three U.S and three international regions to provide these health care services and support to beneficiaries.

DOD has delegated oversight of the civilian provider network to the TRICARE Regional Offices. To improve DOD's oversight of the civilian provider network, GAO (Defense Health Care: Oversight of the Tricare Civilian Provider Network Should Be Improved; GAO–03–928; July 31, 2003) has recommended the Assistant Secretary of Defense for Health Affairs to explore options for improving the civilian

provider surveys so that the results of the surveys could be useful to DOD and to the contractors in identifying civilian provider concerns and developing actions that might mitigate concerns and help ensure the adequacy of the civilian provider network.

As a result, the new Managed Care Support Contracts (MCSC) incorporates an incentive award fee component. The determination of the award fee is through an evaluation by the Government that rewards contractor performance that exceeds contract requirements. For assessment of awards, activities will include, in part, the collection and analyses of survey data obtained confidentially via telephone from network civilian providers within U.S. and international regions. The goal of this survey effort is to provide regional Administrative Contracting Officers with information on provider-user satisfaction with the administrative processes/services of MCSC. Specifically, confidential telephone surveys of civilian network providers will be conducted that focus on three basic business functions provided of claims processing, customer service, and administrative services by the MCSC.

Dated: January 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–01451 Filed 1–24–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2013–0036]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Consideration will be given to all comments received by February 26, 2014.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: Customer Service Survey—Regulatory Program, U.S. Army Corps of Engineers; ENG Form 5065; OMB Control Number 0710–0012.

Type of Request: Revision.

Number of Respondents: 2,000.

Responses per Respondent: 1.

Annual Responses: 2,000.

Average Burden per Response: 15 minutes.

Annual Burden Hours: 500.

Needs and Uses: The Corps conducts surveys of customers served by our district offices, currently a total of 38 offices. Only voluntary opinions will be solicited and no information requested on the survey instrument will be mandatory. The survey form will be provided to the applicants when they receive a regulatory product, primarily a permit decision or wetland determination. The information collected will be used to assess whether Regulatory business practices or policies warrant revision to better serve the public. Without this survey the Corps would have to rely on less structured, informal methods of obtaining public input.

Affected Public: Individuals or households; business or other for-profit; not-for-profit institutions; farms; or other agencies who receive permits or jurisdictional determinations for the Corps of Engineers Regulatory program.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Jasmeet Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

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.

DOD Clearance Officer: Ms. Patricia Toppings.

Written requests for copies of the information collection proposal should be sent to Ms. Toppings at WHS/ESD Information Management Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: January 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–01450 Filed 1–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2013–OS–0111]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Consideration will be given to all comments received by February 26, 2014.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: Defense Logistics Agency (DLA) Police Center Records (POLC); DLA 635; OMB Control Number 0704–TBD.

Type of Request: New Collection.

Number of Respondents: 220.

Responses per Respondent: 1.

Annual Responses: 220.

Average Burden per Response: 30 minutes.

Annual Burden Hours: 110.

Needs and Uses: DLA police require an integrated police records management system, PoliceCenter (POLC), to automate and standardize all of the common recordkeeping functions of DLA police. POLC shall provide records management of police operations, including property, incident reports, blotters, qualifications, dispatching, and other police information management considerations. The tool will allow authorized users the capability to collect, store, and access sensitive law enforcement information gathered by Police Officers. The tool will allow DLA Police to automate many police operational functions and assist with crime rate and trend analysis. Relevant law enforcement matters include, but are not limited to; traffic accidents, illegal parking, firearms records, suspicious activity, response to calls for service, criminal activity, alarm activations, medical emergencies, witnesses, victims, or suspect in a

police matter, or any other situation which warrants police contact as outlined in DoD Directives and DLA policy.

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 6 U.S.C. 552a(b)(3) as follows:

—To Federal, State, and local agencies having jurisdiction over or investigative interest in the substance of the investigation, for corrective action, debarment, or reporting purposes.

—To Government contractors employing individuals who are subjects of an investigation.

—To DLA contractors or vendors when the investigation pertains to a person they employ or to a product or service they provide to DoD when disclosure is necessary to accomplish or support corrective action.

Affected Public: Individuals and households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Jasmeet Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

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.

DOD Clearance Officer: Ms. Patricia Toppings.

Written requests for copies of the information collection proposal should be sent to Ms. Toppings at WHS/ESD Information Management Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: January 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–01458 Filed 1–24–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

U.S. Court of Appeals for the Armed Forces Code Committee Meeting

ACTION: Notice of public meeting.

SUMMARY: This notice announces the forthcoming public meeting of the Code Committee.

ADDRESSES: The meeting will be held at the Courthouse of the United States Court of Appeals for the Armed Forces, 450 E Street NW., Washington, DC 20442–0001.

DATES: Tuesday, March 11, 2014 at 10:00 a.m.

FOR FURTHER INFORMATION CONTACT: William A. DeCicco, Clerk of Court, United States Court of Appeals for the Armed Forces, 450 E Street Northwest, Washington, DC 20442–0001, telephone (202) 761–1448.

SUPPLEMENTARY INFORMATION: The Code Committee was established by Article 146(a), Uniform Code of Military Justice, 10 U.S.C. 946(a). The agenda for this meeting will include consideration of proposed changes to the Uniform Code of Military Justice and the Manual for Courts-Martial, United States, and other matters relating to the operation of the Uniform Code of Military Justice throughout the Armed Forces.

Dated: January 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–01452 Filed 1–24–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–OS–0012]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Defense Finance and Accounting Service proposes to alter a system of records, T7206 entitled ''Non-appropriated Funds Central Payroll System (NAFCPS'' in its inventory of record systems subject to the Privacy Act of 1974, as amended. This system will maintain and track the pay of Department of Defense (DoD) Non-appropriated fund civilian employees in the following agencies: Department of the Army, National Security Agency (NSA), the Defense Logistics Agency (DLA) and Defense Finance and Accounting Service-Texarkana.

DATES: This proposed action will be effective on February 27, 2014 unless comments are received which result in a contrary determination. Comments will be accepted on or before February 26, 2014.

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

• *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

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

FOR FURTHER INFORMATION CONTACT: Mr. Gregory L. Outlaw, Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–HKC/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150 or at (317) 212–4591.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Office Web site at *http://dpclo.defense.gov/privacy/SORNs/component/dfas/index.html.*

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on October 24, 2013, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c

of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: January 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

T–7206

SYSTEM NAME:

Non-appropriated Funds Central Payroll System (NAFCPS) (June 24, 2008, 73 FR 35669).

CHANGES:

SYSTEM ID:

Delete entry and replace with ''T7206.''

* * * * *

PURPOSE(S):

Delete entry and replace with ''To maintain and track pay of Department of Defense (DoD) Non-appropriated fund civilian employees in the following agencies: Department of the Army, National Security Agency (NSA), the Defense Logistics Agency (DLA) and Defense Finance and Accounting Service-Texarkana. The system calculates the net pay due each employee; provides a history of pay transactions, entitlements and deductions; maintains a record of leave accrued and taken; keeps a schedule of bonds due and issued; records taxes paid; and responds to inquiries or claims.''

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to records is limited to person(s) responsible for servicing the record in performance of their official duties and who are properly screened and cleared for need-to-know. Access to computerized data is limited to Common Access Card (CAC) enabled users and restricted by passwords, which are changed according to agency security policy.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Records may be temporary in nature and deleted when actions are completed, superseded, obsolete, or no longer needed. Other records may be cut off at the end of the payroll year, and then destroyed after 56 years. Records are destroyed by degaussing the electronic media.''

* * * * *

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Requests should contain individual's full name, SSN for verification, current address for reply, and provide a reasonable description of what they are seeking.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this record system should address written inquiries to Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Request should contain individual's full name, SSN for verification, current address for reply, and telephone number.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The Defense Finance and Accounting Service (DFAS) rules for accessing records, for contesting contents and appealing initial agency determinations are published in Defense Finance and Accounting Service Regulation 5400.11–R, 32 CFR part 324; or may be obtained from the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.''

* * * * *

[FR Doc. 2014–01445 Filed 1–24–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–OS–0011]

Privacy Act of 1974; System of Records

AGENCY: Defense Health Agency, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Defense Health Agency proposes to alter an existing system of records, EDHA 22, entitled ''Medical Situational Awareness in the Theater (MSAT)'' in its inventory of record systems subject to the Privacy Act of 1974, as amended. This system provides information to medical commanders and their staff on personnel readiness status before and during deployment and sustainment, patient tracking from initial point of care and enroute to CONUS military treatment facilities, medical surveillance of illness, injury rates and trends for theater, syndromic, and chemical biological, radiological, and nuclear surveillance of individuals for early warning alerts.

DATES: This proposed action will be effective on February 27, 2014 unless comments are received which result in a contrary determination. Comments will be accepted on or before February 26, 2014.

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

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

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

FOR FURTHER INFORMATION CONTACT: Ms. Linda S. Thomas, Director, Defense Health Agency Privacy and Civil Liberties Office, Defense Health Agency Headquarters, 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101, or by phone at (703) 681–7500.

SUPPLEMENTARY INFORMATION: The Defense Health Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy and Civil Liberties Office Web site *http://dpclo.defense.gov/privacy/SORNs/component/osd/index.html.* The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on

October 31, 2013, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: January 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DHA 22

SYSTEM NAME:

Medical Situational Awareness in the Theater (MSAT) (October 12, 2011, 76 FR 63287).

CHANGES

SYSTEM ID:

Delete entry and replace with ''EDHA 22.''

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Force Health Protection & Readiness, Defense Health Agency Headquarters, 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101.''

* * * * *

PURPOSE(S):

Delete entry and replace with ''To provide information to medical commanders and their staff on personnel readiness status before and during deployment and sustainment, patient tracking from initial point of care and enroute to CONUS military treatment facilities, medical surveillance of illnesses, injury rates and trends for theater, syndromic, and chemical, biological, radiological, and nuclear surveillance of individuals for early warning alerts.

To provide information that, when combined with medical intelligence, patient tracking, geospatial mapping, logistics, personnel, and other information, supports a single identical display of relevant information shared by more than one command to facilitate collaborative planning and to assist all echelons in achieving situational awareness, and for assisting the Combatant Command and Joint Task Force Surgeon in assessing risks, mitigating operational vulnerabilities, and allocating scarce combat resources during the planning and conduct of operations.''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3)as follows:

The DoD Blanket Routine Uses may apply to this system of records.

Note 1: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18–R) or any successor DoD issuances implementing the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and 45 CFR parts 160 and 164, Health and Human Services, General Administrative Requirements and Security & Privacy, respectively, applies to most such health information. DoD 6025.18–R or a successor issuance may place additional procedural requirements on uses and disclosures of such information beyond those found in the Privacy Act of 1974, as amended, or mentioned in this system of records notice.

Note 2: Except as provided under 42 U.S.C. 290dd–2, records of identity, diagnosis, prognosis or treatment information of any patient maintained in connection with the performance of any program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation, or research, which is conducted, regulated, or directly or indirectly assisted by a department or agency of the United States will be treated as confidential and disclosed only for the purposes and under the circumstances expressly authorized under 42 U.S.C. 290dd–2.''

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Electronic media, data and/or electronic records are maintained in a controlled area. The computer system is accessible only to authorized personnel. Entry into these areas is restricted to those personnel with a valid requirement and authorization to enter. Physical entry is restricted by the use of locks, passwords which are changed periodically, and administrative procedures.

The system provides two-factor authentication through user IDs/passwords. Access to personal information is restricted to those who require the data in the performance of their official duties. All personnel whose official duties require access to the information are trained in the proper safeguarding and use of the information.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Delete when the agency determines they are no longer needed for administrative, legal, audit, or other operational purposes. (N1–GRS–95–2 Item 4) (GRS 20 Item 4)''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Product Manager, MSAT, Defense Health Clinical Systems, Deployment & Readiness Systems Program Management Office, Skyline 6, Suite 817, 5109 Leesburg Pike, Falls Church, VA 22041–3226.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Chief, Freedom of Information Act (FOIA) and Privacy Act Service Center, Defense Health Agency Privacy and Civil Liberties Office, Defense Health Agency Headquarters, 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101.

Requests should contain the individual's full name, SSN and/or DoD ID Number, and signature.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system of records should address inquires to the Chief, FOIA and Privacy Act Service Center, Defense Health Agency Privacy and Civil Liberties Office, Defense Health Agency Headquarters, 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101.

Requests should contain the individual's full name, SSN and/or DoD ID Number, and signature.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The Office of the Secretary of Defense (OSD) rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81, 32 CFR Part 311, or may be obtained from the system manager.''

* * * * *

[FR Doc. 2014–01444 Filed 1–24–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability for Exclusive, Non-Exclusive, or Partially-Exclusive Licensing of an Invention Concerning Protective Clothing Ensemble with Two-Stage Evaporative Cooling

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Announcement is made of the availability for licensing of the invention set forth in U.S. Patent Application Serial No. 13/782,132, entitled ''Protective Clothing Ensemble with Two-Stage Evaporative Cooling,'' filed on March 1, 2013. The United States Government, as represented by the Secretary of the Army, has rights to this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research and Technology Applications (ORTA), (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The invention relates to a hazardous materials protective garment that may use a two-stage evaporative cooling process to ease heat strain on the wearer of the garment.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2014–01438 Filed 1–24–14; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability for Exclusive, Non-Exclusive, or Partially-Exclusive Licensing of an Invention Concerning Tamper Evident Directed Inventory and Accountability Technology

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Announcement is made of the availability for licensing of the invention set forth in U.S. Patent Application Serial No. 13/814,600, entitled ''Tamper Evident Directed Inventory and Accountability Technology,'' filed on February 6, 2013. The United States Government, as represented by the Secretary of the Army, has rights to this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research and Technology Applications (ORTA), (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The invention relates to a plastic or glass vial or container with an embedded data storage mechanism, such as radio frequency identification tags (RFID) or similar integrated circuit technology, capable of receiving and storing data, as well as transmitting data when queried.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2014–01442 Filed 1–24–14; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability for Exclusive, Non-Exclusive, or Partially-Exclusive Licensing of an Invention Concerning Diabetes Monitoring Using Smart Device

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Announcement is made of the availability for licensing of the invention set forth in U.S. Patent Application Serial No. 13/911,137, entitled ''Diabetes Monitoring Using Smart Device,'' filed on June 6, 2013. The United States Government, as represented by the Secretary of the Army, has rights to this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research and Technology Applications (ORTA), (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The invention relates to a method for communicating diabetes information to a diabetes care provider including wirelessly transmitting diabetes readings from at least one diabetes device via a patient's smart device to a diabetes care provider's smart device through a secure server.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2014–01440 Filed 1–24–14; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability for Exclusive, Non-Exclusive, or Partially-Exclusive Licensing of an Invention Concerning Plasmodium Falciparum Circumsporozoite Vaccine Gene Optimization for Soluble Protein Expression

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Announcement is made of the availability for licensing of the invention set forth in U.S. Patent Application Serial No. 13/880,227, entitled ''Plasmodium Falciparum Circumsporozoite Vaccine Gene Optimization for Soluble Protein Expression,'' filed on June 11, 2013. The United States Government, as represented by the Secretary of the Army, has rights to this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research and Technology Applications (ORTA), (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The invention relates to a method to produce vaccine grade, highly immunogenic and near full-length CSP of P. falciparum in E. coli.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2014–01441 Filed 1–24–14; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability for Exclusive, Non-Exclusive, or Partially-Exclusive Licensing of an Invention Concerning Dynamic Exoskeletal Orthosis

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Announcement is made of the availability for licensing of the invention set forth in U.S. Patent Application Serial No. 13/773,776, entitled ''Dynamic Exoskeletal Orthosis,'' filed on February 22, 2013. The United States Government, as represented by the Secretary of the Army, has rights to this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research and Technology Applications (ORTA), (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The invention relates to an ankle foot orthosis or brace, in particular to a dynamic exoskeletal orthosis.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2014–01437 Filed 1–24–14; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability for Exclusive, Non-Exclusive, or Partially-Exclusive Licensing of an Invention Concerning Benzonapthyridine Composition and Uses

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Announcement is made of the availability for licensing of the invention set forth in U.S. Patent Application Serial No. 13/640,832, entitled ''Benzonapthyridine Composition and Uses,'' filed on April 13, 2011. The United States Government, as represented by the Secretary of the Army, has rights to this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research and Technology Applications (ORTA), (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The invention relates to compositions comprising benzonapthridine small molecule immune potentiators (SMIPs) that are capable of stimulating or Modulating an immune response in a subject that has had pre- or post-exposure to a pathogen such as hemorrhagic fever virus.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2014–01436 Filed 1–24–14; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket No. DARS–2013–0045]

Submission for OMB Review; Comment Request

ACTION: Notice.

The Defense Acquisition Regulations System has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Consideration will be given to all comments received by February 26, 2014.

Title, Associated Form, and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) part 244, Subcontracting Policies and Procedures; OMB Control Number 0704–0253.

Type of Request: Extension.

Number of Respondents: 90

Responses per Respondent: 1

Annual Responses: 90

Average Burden per Response: Approximately 16 hours

Annual Burden Hours: 1,440

Needs and Uses: Administrative contracting officers use this information in making decisions to grant, withhold, or withdraw purchasing system approval at the conclusion of a purchasing system review. Withdrawal of purchasing system approval would necessitate Government consent to individual subcontracts.

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

Frequency: On Occasion.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, docket number, and title for the **Federal Register** document. The general policy for comments and other public 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 provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

DoD Clearance Officer: Ms. Patricia Toppings.

Written requests for copies of the information collection proposal should be sent to Ms. Toppings at WHS/ESD/Information Management Division, 4800 Mark Center Drive, 2nd Floor, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Manuel Quinones,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2014–01554 Filed 1–24–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Availability for the Final Supplemental Environmental Impact Statement for the Proposed San Acacia to Bosque del Apache Project, Socorro County, New Mexico

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability—Final SEIS.

SUMMARY: In accordance with the National Environmental Policy Act of

1969 (42 U.S.C. 4321 *et seq.*) and Council on Environmental Quality regulations (40 CFR parts 1500–1508) the Corps of Engineers, Albuquerque District, has prepared a final Supplemental Environmental Impact Statement (SEIS) for the San Acacia to Bosque del Apache Project, Socorro County, New Mexico.

DATES: The 30-day review period begins on January 24, 2014 and ends on February 24, 2014. The Record of Decision on the proposed action will be issued after February 24, 2014.

FOR FURTHER INFORMATION CONTACT: For further information, requests for copies, and/or questions about the project, please contact Mr. Jerry Nieto, Project Manager, by telephone: (505) 342–3362, by mail: U.S. Army Corps of Engineers, 4101 Jefferson Plaza NE., Albuquerque, New Mexico 87109, or by email: *Jerry.D.Nieto@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

1. *Background Information:* Previously, an environmental impact statement (1977) and a supplement (1992) were published regarding this project. The current SEIS (II) evaluates the effects of revised levee design and additional alternatives. The final SEIS is integrated with a final General Reevaluation Report, and the integrated document is entitled: *General Reevaluation Report and Supplemental Environmental Impact Statement II: Rio Grande Floodway, San Acacia to Bosque del Apache Unit, Socorro County, New Mexico* (hereafter referred to as the final GRR/SEIS–II).

Alternatives developed and evaluated during the current and previous studies consist of levee reconstruction (at various heights); flood and sediment control dams; local levees; intermittent levee replacement; watershed land treatment; floodproofing of buildings; levee-alignment setbacks; and no action. Principal issues analyzed in the development of the GRR/SEIS–II included the effect of alternatives on flood risk, developed lands and structures, water quality, ecological resources, endangered species, cultural resources, and socio-economics.

The recommended plan is to replace the existing embankment between the Low Flow Conveyance Channel and the Rio Grande with a structurally competent levee capable of containing high-volume, long-duration flows. This engineered levee would substantially reduce the risk of damage from floods emanating from the Rio Grande. The proposed levee and attendant structures would extend from San Acacia downstream for approximately 43 miles, nearly to San Marcial. The local cost-sharing sponsors of the proposed project are the Middle Rio Grande Conservancy District and the New Mexico Interstate Stream Commission.

2. *Draft SEIS Review:* The draft GRR–SEIS–II comment period began on April 27, 2012 with the publication of the Notice of Availability in the **Federal Register** (77 FR 25151), and ended on June 11, 2012. A public meeting was held during the review period on May 22, 2012 in Socorro, New Mexico.

3. *Availability of the final GRR/SEIS–II:* The final document is electronically available for viewing and printing at: *http://www.spa.usace.army.mil/Missions/Environmental/EnvironmentalComplianceDocuments/EnvironmentalImpactStatementsROD.aspx.* Electronic copies may also be requested from the contact person listed above. Paper copies of the final GRR/SEIS–II are available for review at the Socorro Public Library, 401 Park St., Socorro, NM.

Julie A. Alcon,

Chief, Environmental Resources Section, U.S. Army Corps of Engineers, Albuquerque.

[FR Doc. 2014–01448 Filed 1–24–14; 8:45 am]

BILLING CODE 3720–58–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9905–81–OECA]

National Environmental Justice Advisory Council; Notification of Public Meeting and Public Comment

AGENCY: Environmental Protection Agency.

ACTION: Notice; public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), Public Law 92–463, the U.S. Environmental Protection Agency (EPA) hereby provides notice that the National Environmental Justice Advisory Council (NEJAC) will meet on the dates and times described below. All meetings are open to the public. Members of the public are encouraged to provide comments relevant to the specific issues being considered by the NEJAC. For additional information about registering for public comment, please see **SUPPLEMENTARY INFORMATION**. Due to limited space, seating at the NEJAC meeting will be on a first-come, first-served basis.

DATES: The NEJAC meeting will convene Tuesday, February 11, 2014, from 9 a.m. until 3:45 p.m.; and will reconvene on Wednesday, February 12, 2014, from 9 a.m. to 5 p.m. All noted times are Mountain Time.

One public comment period relevant to the specific issues being considered by the NEJAC (see **SUPPLEMENTARY INFORMATION**) is scheduled for Tuesday, February 11, 2014, starting at 4 p.m. Mountain Time. Members of the public who wish to participate during the public comment period are highly encouraged to pre-register by Noon, Mountain Time, on Wednesday, February 5, 2014.

ADDRESSES: The NEJAC meeting will be held at the EPA Region 8 Conference Center, located at 1595 Wynkoop Street, Denver, CO 80202–1129.

FOR FURTHER INFORMATION CONTACT: Questions or correspondence concerning the meeting should be directed to Jasmin Muriel, U.S. Environmental Protection Agency, by mail at 1200 Pennsylvania Avenue NW., (MC2201A), Washington, DC 20460; by telephone at 202–564–4287; via email at *Muriel.Jasmin@epa.gov;* or by fax at 202–564–1624. Additional information about the NEJAC is available at: *www.epa.gov/environmentaljustice/nejac.*

Registration is required for all participants. Pre-registration by Noon, Mountain Time, Wednesday, February 5, 2014, for all attendees is highly recommended. Because this NEJAC meeting will be held in a government space, we strongly encourage you to register early. Space limitations may not allow us to accommodate everyone who is interested in attending. Priority admission will be given to pre-registered participants. To register online, visit *https://nejac-denver2014.eventbrite.com.* Please state whether you would like to be put on the list to provide oral public comment. Please specify whether you are submitting written comments before the February 5, 2014, deadline. Non-English speaking attendees wishing to arrange for a foreign language interpreter may make appropriate arrangements in writing using the above telephone number.

SUPPLEMENTARY INFORMATION: The Charter of the NEJAC states that the advisory committee shall provide independent advice to the EPA Administrator about areas that may include, among other things, ''advice about broad, cross-cutting issues related to environmental justice, including environment-related strategic, scientific, technological, regulatory, and economic issues related to environmental justice.''

The meeting shall be used to discuss and receive comments about the nexus between sustainability and environmental justice. Specifically, the NEJAC will discuss these primary areas:

(1) Observance: of the 20th Anniversary of EO 12898 on Environmental Justice; (2) Fundamentals of Equitable Development; (3) Leveraging Resources for Community Capacity; (4) Agency Efforts on Sustainability and Equitable Development; and (5) Climate Resiliency and Environmental Justice. In addition, the meeting will include updates from several NEJAC work groups, as well as discussions about the NEJAC work plan for 2014–2015.

A. Public Comment

Individuals or groups making oral presentations during the public comment periods will be limited to a total time of five minutes. To accommodate the large number of people who want to address the NEJAC, only one representative of an organization or group will be allowed to speak. If time permits, multiple representatives from the same organization can provide comment at the end of the session. In addition, those who did not sign up in advance to give public comment can sign up on site. The suggested format for written public comments is as follows: Name of Speaker; Name of Organization/Community; City and State; Email address; and a brief description of the concern and what you want the NEJAC to advise EPA to do. Written comments received by Noon, Mountain Time, Wednesday, February 5, 2014, will be included in the materials distributed to the members of the NEJAC. Written comments received after that date and time will be provided to the NEJAC as time allows. All information should be sent to the mailing address, email address, or fax number listed in the **FOR FURTHER INFORMATION CONTACT** section above.

B. Information About Services for Individuals With Disabilities

For information about access or services for individuals with disabilities, please contact Jasmin Muriel, at (202) 564–4287 or via email at *Muriel.Jasmin@EPA.gov.* To request special accommodations for a disability, please contact Ms. Muriel at least four working days prior to the meeting, to give EPA sufficient time to process your request. All requests should be sent to the address, email, or phone/fax number listed in the **FOR FURTHER INFORMATION CONTACT** section above.

Dated: January 16, 2014.

Victoria J. Robinson,

Designated Federal Officer, National Environmental Justice Advisory Council.

[FR Doc. 2014–01504 Filed 1–24–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9905–85–Region 10]

Proposed Issuance of the NPDES General Permit for Oil and Gas Geotechnical Surveying and Related Activities in Federal Waters of the Beaufort and Chukchi Seas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of public comment period.

SUMMARY: On November 22, 2013, EPA provided public notice on the proposed issuance of a National Pollutant Discharge Elimination System (NPDES) General Permit for Oil and Gas Geotechnical Surveys and Related Activities in Federal Waters of the Beaufort and Chukchi Seas (Permit No. AKG–28–4300), and established a comment deadline of January 27, 2014, (78 FR 70042). On January 15, 2014, the Alaska Eskimo Whaling Commission requested a 30-day extension to the comment period. In response to that request, EPA is extending the comment period for an additional 23 days, from January 27, 2014 to February 19, 2014.

DATES: *Comments.* The public comment period for the draft Geotechnical General Permit is extended as of the date of publication of this Notice until February 19, 2014. Comments must be received or post-marked by no later than midnight Pacific Standard Time on February 19, 2014.

ADDRESSES: You may submit comments by any of the following methods. EPA will consider all comments received during the public comment period prior to making its final decision.

Mail: Send paper comments to Erin Seyfried, Office of Water and Watersheds, Mail Stop OWW–130, 1200 6th Avenue, Suite 900, Seattle, WA 98101–3140.

Email: Send electronic comments to *R10geotechpermit@epa.gov.*

Fax: Fax comments to the attention of Erin Seyfried at (206) 553–0165.

Hand Delivery/Courier: Deliver comments to Erin Seyfried, Office of Water and Watersheds, Mail Stop OWW–130, 1200 6th Avenue, Suite 900, Seattle, WA 98101–3140. Call (206) 553–0523 before delivery to verify business hours.

Viewing and/or Obtaining Copies of Documents. A copy of the draft Geotechnical General Permit and the Fact Sheet, which explains the proposal in detail, may be obtained by contacting EPA at 1 (800) 424–4372. Copies of the documents are also available for viewing and downloading at:

http://yosemite.epa.gov/r10/water.nsf/npdes+permits/DraftPermitsAK

http://yosemite.epa.gov/r10/water.nsf/npdes+permits/arctic-gp.

See **SUPPLEMENTARY INFORMATION** for other document viewing locations.

FOR FURTHER INFORMATION CONTACT: Erin Seyfried, Office of Water and Watersheds, U.S. Environmental Protection Agency, Region 10, Mail Stop OWW–130, 1200 6th Avenue, Suite 900, Seattle, WA 98101–3140, (206) 553–1448, *seyfried.erin@epa.gov.*

SUPPLEMENTARY INFORMATION: The Fact Sheet describes the types of facilities and the discharges proposed to be authorized by the Geotechnical General Permit; the proposed effluent limits and other conditions; maps and descriptions of the proposed Area of Coverage; and a summary of the supporting technical materials.

Document Viewing Locations. The draft Geotechnical General Permit and Fact Sheet may also be viewed at the following locations:

(1) EPA Region 10 Library, Park Place Building, 1200 6th Avenue, Suite 900, Seattle, WA 98101; (206) 553–1289.

(2) EPA Region 10, Alaska Operations Office, 222 W 7th Avenue, #19, Room 537, Anchorage, AK 99513; (907) 271–5083.

(3) DEC Anchorage Office, 555 Cordova Street, Anchorage, AK 99501; (907) 269–7235.

(4) Z. J. Loussac Public Library, 3600 Denali Street, Anchorage, AK 99503; (907) 343–2975.

(5) North Slope Borough School District Library/Media Center, Pouch 169, 829 Aivak Street, Barrow, AK 99723; (907) 852–5311.

EPA's current administrative record for the draft Geotechnical General Permit is available for review at the EPA Region 10 Office, Park Place Building, 1200 6th Avenue, Suite 900, Seattle, WA 98101, between 9:00 a.m. and 4:00 p.m., Monday through Friday. Contact Erin Seyfried at *seyfried.erin@epa.gov* or (206) 553–1448.

Oil Spill Requirements. Section 311 of the Act, 33 U.S.C. 1321, prohibits the discharge of oil and hazardous materials in harmful quantities. Discharges authorized under the Geotechnical General Permit are excluded from the provisions of CWA Section 311, 33 U.S.C. 1321. However, the Geotechnical General Permit will not preclude the institution of legal action, or relieve the permittees from any responsibilities, liabilities, or penalties for other unauthorized discharges of oil and hazardous materials, which are covered by Section 311.

Executive Order 12866. The Office of Management and Budget (OMB)

exempts this action from the review requirements of Executive Order 12866 pursuant to Section 6 of that order.

Paperwork Reduction Act. EPA has reviewed the requirements imposed on regulated facilities in the Geotechnical General Permit and finds them consistent with the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

Regulatory Flexibility Act. Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 et seq., a federal agency must prepare an initial regulatory flexibility analysis ''for any proposed rule'' for which the agency ''is required by section 553 of the Administrative Procedure Act (APA), or any other law, to publish general notice of proposed rulemaking.'' The RFA exempts from this requirement any rule that the issuing agency certifies ''will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' EPA has concluded that NPDES general permits are permits, not rulemakings, under the APA and thus not subject to APA rulemaking requirements or the FRA. Notwithstanding that general permits are not subject to the RFA, EPA has determined that the Geotechnical General Permit will not have a significant impact on a substantial number of small entities. This determination is based on the fact that the regulated companies are not classified as small businesses under the Small Business Administration regulations established at 49 FR 5023 et seq. (February 9, 1984). These facilities are classified as Major Group 13—Oil as Gas Extraction SIC 1311 Crude Petroleum and Natural Gas.

Authority: This action is taken under the authority of Section 402 of the Clean Water Act as amended, 42 U.S.C. 1342. I hereby provide notice that the public comment period for the draft Geotechnical General Permit is extended until February 19, 2014, in accordance with 40 CFR 124.10 and 124.13.

Dated: January 16, 2014.

Daniel D. Opalski,

Director, Office of Water and Watersheds, Region 10.

[FR Doc. 2014–01507 Filed 1–24–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–R–53]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *February 26, 2014.*

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 or Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*
3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Imposition of Cost Sharing Charges Under Medicaid and Supporting Regulations; *Use:* The purpose of this collection is to ensure that states impose nominal cost sharing charges upon categorically and medically needy individuals as allowed by law and implementing regulations. States must identify in their state plan the service for which the charge is made, the amount of the charge, the basis for determining the charge, the basis for determining whether an individual is unable to pay the charge and the way in which the individual will be identified to providers, and the procedures for implementing and enforcing the exclusions from cost sharing. The template has been revised and is being released for this 30-day comment period before it is submitted to OMB for review/approval under CMS–10398 (OCN: 0938–1148). While CMS seeks to roll the template under CMS–10398, it also seeks to discontinue CMS–R–53 to avoid duplicating requirements and burden; *Form Number:* CMS–R–53 (OCN: 0938–0429); *Frequency:* Occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 51; *Total Annual Responses:* 2; *Total Annual Hours:* 20 (For policy questions

regarding this collection contact Rebecca Bruno at 415–744–3677).

Dated: January 22, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–01465 Filed 1–24–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects:

Title: ACF Grantee Survey of the Low Income Home Energy Assistance Program (LIHEAP).

OMB No.: 0970–0076.

Description: The LIHEAP Grantee Survey is an annual data collection activity, which is sent to grantees of the 50 states and the District of Columbia administering the Low Income Home Energy Assistance Program (LIHEAP). The survey is mandatory in order that national estimates of the sources and uses of LIHEAP funds can be calculated in a timely manner; a range can be calculated of State average LIHEAP benefits; and maximum income cutoffs for four-person households can be obtained for estimating the number of low-income households that are income eligible for LIHEAP under the State income standards. The need for the above information is to provide the Administration and Congress with fiscal estimates in time for hearings about LIHEAP appropriations and program performance. The information also is included in the Departments annual LIHEAP Report to Congress. The survey, along with all other forms required of LIHEAP grantees, will be available electronically through the web-based Online Data Collection (OLDC) system to which all LIHEAP grantees currently have access. By making the survey available through OLDC, it will improve the accuracy and efficiency of grantee submissions by performing certain data validation checks before grantees complete their submission. It will also allow grantees to track the progress of ACF's review of the survey, as well as permit grantees to access archived surveys in the future.

Respondents: 50 States and the District of Columbia.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
LIHEAP Grantee Survey	51	1	3.50	178.50

Estimated Total Annual Burden Hours: 178.50.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–01453 Filed 1–24–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects:

Title: Application Requirements for the Low Income Home Energy Assistance Program (LIHEAP) Model Plan and Program Integrity Assessment

OMB No.: 0970–0075

Description: States, including the District of Columbia, tribes, tribal organizations, and territories applying for LIHEAP block grant funds must submit an annual application (Model Plan) that meets the LIHEAP statutory and regulatory requirements prior to receiving Federal funds. In prior years, in addition to the Model Plan, each grantee was also required to submit a Program Integrity Assessment Supplement (PIAS) every year, as part of their application. The proposed new model plan will combine the content of these two forms into one form, eliminating duplicative questions and streamlining the submission process. The proposed new format of the model plan is also a departure from the previously-approved version. The new model plan will become an electronic form, to be submitted through the On-Line Data Collection System (OLDC), which is already being used by all LIHEAP grantees to submit other required LIHEAP forms. The new model plan will also provide grantees the option to respond to many questions by selecting one or more check-box responses, rather than providing a free-form text response. Grantees will still have the ability to enter free form text if none of the provided options are applicable. This new re-formatting will reduce the time grantees will spend on completing the form. It will also provide the Office of Community Services (OCS) with the ability to collect and analyze consistent data across all grantees in a streamlined manner. This will improve the information provided by OCS in the annual LIHEAP Report to Congress and other related reports to the U.S. Department of Health and Human Services and the Office of Management and Budget.

In order to ensure that data are reported in a consistent format by all grantees, OCS will now require that the new version of the model plan be used by all grantees. Grantees will no longer have the option of submitting their annual application using alternate formats. Additionally, grantees will no longer have the option to submit an abbreviated model plan. All entries from each grantee's first submission of the model plan in OLDC will be saved and re-populated into the form for the following fiscal year's applications. Thus, after the first year, grantees will only need to make updates to the prior year's entries. Grantees will still be able to submit attachments as needed.

Presidential Executive Order 13520, reducing Improper Payments and Eliminating Waste in Federal Programs, issued in November 2009, encourages Federal agencies to take deliberate and immediate action to eliminate fraud and improper payments. As part of the review of programs subsequent to this executive order, HHS has determined that additional information from each administering agency is necessary to assess grantee measures that are in place to prevent, detect or address waste, fraud and abuse in LIHEAP programs.

The revised model plan can be viewed on the OCS Web site at: *http://www.acf.hhs.gov/programs/ocs/programs/liheap*.

Respondents: State, Tribal or Territory Governments.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Detailed Model Plan.	210	1	2	420

Estimated Total Annual Burden Hours: 420.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–01454 Filed 1–24–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1427]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Hazard Analysis and Critical Control Point Procedures for the Safe and Sanitary Processing and Importing of Juice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by February 26, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0466. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Hazard Analysis and Critical Control Point (HACCP) Procedures for the Safe and Sanitary Processing and Importing of Juice—21 CFR Part 120 (OMB Control Number 0910–0466)—Extension

FDA regulations in part 120 (21 CFR part 120) mandate the application of HACCP principles to the processing of fruit and vegetable juices. HACCP is a preventive system of hazard control designed to help ensure the safety of foods. The regulations were issued under FDA's statutory authority to regulate food safety under section 402(a)(4) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 342(a)(4)). Under section 402(a)(4) of the FD&C Act, a food is adulterated if it is prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth or rendered injurious to health. The Agency also has authority under section 361 of the Public Health Service Act (42 U.S.C. 264) to issue and enforce regulations to prevent the introduction, transmission, or spread of communicable diseases from one State, territory, or possession to another, or from outside the United States into this country. Under section 701(a) of the FD&C Act (21 U.S.C. 371(a)), FDA is authorized to issue regulations for the efficient enforcement of that act.

The rationale in establishing an HACCP system of preventive controls is to design and check the process so that the final product is not contaminated—not test for contamination after it may have taken place. Under HACCP,

processors of fruit and vegetable juices establish and follow a preplanned sequence of operations and observations (the HACCP plan) designed to avoid or eliminate one or more specific food hazards, and thereby ensure that their products are safe, wholesome, and not adulterated; in compliance with section 402 of the FD&C Act. Information development and recordkeeping are essential parts of any HACCP system. The information collection requirements are narrowly tailored to focus on the development of appropriate controls and document those aspects of processing that are critical to food safety.

In the **Federal Register** of November 20, 2013 (78 FR 69689), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
120.6(c) and 120.12(a)(1) and (b); Require written monitoring and correction records for Sanitation Standard Operating Procedures (SSOPs).	1,875	365	684,375	0.1 (8 minutes)	68,438
120.7 and 120.12(a)(2), (b) and (c); Require written hazard analysis of food hazards.	2,300	1.1	2,530	20	50,600
120.8(b)(7) and 120.12(a)(4)(i) and (b); Require a recordkeeping system that documents monitoring of the critical control points and other measurements as prescribed in the HACCP plan.	1,450	14,600	21,170,000	0.01 (1 minute)	211,700
120.10(c) and 120.12(a)(4)(ii) and (b); Require that all corrective actions taken in response to a deviation from a critical limit be documented.	1,840	12	22,080	0.1 (8 minutes)	2,208
120.11(a)(1)(iv) and (a)(2), 120.12(a)(5); Require records showing that process monitoring instruments are properly calibrated and that end-product or in-process testing is performed in accordance with written procedures.	1,840	52	95,680	0.1 (8 minutes)	9,568
120.11(b) and 120.12(a)(5) and (b); Require that every processor record the validation that the HACCP plan is adequate to control food hazards that are likely to occur.	1,840	1	1,840	4	7,360
120.14(a)(2), (c), and (d); Require that importers of fruit or vegetable juices, or their products used as ingredients in beverages, have written procedures to ensure that the food is processed in accordance with our regulations in part 120.	308	1	308	4	1,232
120.11(c) and 120.12(a)(5) and (b); Require documentation of revalidation of the hazard analysis upon any changes that might affect the original hazard analysis (applies when a firm does not have an HACCP plan because the original hazard analysis did not reveal hazards likely to occur).	1,840	1	1,840	4	7,360
Total					358,466

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Table 1 provides our estimate of the total annual recordkeeping burden of our regulations in part 120. We base our estimate of the average burden per recordkeeping on our experience with the application of HACCP principles in food processing. We base our estimate of the number of recordkeepers on our estimate of the total number of juice manufacturing plants affected by the regulations (plants identified in our official establishment inventory plus very small apple juice and very small orange juice manufacturers). These estimates assume that every processor will prepare sanitary standard operating procedures and an HACCP plan and maintain the associated monitoring records, and that every importer will require product safety specifications. In fact, there are likely to be some small number of juice processors that, based upon their hazard analysis, determine that they are not required to have an HACCP plan under these regulations.

Dated: January 22, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–01462 Filed 1–24–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–N–0383]

Agency Information Collection Activities: Proposed Collection; Comment Request; Radioactive Drug Research Committees

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection contained in regulations governing the use of radioactive drugs for basic informational research.

DATES: Submit either electronic or written comments on the collection of information by March 28, 2014.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Radioactive Drug Research Committees—(OMB Control Number 0910–0053)—Extension

Under sections 201, 505, and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 355, and 371), FDA has the authority to issue regulations governing the use of radioactive drugs for basic scientific research. Section 361.1 (21 CFR 361.1) sets forth specific regulations regarding the establishment and composition of Radioactive Drug Research Committees (RDRC) and their role in approving and monitoring basic research studies utilizing radiopharmaceuticals. No basic research study involving any administration of a radioactive drug to research subjects is permitted without the authorization of an FDA approved RDRC (§ 361.1(d)(7)). The type of research that may be undertaken with a radiopharmaceutical drug must be intended to obtain basic information and not to carry out a clinical trial for safety or efficacy. The types of basic research permitted are specified in the regulation, and include studies of metabolism, human physiology, pathophysiology, or biochemistry.

Section 361.1(c)(2) requires that each RDRC shall select a chairman, who shall sign all applications, minutes, and reports of the committee. Each committee shall meet at least once each quarter in which research activity has been authorized or conducted. Minutes shall be kept and shall include the numerical results of votes on protocols involving use in human subjects. Under § 361.1(c)(3), each RDRC shall submit an annual report to FDA. The annual report shall include the names and qualifications of the members of, and of any consultants used by, the RDRC, using Form FDA 2914, and a summary of each study conducted during the preceding year, using Form FDA 2915.

Under § 361.1(d)(5), each investigator shall obtain the proper consent required under the regulations. Each female research subject of childbearing potential must state in writing that she is not pregnant, or on the basis of a pregnancy test be confirmed as not pregnant.

Under § 361.1(d)(8), the investigator shall immediately report to the RDRC all adverse effects associated with use of the drug, and the committee shall then report to FDA all adverse reactions probably attributed to the use of the radioactive drug.

Section 361.1(f) sets forth labeling requirements for radioactive drugs. These requirements are not in the reporting burden estimate because they are information supplied by the Federal Government to the recipient for the purposes of disclosure to the public (5 CFR 1320.3(c)(2)).

Types of research studies not permitted under this regulation are also specified, and include those intended for immediate therapeutic, diagnostic, or similar purposes or to determine the safety or effectiveness of the drug in humans for such purposes (i.e., to carry out a clinical trial for safety or efficacy). These studies require filing of an investigational new drug application (IND) under 21 CFR part 312, and the associated information collections are covered in OMB control number 0910–0014.

The primary purpose of this collection of information is to determine whether the research studies are being conducted in accordance with required regulations and that human subject safety is assured. If these studies were not reviewed, human subjects could be subjected to inappropriate radiation or pharmacologic risks.

Respondents to this information collection are the chairperson(s) of each individual RDRC, investigators, and participants in the studies.

The burden estimates are based on FDA's experience with these reporting and recordkeeping requirements over the past few years and the number of submissions received by FDA under the regulations.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR sections/forms	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
361.1(c)(3)&(4); Form FDA 2914	69	1	69	1	69
361.1(c)(3); Form FDA 2915	48	10	480	3.5	1,680
361.1(d)(8)	10	5	50	0.5 (30 minutes)	25
Total					1,774

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
361.1(c)(2)	69	4	276	10	2,760
361.1(d)(5)	35	18	630	0.75 (45 minutes)	472.5
Total					3,232.5

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: January 22, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–01463 Filed 1–24–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1432]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Guide To Minimize Microbial Food Safety Hazards of Fresh-Cut Fruits and Vegetables

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (the PRA).

DATES: Fax written comments on the collection of information by February 26, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0609. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Guide To Minimize Microbial Food Safety Hazards of Fresh-Cut Fruits and Vegetables (OMB Control Number 0910–0609)—Extension

Fresh-cut fruits and vegetables are fruits and vegetables that have been processed by peeling, slicing, chopping, shredding, coring, trimming, or mashing, with or without washing or other treatment, prior to being packaged for consumption. The methods by which produce is grown, harvested, and processed may contribute to its contamination with pathogens and, consequently, the role of the produce in transmitting foodborne illness. Factors such as the high degree of handling and mixing of the product, the release of cellular fluids during cutting or mashing, the high moisture content of the product, the absence of a step lethal to pathogens, and the potential for temperature abuse in the processing, storage, transport, and retail display all increase the potential for pathogens to survive and grow in fresh-cut produce.

Sections 301 and 402 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 331 and 342) prohibits the distribution of adulterated food in interstate commerce. In response to the increased consumption of fresh-cut fruits and vegetables and the potential for foodborne illness associated with these products, we recognize the need for guidance specific to the processing of fresh-cut fruits and vegetables. The guidance document entitled ''Guide to Minimize Microbial Food Safety Hazards of Fresh-cut Fruits and Vegetables,'' which is available at *http://www.fda.gov/FoodGuidances,* provides our recommendations to fresh-cut produce processors about how to avoid contamination of their product with pathogens. The guidance is in addition to the good manufacturing practice (GMP) regulations found in part 110 (21 CFR part 110). The guidance is intended to assist fresh-cut produce processors in minimizing microbial food safety hazards common to the processing of most fresh-cut fruits and vegetables sold to consumers and retail establishments in a ready-to-eat form. Accordingly, we encourage fresh-cut produce processors to adopt the general recommendations in the guidance and to tailor practices to their individual operations.

The guidance provides information and recommended procedures designed to help fresh-cut produce processors minimize microbial food safety hazards. The recommended procedures contained in the guidance are voluntary. Both FDA and fresh-cut produce processors will use and benefit from the information collected.

Two general recommendations in the guidance are for operators to develop and implement both a written Standard Operating Procedures (SOPs) plan and a Sanitary Standard Operation Procedures (SSOPs) plan. SOPs and SSOPs are important components to properly implement and monitor GMP, which are required for processed food operations under part 110. Other recommended programs that require documentation and recordkeeping are recall and traceback programs. In the event of a food safety concern, processors who adopt these recommended programs will be prepared to recall products from the marketplace or be able to traceback fresh produce to its source. Fresh-cut produce processors are also asked to consider the application of Hazards Analysis and Critical Control Point (HACCP) principles or comparable preventive control programs to the processing of fruits and vegetables. A HACCP system allows managers to assess the inherent risks and identify hazards attributable to a product or a process, and then determine the necessary steps to control the hazards. FDA, along with other Federal and State food Agencies and industry and food establishments, have found such preventive control programs, when properly designed and maintained by the establishment's personnel, to be valuable in managing the safety of food products.

In the **Federal Register** of November 20, 2013 (78 FR 69684), FDA published a 60-day notice requesting public comment on the proposed collection of information. We received two letters in response to the notice, with one containing multiple comments. Those comments outside the scope of the four collection of information topics on which the notice solicits comments are not discussed in this document.

One comment suggested that, to ensure the safety of consumers, FDA should mandate by law the recommendations in the guidance. The comment stated that the Food Safety Modernization Act (FSMA) gave FDA authority ''to require producers to implement prevention based food safety standards.'' In response, we note that Agency guidance documents are issued consistent with our good guidance practices regulations (GGPs) found at 21 CFR 10.115. Guidance documents represent our current thinking on a particular subject, but do not create or confer any rights for or on any person and do not operate to bind FDA or the public. The guidance document entitled ''Guide to Minimize Microbial Food Safety Hazards of Fresh-Cut Fruits and Vegetables'' discusses microbiological hazards presented by most fresh-cut fruits and vegetables and recommends control measures for such hazards in the processing of such produce. Firms are free to adopt as many or as few of the guidance's recommendations as they choose.

At the same time, we continue our rulemaking efforts under FSMA to build a food safety system for the future that makes modern, science-, and risk-based preventive controls the norm across all sectors of the food system. In the **Federal Register** of January 16, 2013 (78 FR 3504), we published a proposed rule proposing to establish science-based standards for growing, harvesting, packing, and holding produce on domestic and foreign farms. In the same issue of the **Federal Register**, we published another proposed rule proposing to amend our regulation for current good manufacturing practice in manufacturing, packing, or holding human food to modernize it and to add requirements for domestic and foreign facilities that are required to register under the FD&C to establish and implement hazard analysis and risk-based preventive controls for human food (78 FR 3646).

One comment agreed, generally, that the information collection provisions of the guidance are necessary. Another comment agreed, generally, that our burden hour estimates are accurate, but suggested they did not take into account the financial cost of training required for the HACCP team. With regard to the latter comment, FDA notes that, although only an estimate of reporting and recordkeeping burden is included in **Federal Register** notices announcing agency information collection activities (5 CFR 1320.5(a)(1)(iv)), we have provided an estimate of the cost burden to industry in our supporting statement for this collection, which is available at *www.reginfo.gov.*

One comment suggested that we should require all processors in the fresh-cut industry to electronically upload their SOPs and SSOPs to an FDA Web site for review and audit. The comment maintained that such a system ''would reduce the amount of man hours spend [sic] collecting, reviewing, filing, auditing, and analyzing the written SOPs SSOPS [sic]. It would also make communication, education, and support readily available to the fresh-cut industry.'' Finally, one comment suggested that we should require the fresh-cut industry to use an automated system and standardized templates to scan and submit data to us for review. As an example, the comment referenced the system used by hospitals to submit information to a ''national healthcare regulator.'' The comment also noted the periodic scheduling of audits and inspections of hospitals by the regulator.

As previously discussed, the guidance document entitled ''Guide to Minimize Microbial Food Safety Hazards of Fresh-Cut Fruits and Vegetables'' represents our current thinking on the microbiological hazards presented by most fresh-cut fruits and vegetables and provides recommended control measures to protect against these hazards. We may not impose requirements through Agency guidance.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
SOP and SSOP: Maintenance	122	3,315	404,430	0.067	27,097
Traceback development	10	1	10	20	200
Traceback maintenance	290	1	290	40	11,600
Preventive control program comparable to a HACCP system: System development	10	1	10	100	1,000
Preventive control program comparable to a HACCP system: System implementation	145	510	73,950	0.067	4,955
Preventive control program comparable to a HACCP system: Implementation review	145	4	580	4	2,320
Annual burden hours					47,172

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

A. Industry Profile

Estimates of the paperwork burden to the fresh-cut industry are based on information received from a fresh-cut processor who has developed and maintained these programs and information from a fresh-cut produce industry trade association. We estimate that there are 280 fresh-cut plants in operation and that approximately 10 new firms will enter the fresh cut industry over the next 3 years.

B. SOPs and SSOPs

We consider the guidance's recommendation to develop SOPs and SSOPs to be ''usual and customary'' for manufacturers and processors in the fresh-cut industry (see 5 CFR 1320.3(b)(2)). Therefore, we do not calculate this burden.

We recommend that facilities not only develop but also maintain SOPs and SSOPs. Of the 280 fresh-cut processors, we estimate that over half have SOP and SSOP maintenance programs in place. Therefore, for purposes of estimating the annual recordkeeping burden for SOP and SSOP maintenance programs, we assume that 40 percent of the existing processors, or 112 firms, and the 10 new firms do not have SOP and SSOP maintenance programs in place. We estimate the recordkeeping burden for SOP and SSOP maintenance programs by assuming that these 122 firms will choose to implement such a maintenance strategy as a result of the recommendations in the guidance.

A typical fresh-cut processing plant operates about 255 days per year. For an 8-hour shift, assuming the ingredients are received twice during that time, under the recommendations in the guidance, there would be about 13 records kept (2 for inspecting incoming ingredients; 2 for inspecting the facility and production areas once every 4 hours; 3 records for equipment (maintenance, sanitation, and visual inspections for defects); 1 for calibrating equipment; 2 temperature recording audits (1 time for each of the 2 processing runs); and 3 microbiological audits (ingredients, food contact surfaces, and equipment)). Therefore, the annual frequency of recordkeeping for SOPs and SSOPs is calculated to be 3,315 times (255 × 13) per year per firm; 122 firms will be performing these activities to generate a total 404,430 records (3,315 × 122) annually.

The total time to record observations for SOP and SSOP maintenance is estimated to take 4 minutes or 0.067 hours per record, and the number of records maintained is 404,430. Therefore, the total annual burden in hours for 122 processors to maintain their SOP and SSOP records is approximately 27,097 hours (404,430 × 0.067). The maintenance burden for these 122 firms is estimated in row 1 of table 1.

C. Recall and Traceback

The burden to develop a traceback program is a one-time activity estimated to take approximately 20 hours. Accordingly, we only need to estimate the burden of this one-time activity on the 10 new businesses expected to enter the industry in the next 3 years. We estimate that the 10 new firms will spend 20 hours each preparing a traceback program, for a total of 200 hours (10 × 20). The burden estimate of developing a traceback program is shown in row 2 of table 1.

Firms may test their traceback programs yearly to see if adjustments are needed to maintain traceback capabilities. Evaluating and updating traceback programs is estimated to take 40 hours to complete. The annual burden of maintaining a traceback program is estimated for the 280 existing firms in the industry plus the 10 firms new to the industry. Assuming that each firm completes this exercise once a year, the total maintenance burden of traceback programs is 11,600 hours yearly (290 × 40). This burden estimate is shown in row 3 of table 1.

The guidance refers to previously approved collections of information found in our regulations. The recommendations regarding establishing and maintaining a recall plan, as provided in 21 CFR 7.59, have been approved under OMB control number 0910–0249. Therefore, we are not calculating a paperwork burden for recall plans.

D. Preventative Control Program

Developing a HACCP plan is a one-time activity during the first year that is estimated to take 100 hours based on a trained HACCP team working on the plan full time. Accordingly, we only need to estimate the burden on the 10 new businesses expected to enter the industry in the next 3 years. We estimate that the 10 new firms will spend 100 hours each to develop their individual HACCP plans, for a total of 1,000 hours (10 × 100). This burden estimate is shown in row 4 of table 1.

After the HACCP plan is developed, the frequency for recordkeeping for implementing or maintaining daily records is estimated to be 510 records per year. The total time to record observations is estimated to take 4 minutes or 0.067 hours per record. Of the 280 existing firms, we estimate that approximately 135 firms have not implemented HACCP plans. We assume that these fresh-cut processors (135 existing firms plus 10 new firms) would voluntarily implement a HACCP plan. Therefore, the total annual records kept by 145 firms is 73,950 (510 × 145), and the total hours required are 4,955 (73,950 records × 0.067 hours per record = 4,954.65, rounded to 4,955). This annual burden is shown in row 5 of table 1.

Fresh-cut processors are presumed to review their HACCP plans four times per year (once per quarter). Estimating that it takes each of the 145 firms 4 hours per review each quarter, the total burden of this activity is 2,320 (145 × 4 × 4) hours per year. This annual burden is shown in row 6 of table 1.

Dated: January 21, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–01423 Filed 1–24–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–R–2012–N269; FXRS12610200000S3–134–FF02R06000]

Final Comprehensive Conservation Plans and Findings of No Significant Impacts for Environmental Assessments for Four Southwestern Refuges (Ozark Plateau and Wichita Mountains, OK; Buffalo Lake and Texas Mid-Coast, TX)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of four final comprehensive conservation plans (CCPs) and findings of no significant impacts (FONSIs) for the environmental assessments (EAs) for Buffalo Lake National Wildlife Refuge (NWR), Ozark Plateau NWR, Texas Mid-coast National Wildlife Refuge Complex (NWRC), and Wichita Mountains Wildlife Refuge (WR). Additionally, the Texas Mid-coast NWRC final CCP includes a final Land Protection Plan. In these final CCPs, we describe how we intend to manage these refuges for the next 15 years.

ADDRESSES: You will find the final CCPs and the EAs/FONSIs on the planning Web site, at *http://www.fws.gov/southwest/refuges/plan/plansinprogress.html.* Limited numbers of hard copies and CD–ROMs are available. You may request one by any of the following methods:

- *Email: jose_viramontes@fws.gov.* Include ''Final CCPs'' in the subject line of the message.
- *U.S. Mail:* USFWS–NWRS–Division of Strategic Planning and Policy, P.O. Box 1306, Albuquerque, NM 87102.

FOR FURTHER INFORMATION CONTACT: Jose Viramontes, Southwest Regional Chief, Division of Strategic Planning & Policy, National Wildlife Refuge System, 505–248–6473 or *jose_viramontes@fws.gov.*

SUPPLEMENTARY INFORMATION:

Introduction

Buffalo Lake NWR

With this notice, we finalize the CCP process for Buffalo Lake NWR, which we began by publishing a notice of intent in the **Federal Register** (63 FR 33693) on June 19, 1998. For more about the initial process and the history of this refuge, see that notice. We released the draft CCP and EA to the public, announcing and requesting comments in a notice of availability (77 FR 65011) on October 24, 2012. The comment period ended on November 23, 2012. A summary of public comments and the agency responses is included in the final CCP.

Ozark Plateau NWR

With this notice, we finalize the CCP process for Ozark Plateau NWR, which we began by publishing a notice of intent in the **Federal Register** (63 FR 33693) on June 19, 1998. For more about the initial process and the history of this refuge, see that notice. We released the draft CCP and EA to the public, announcing and requesting comments in a notice of availability (78 FR 9410) on February 8, 2013. The comment period ended on March 8, 2013. A summary of public comments and the agency responses is included in the final CCP.

Texas Mid-Coast NWRC

With this notice, we finalize the CCP process for Texas Mid-coast NWRC, which we began by publishing a notice of intent in the **Federal Register** (74 FR 29714) on June 23, 2009. For more about the initial process and the history of this refuge, see that notice. We released the draft CCP and EA to the public, announcing and requesting comments in a notice of availability (77 FR 50523) on August 21, 2012. The comment period ended on September 20, 2012. A summary of public comments and the agency responses is included in the final CCP.

Wichita Mountains WR

With this notice, we finalize the CCP process for Wichita Mountains WR, which we began by publishing a notice of intent in the **Federal Register** (73 FR 65872) on November 5, 2008. For more about the initial process and the history of this refuge, see that notice. We released the draft CCP and EA to the public, announcing and requesting comments in a notice of availability (77 FR 47657) on August 9, 2012. The comment period ended on September 10, 2012. A summary of public comments and the agency responses is included in the final CCP.

Background

The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd–668ee) (Administration Act), requires us to develop a CCP for each national wildlife refuge. The purpose in developing a CCP is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System (NWRS), consistent with sound principles of fish and wildlife management, conservation, legal mandates, and Service policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

Each unit of the NWRS was established for specific purposes. We use these purposes as the foundation for developing and prioritizing the management goals and objectives for each refuge within the NWRS mission, and to determine how the public can use each refuge. The planning process is a way for us and the public to evaluate management goals and objectives that will ensure the best possible approach to wildlife, plant, and habitat conservation, while providing for wildlife-dependent recreation opportunities that are compatible with each refuge's establishing purposes and the mission of the NWRS.

Additional Information

For each refuge, the final CCP includes detailed information about the refuge unit itself, the planning process, issues, and the management alternative selected. The Web site also includes the EAs and FONSIs, prepared in accordance with the National Environmental Policy Act (NEPA) (43 U.S.C. 4321 *et seq.*). Each EA/FONSI includes a discussion of alternatives for refuge management options. The Service's selected alternatives are reflected in the final CCP for each refuge.

Selected Alternatives for Each Refuge

The selected alternative in each of the CCPs best meets the vision for the future for that refuge; the purposes for which the refuge was established; and the habitat, wildlife, and visitor services

goals identified in the CCP. The selected alternative is the basis for the CCP. Future management actions will have a neutral or positive impact on the local economy, and the recommendations in the CCP will ensure that refuge management is consistent with the mission of the National Wildlife Refuge System and U.S. Fish and Wildlife Service. A detailed description of objectives and actions included in this selected alternative is found in chapter 4 of each final CCP.

Buffalo Lake NWR

Under the selected alternative, an expansion of habitat management and restoration activities, combined with expanded public use and infrastructure, will promote short-grass prairies. This alternative is based on increased efforts of wildlife inventories and habitat condition, in an attempt to benefit wildlife by using adaptive management strategies that promote short grass prairies throughout the entire ecoregion. The Service will continue to develop additional visitor service programs, by expanding the environmental education and interpretation programs, as well as by using outreach efforts to meet increasing visitation and interest in Refuge resources.

Ozark Plateau NWR

Under the selected alternative, habitat objectives will be accomplished through a combination of management activities to encourage ecological integrity of caves, springs, streams, wetlands, watersheds, forests, and groundwater recharge areas; improve or maintain habitats for native and migratory wildlife; and provide for environmental education and recreational opportunities. This alternative is based on successful pre-existing management strategies and has incorporated ecological principles that apply to Bailey's Central Interior Broadleaf Forest ecoregion province and the Ozark Highlands ecoregion section. The Service would continue to work with conservation partners and increase collaboration and partnerships at a landscape level on public and private lands, working toward maintaining the integrity of this isolated and threatened ecosystem.

Texas Mid-Coast NWRC

Under the selected alternative, habitat objectives will be accomplished through a combination of management activities to encourage ecological integrity, improve or maintain habitats for native and migratory wildlife, and provide for recreational opportunities. In accordance with the 2013 Land Protection Plan (Appendix I in CCP), the Service would acquire and conserve lands of up to 70,000 acres within the Columbia Bottomland Ecosystem. Conserved lands may include bottomland forest, riparian, open water, and coastal prairie habitats within the original Austin's Woods Conservation Project Area Boundary. The Service will continue to work with conservation partners, working toward maintaining the integrity of this isolated and threatened ecosystem.

Wichita Mountains WR

Under the selected alternative, habitat objectives will be accomplished through a combination of management activities to encourage ecological integrity, control invasive species, and improve or maintain habitats. Through a revised Habitat Management Plan, the refuge would evaluate increasing the bison herd to a genetically effective population size. The refuge also would continue to implement the Department of the Interior Bison Initiative model. The refuge would evaluate decreasing or moving the longhorn herd to an alternate location for the purpose of increasing the bison herd. The refuge would redesignate the Special Use Area as a Research Natural Area to formalize this area's management and better protect it in perpetuity. The refuge would improve opportunities for the six priority wildlife-dependent public uses through increases in facilities improvement, information, signage, and facilitation by refuge staff. Both the Treasure Lake Job Corps and Holy City would continue to be managed on the refuge. The refuge would consider partnership opportunities with Job Corps for Refuge projects. Holy City's use would be monitored to determine if effects to refuge resources are occurring and whether management needs to be adapted.

Benjamin Tuggle,

Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2014–01471 Filed 1–24–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

[FWS–R3–FHC–2013–N266; FXFR13340300000–145–FF03F00000]

Fisheries and Habitat Conservation; Draft Environmental Impact Statement for the Ballville Dam Project on the Sandusky River, Sandusky County, Ohio

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; announcement of meeting; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft environmental impact statement (DEIS) that has been prepared to evaluate the Ballville Dam Project, in Sandusky County, Ohio, in accordance with the requirements of the National Environmental Policy Act (NEPA). We are also announcing a public meeting and requesting public comments.

DATES: The comment period begins with publication of this notice in the **Federal Register** and will continue through March 28, 2014. The Service will consider all comments regarding the DEIS received or postmarked by this date and respond to them as appropriate. The Service will conduct a public meeting in Fremont, Ohio, on February 19, 2014 from 7 to 9 p.m. The meeting will provide the public with an opportunity to present comments, ask questions, and discuss issues with Service staff and our cooperating agencies regarding the DEIS.

ADDRESSES: The meeting will take place at Terra State Community College, 2830 Napoleon Road, Fremont, OH 43420. A hard copy of the DEIS and associated documents will be available for review at the Birchard Public Library, 423 Croghan Street, Fremont, Ohio 43420, as well as online at *http://www.fws.gov/midwest/fisheries/ballville-dam.html*.

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

- *U.S. mail or hand-delivery:* Brian Elkington, U.S. Fish and Wildlife Service, Fisheries, 5600 American Boulevard West, Suite 990, Bloomington, MN 55437–1458.
- *Email: Ballvilledam@fws.gov.*
- *Fax:* (612) 713–5289 (Attention: Brian Elkington).

FOR FURTHER INFORMATION CONTACT: Brian Elkington, (612) 713–5168. Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at (800) 877–8337 for TTY assistance.

SUPPLEMENTARY INFORMATION: We publish this notice in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*), and its implementing regulations (40 CFR 1506.6). The Service, in conjunction with our cooperating agencies prepared this DEIS for the Ballville Dam Project with the intent to address the environmental, economic, cultural and historical, and safety issues associated with the proposed removal of the dam and a suite of alternatives.

Ballville Dam is currently a complete barrier to upstream fish passage and impedes hydrologic processes. The purpose for the issuance of federal funds and preparation of this Draft EIS are to restore natural hydrological processes over a 40-mile stretch of the Sandusky River, re-open fish passage to 22 miles of new habitat, restore flow conditions for fish access to new habitat above the impoundment, and improve overall conditions for native fish communities in the Sandusky River system both upstream and downstream of the Ballville Dam, restoring self-sustaining fish resources.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties.

Alternatives in the DEIS

The DEIS contains an analysis of four alternatives: (1) Proposed Action—Incremental Dam Removal with Ice Control Structure; (2) No Federal Action; (3) Fish Elevator Structure; and (4) Dam Removal with Ice Control Structure. The DEIS considers the direct, indirect, and cumulative effects of the alternatives, including any measures under the Proposed Action alternative intended to minimize and mitigate such impacts. The DEIS also identifies additional alternatives that were considered but were eliminated from consideration as detailed in Section 2.3 of the DEIS.

Public Comments

The Service requests data, comments, new information, or suggestions from the public, concerned governmental agencies, the scientific community, tribes, industry, or any other interested party on this notice.

In particular, information and comments regarding the following topics are requested:

1. The direct, indirect, or cumulative effects that implementation of any alternative could have on the human environment;
2. Whether or not the significance of the impact on various aspects of the human environment has been adequately analyzed; and
3. Any other information pertinent to evaluating the effects of the proposed action on the human environment.

You may submit your comments and materials considering this notice by one of the methods listed in the **ADDRESSES** section.

Public Availability of Comments

All comments and materials we receive in response to this request will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

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.

Background

Ballville Dam was built in 1913 for hydroelectric power generation. The City of Fremont purchased the dam in 1959 from the Ohio Power Company for the purpose of supplying raw water to the city. With the construction of a raw water reservoir, the dam is no longer required for this purpose. In 2007, the ODNR issued a Notice of Violation (NOV) to the City, stating that the dam was being operated in violation of the law as a result of its deteriorated condition.

Ballville Dam is currently a complete barrier to upstream fish passage and impedes hydrologic processes. An improved river flow regime with open access to substantially more habitat should increase the abundance of virtually all species, and likely species diversity as well, when compared to present conditions both above and below Ballville Dam.

Authority

This notice is being furnished as provided for by NEPA and its implementing Regulations (40 CFR 1501.7 and 1508.22). The intent of the notice is to obtain suggestions and additional information from other agencies and the public on the DEIS. Comments and participation in this process are solicited.

Todd Turner,

Assistant Regional Director, Fisheries, Midwest Region.

[FR Doc. 2014–01524 Filed 1–24–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–MB–2014–N007; 91100–3740–GRNT 7C]

Meeting Announcement: North American Wetlands Conservation Council

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of teleconference.

SUMMARY: The North American Wetlands Conservation Council (Council) will meet via telephone to select North American Wetlands Conservation Act (NAWCA) grant proposals for recommendation to the Migratory Bird Conservation Commission (Commission). This teleconference is open to the public, and interested persons may present oral or written statements.

DATES: *Council:* The teleconference is scheduled for February 4, 2014, from 1 p.m. to 4:30 p.m. If you are interested in presenting information, contact the Council Coordinator no later than January 27, 2014.

ADDRESSES: Because this is a conference call, there is no meeting venue. Participants should call the toll-free number 877–951–7596; when prompted, enter participant passcode 9469306.

FOR FURTHER INFORMATION CONTACT: Cynthia Perry, Council Coordinator, by phone at 703–358–2432; by email at *dbhc@fws.gov;* or by U.S. mail at U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, MBSP 4075, Arlington, VA 22203.

SUPPLEMENTARY INFORMATION:

Background

In accordance with NAWCA (Pub. L. 101–233, 103 Stat. 1968, December 13, 1989, as amended), the State-private-Federal Council meets to consider wetland acquisition, restoration, enhancement, and management projects for recommendation to, and final funding approval by, the Commission. Project proposal due dates, application instructions, and eligibility

requirements are available on the NAWCA Web site at *http://www.fws.gov/birdhabitat/Grants/NAWCA.*

Proposals require a minimum of 50 percent non-Federal matching funds. If you are interested in presenting information or submitting questions for this public meeting, contact the Council Coordinator no later than January 27, 2014.

Grant Programs

U.S. Small Grants Program

The Small Grants Program is a competitive matching grants program that supports public-private partnerships carrying out projects in the United States that further the goals of NAWCA. These projects must involve long-term protection, restoration, and/or enhancement of wetlands and associated uplands habitats for the benefit of all wetlands-associated migratory birds. This program supports the same type of projects and adheres to the same selection criteria and administrative guidelines as the U.S. Standard Grants Program. However, project activities are usually smaller in scope and involve fewer project dollars. Grant requests may not exceed $75,000, and funding priority is given to grantees or partners new to the NAWCA Grants Program.

The Canada Standard Grants Program is a matching grants program that supports public-private partnerships carrying out wetlands conservation projects in Canada. Their projects contribute to a comprehensive, programmatic approach towards furthering the goals of NAWCA. Project activities involve the long-term conservation of wetlands and associated upland habitats for the benefit of waterfowl and all wetland-associated migratory birds.

Project proposal due dates, application instructions, and eligibility requirements are available on the NAWCA Web site at *http://www.fws.gov/birdhabitat/Grants/NAWCA.*

If you are interested in presenting information or submitting questions for this public meeting, contact the Council Coordinator no later than January 27, 2014.

Meeting

The Council will consider U.S. small grant proposals and Canada grant proposals at the meeting. The Commission will consider the Council's recommendations at its meeting scheduled for March 26, 2014.

Public Input

If you wish to:	You must contact the Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**) no later than
(1) Listen to the Council meeting.	February 3, 2014.
(2) Submit written information or questions before the Council meeting for consideration during the meeting.	January 27, 2014.

Submitting Written Information or Questions

Interested members of the public may submit relevant information or questions for the Council to consider during the public meeting. If you wish to submit a written statement, so that the information may be made available to the Council for their consideration prior to this meeting, you must contact the Council Coordinator by the date above. Written statements must be supplied to the Council Coordinator in both of the following formats: One hard copy with original signature, and one electronic copy via email (acceptable file formats are Adobe Acrobat PDF, MS Word, MS PowerPoint, or rich text file).

Giving an Oral Presentation

Individuals or groups requesting to make an oral presentation at the Council meeting will be limited to 2 minutes per speaker, with no more than a total of 30 minutes for all speakers. Interested parties should contact the Council Coordinator by the date above, in writing (preferably via email; see **FOR FURTHER INFORMATION CONTACT**), to be placed on the public speaker list for either of these meetings. Non-registered public speakers will not be considered during the Council meeting. Registered speakers who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, are invited to submit written statements to the Council within 30 days following the meeting.

Meeting Minutes

Summary minutes of the Council and meeting will be maintained by the Council Coordinator at the address under **FOR FURTHER INFORMATION CONTACT**. Council meeting minutes will be available by contacting the Council Coordinator within 30 days following the meeting. Personal copies may be purchased for the cost of duplication.

Jerome Ford,

Assistant Director, Migratory Birds.

[FR Doc. 2014–01262 Filed 1–24–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5B211.IA000714]

Notice of Deadline for Submitting Completed Applications To Begin Participation in the Tribal Self-Governance Program in Fiscal Year 2015 or Calendar Year 2015

AGENCY: Office of Self-Governance, Interior.

ACTION: Notice of Application Deadline.

SUMMARY: In this notice, the Office of Self-Governance (OSG) establishes a March 1, 2014, deadline for Indian tribes/consortia to submit completed applications to begin participation in the tribal self-governance program in fiscal year 2015 or calendar year 2015.

DATES: Completed application packages must be received by the Director, Office of Self-Governance, by March 1, 2014.

ADDRESSES: Application packages for inclusion in the applicant pool should be sent to Sharee M. Freeman, Director, Office of Self-Governance, Department of the Interior, Mail Stop 355–G–SIB, 1951 Constitution Avenue NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Dr. Kenneth D. Reinfeld, Office of Self-Governance, Telephone 202–208–5734.

SUPPLEMENTARY INFORMATION: Under the Tribal Self-Governance Act of 1994 (Pub. L. 103–413), as amended by the Fiscal Year 1997 Omnibus Appropriations Bill (Pub. L. 104–208), the Director, Office of Self-Governance may select up to 50 additional participating tribes/consortia per year for the tribal self-governance program, and negotiate and enter into a written funding agreement with each participating tribe. The Act mandates that the Secretary submit copies of the funding agreements at least 90 days before the proposed effective date to the appropriate committees of the Congress and to each tribe that is served by the Bureau of Indian Affairs (BIA) agency that is serving the tribe that is a party to the funding agreement. Initial negotiations with a tribe/consortium located in a region and/or agency which has not previously been involved with self-governance negotiations, will take approximately 2 months from start to

finish. Agreements for an October 1 to September 30 funding year need to be signed and submitted by July 1. Agreements for a January 1 to December 31 funding year need to be signed and submitted by October 1.

Purpose of Notice

The regulations at 25 CFR 1000.10 to 1000.31 will be used to govern the application and selection process for tribes/consortia to begin their participation in the tribal self-governance program in fiscal year 2014 and calendar year 2014. Applicants should be guided by the requirements in these subparts in preparing their applications. Copies of these subparts may be obtained from the information contact person identified in this notice.

Tribes/consortia wishing to be considered for participation in the tribal self-governance program in fiscal year 2015 or calendar year 2015 must respond to this notice, except for those tribes/consortia which are: (1) Currently involved in negotiations with the Department; or (2) one of the 111 tribal entities with signed agreements.

Information Collection

This information collection is authorized by OMB Control Number 1076–0143, Tribal Self-Governance Program, which expires November 30, 2015.

Dated: January 16, 2014.

Kevin K. Washburn,

Assistant Secretary, Indian Affairs.

[FR Doc. 2014–01468 Filed 1–24–14; 8:45 am]

BILLING CODE 4310–W8–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNM940000 L1310000.BX0000 14XL1109AF]

Notice of Filing of Plats of Survey, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plats of survey.

SUMMARY: The plats of survey described below are scheduled to be officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, thirty (30) calendar days from the date of this publication.

FOR FURTHER CONTACT INFORMATION: These plats will be available for inspection in the New Mexico State Office, Bureau of Land Management, 301 Dinosaur Trail, Santa Fe, New Mexico. Copies may be obtained from this office upon payment. Contact Marcella Montoya at 505–954–2097, or by email at *mmontoya@blm.gov,* for assistance. 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.

SUPPLEMENTARY INFORMATION:

New Mexico Principal Meridian, New Mexico (NM)

The plat, representing the dependent resurvey and survey in Township 10 North, Range 7 West, of the New Mexico Principal Meridian, accepted December 23, 2013, for Group 1145 NM.

The plat, in three sheets, representing the dependent resurvey and survey in Township 9 North, Range 5 East, of the New Mexico Principal Meridian, accepted December 23, 2013, for Group 1147 NM.

The plat, representing the dependent resurvey and survey in Township 9 North, Range 4 1/2 East, of the New Mexico Principal Meridian, accepted December 23, 2013, for Group 1147 NM.

The plat, in four sheets, representing the dependent resurvey and survey in Township 13 North, Range 4 East, of the New Mexico Principal Meridian NM, accepted October 29, 2013, for Group 1130 NM.

The Plat, representing the dependent resurvey and survey for the Sebastian Martin Grant, of the New Mexico Principal Meridian, accepted December 23, 2013, for Group 1155 NM.

These plats are scheduled for official filing 30 days from the notice of publication in the **Federal Register**, as provided for in the BLM Manual Section 2097—Opening Orders. Notice from this office will be provided as to the date of said publication.

If a protest against a survey, in accordance with 43 CFR 4.450–2, of the above plats is received prior to the date of official filing, the filing will be stayed pending consideration of the protest.

A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

A person or party who wishes to protest against any of these surveys must file a written protest with the Bureau of Land Management New Mexico State Director stating that they wish to protest.

A statement of reasons for a protest may be filed with the Notice of Protest to the State Director or the statement of reasons must be filed with the State Director within thirty (30) days after the protest is filed.

Stephen W. Beyerlein,

Branch Chief, Cadastral Survey.

[FR Doc. 2014–01473 Filed 1–24–14; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLID9570000.LL14200000.BJ0000]

Idaho: Filing of Plats of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plats of surveys.

SUMMARY: The Bureau of Land Management (BLM) has officially filed the plats of survey of the lands described below in the BLM Idaho State Office, Boise, Idaho, effective 9:00 a.m., on the dates specified.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 1387 South Vinnell Way, Boise, Idaho, 83709–1657.

SUPPLEMENTARY INFORMATION: These surveys were executed at the request of the Bureau of Land Management to meet their administrative needs. The lands surveyed are:

The plat representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of section 9, T. 5 S., R. 1 E., of the Boise Meridian, Idaho, Group Number 1378, was accepted November 15, 2013.

The plat representing the dependent resurvey of portions of the west boundary and subdivisional lines, and the subdivision of sections 7 and 8, T. 9 S., R. 36 E., of the Boise Meridian, Idaho, Group Number 1368, was accepted December 20, 2013.

Dated: January 13, 2014.

Jeffry A. Lee,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 2014–01456 Filed 1–24–14; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–USPP–14579; PPWOUSPPS1, PPMPRPP02.Y00000]

Information Collection Request Sent to the Office of Management and Budget (OMB) for Approval; United States Park Police Personal History Statement

AGENCY: National Park Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (National Park Service, NPS) have sent an Information Collection Request (ICR) to OMB for review and approval. We summarize the ICR below and describe the nature of the collection and the estimated burden and cost. This information collection is scheduled to expire on January 31, 2014. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB Control Number. However, under OMB regulations, we may continue to conduct or sponsor this information collection while it is pending at OMB.

DATES: You must submit comments on or before February 26, 2014.

ADDRESSES: Send your comments and suggestions on this information collection to the Desk Officer for the Department of the Interior at OMB–OIRA at (202) 395–5806 (fax) or *OIRA_Submission@omb.eop.gov* (email). Please provide a copy of your comments to the Information Collection Clearance Officer, National Park Service, 1849 C Street NW. (2601), Washington, DC 20240 (mail); or *madonna_baucum@nps.gov* (email). Please reference OMB Control Number 1024–0245 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Major Scott Fear, United States Park Police, 1100 Ohio Drive SW., Washington, DC 20242 (mail); or at *Scott_Fear@nps.gov* (email); or at (202) 610–3529 (telephone). You may review the ICR online at *http://www.reginfo.gov.* Follow the instructions to review Department of the Interior collections under review by OMB.

SUPPLEMENTARY INFORMATION:

I. Abstract

The United States Park Police (USPP) is a unit of the National Park Service, Department of the Interior, with jurisdiction in all National Park Service areas and certain other Federal and State lands. The USPP are highly trained, professional police officers who prevent and detect criminal activity; conduct investigations; apprehend individuals suspected of committing offenses against Federal, State, and local laws; provide protection to the President of the United States and visiting dignitaries; and provide protective services to some of the most recognizable monuments and memorials in the world.

Applicants for USPP officer positions must complete and pass a competitive written examination, an oral interview, a medical examination and psychological evaluation, and a battery of physical fitness and agility tests. As part of this application process, we use USPP Form 1 (United States Park Police Personal History Statement) to collect detailed personal history information from applicants. Investigators verify the information provided, and we use it to determine an applicant's suitability for a USPP officer position. The information we collect includes, but is not limited to:

- Personal background information, including financial data and residence history.
- Selective Service information and military data.
- References.
- Education and employment information.
- Driving record, arrest/conviction data, and criminal history information.
- Illegal drug usage.
- Alcohol usage.
- Gambling information.
- Miscellaneous information, such as firearm permits, special skills, other languages, hobbies and interests, other enforcement agencies where applicant applied, and whether or not applicant previously applied for a USPP officer position.

II. Data

OMB Control Number: 1024–0245.

Title: United States Park Police Personal History Statement.

Service Form Number(s): USPP Form 1.

Type of Request: Extension of a currently approved collection.

Description of Respondents: Candidates for employment as a park police officer.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Estimated Annual Number of Responses: 2,500.

Estimated Completion Time per Response: 8 hours.

Estimated Total Annual Burden Hours: 20,000.

Estimated Annual Nonhour Burden Cost: $227,500, primarily for costs (1) associated with printing and notarizing the application and (2) incurred to provide supporting documentation.

III. Comments

On August 29, 2013, we published in the **Federal Register** (78 FR 53478) a notice of our intent to request that OMB renew approval for this information collection. In that notice, we solicited comments for 60 days, ending on October 28, 2013. We did not receive any comments in response to that notice.

We again invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

Dated: January 17, 2014.

Madonna L. Baucum,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2014–01455 Filed 1–24–14; 8:45 am]

BILLING CODE 4310–EH–P

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting

TIME AND DATE: 11:00 a.m., Tuesday, January 28, 2014.

PLACE: U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Hearing Examiner Appointment.

CONTACT PERSON FOR MORE INFORMATION: Patricia W. Moore, Staff Assistant to the Chairman, U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, DC 20530, (202) 346–7001.

Dated: January 23, 2014.

J. Patricia W. Smoot,

Acting General Counsel, U.S. Parole Commission.

[FR Doc. 2014–01614 Filed 1–23–14; 4:15 pm]

BILLING CODE 4410–31–P

OFFICE OF MANAGEMENT AND BUDGET

Technical Support Document: Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order No. 12866

AGENCY: Executive Office of the President, Office of Management and Budget.

ACTION: Notice of extension of public comment period.

SUMMARY: On November 26, 2013, the Office of Management and Budget (OMB) invited public comments on the Technical Support Document entitled *Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866.* That request may be found at 78 FR 70586. This notice extends the public comment period for another 30 days.

OMB requests that comments be submitted electronically to OMB by February 26, 2014 through *www.regulations.gov*.

DATES: The ongoing public comment period that opened on November 26, 2013 will remain open until February 26, 2014.

ADDRESSES: Submit comments by one of the following methods:

- *www.regulations.gov*: Direct comments to Docket ID OMB–OMB–2013–0007
- Email: *SCC@omb.eop.gov* [Please note that this is a corrected email address.]
- Fax: (202) 395–7285
- Mail: Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: Mabel Echols, NEOB, Room 10202, 725 17th Street NW., Washington, DC 20503. To ensure that your comments are received, we recommend that comments be electronically submitted.

All comments and recommendations submitted in response to this notice will be made available to the public. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means OMB will not know your identity or contact information unless you provide it in the body of your comment.

FOR FURTHER INFORMATION CONTACT: Mabel Echols, Office of Information and Regulatory Affairs, Office of Management and Budget, NEOB, Room 10202, 725 17th Street NW., Washington, DC 20503. Telephone: (202) 395–3741.

SUPPLEMENTARY INFORMATION: The Social Cost of Carbon (SCC) is used to estimate the value to society of marginal reductions in carbon emissions. The Technical Support Document (TSD), available at: *http://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/technical-update-social-cost-of-carbon-for-regulator-impact-analysis.pdf*, explains the derivation of the SCC estimates using three peer reviewed integrated assessment models and provides updated values of the SCC that reflect minor technical corrections to the estimates released in May of 2013. In order to allow commenters adequate time to review the TSD and related information in the scientific literature that they may wish to consider to inform their comments, OMB is extending the comment period by 30 days.

Howard A. Shelanski,

Administrator, Office of Information and Regulatory Affairs.

[FR Doc. 2014–01605 Filed 1–23–14; 4:15 pm]

BILLING CODE P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2014–0013]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The U. S. Nuclear Regulatory Commission (NRC) invites public comment about our intention to request the OMB's approval for a new information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* Evaluation of Outreach Efforts Related to the NRC's Safety Culture Policy Statement.

2. *Current OMB approval number:* 3150–XXXX.

3. *How often the collection is required:* One time.

4. *Who is required or asked to report:* Respondents asked to voluntarily participate in this information collection activity will include licensees of the NRC's Office of Federal and State Materials and Environment Management Programs, fuel cycle, transportation and storage, and greater than critical mass licensees overseen by the NRC's Office of Nuclear Materials Safety and Safeguards, and materials licensees of the following Agreement States that have expressed interest in participating: Illinois, Minnesota, North Carolina, Ohio, Rhode Island, Virginia, Washington, and Wisconsin.

5. *The number of annual respondents:* 6,158 licensees of the NRC and participating Agreement States will be invited to participate in this one-time, voluntary information collection activity. The staff anticipates a response rate of 50 percent; therefore, the expected number of respondents is 3,079. Because the survey will only be administered once during the three year clearance period, the annualized number of respondents is 1,026.3 respondents.

6. *The number of hours needed annually to complete the requirement or request:* The survey is estimated to take no more than 20 minutes (0.33 hours) per respondent. The total annualized burden is estimated to be 338.7 hours.

7. *Abstract:* In June 2011, the NRC issued its Safety Culture Policy Statement, which describes the Commission's expectation that the NRC's regulated community maintain a positive safety culture. The NRC continues to seek ways to engage with stakeholders, licensees, members of the public, and the international community to provide outreach and education on the Safety Culture Policy Statement. The purpose of the current information collection activity is to gather feedback on whether NRC's outreach and communication activities have been effective in promoting awareness of the Safety Culture Policy Statement, and to determine if changes to current activities and/or new activities are necessary and appropriate. To support this evaluation, the NRC staff plans to conduct a voluntary survey of its materials regulated community, specifically materials users, organizations involved in the fuel cycle, and storage and transportation of nuclear materials. The NRC staff has also invited Agreement States (i.e., States that have signed formal agreements with the NRC to assume regulatory responsibility over certain byproduct and source nuclear materials, as well as small quantities of special nuclear materials) to participate by voluntarily administering the survey to materials users they regulate, and eight

states have agreed to participate. The NRC has determined that a standardized voluntary survey is the most practical means of gathering feedback on its outreach and communications regarding the Safety Culture Policy Statement. Using a survey approach for the evaluation allows for input to be solicited from a wide range of licensees in an efficient and consistent manner.

Submit, by March 28, 2014, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

The public may examine and have copied for a fee publicly-available documents, including the draft supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The OMB clearance requests are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/.* The document will be available on the NRC's home page site for 60 days after the signature date of this notice.

Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2014–0013. You may submit your comments by any of the following methods: Electronic comments: *http://www.regulations.gov* and search for Docket No. NRC–2014–0013. Mail comments to the Acting NRC Clearance Officer, Kristen Benney (T–5 F50), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Questions about the information collection requirements may be directed to the Acting NRC Clearance Officer, Kristen Benney (T–5 F50), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–6355, or by email to *INFOCOLLECTS.Resource@NRC.GOV.*

Dated at Rockville, Maryland, this 17th day of January, 2014.

For the Nuclear Regulatory Commission.

Brenda Miles,

Acting NRC Clearance Officer, Office of Information Services.

[FR Doc. 2014–01486 Filed 1–24–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0006]

Draft Program-Specific Guidance About Licenses of Broad Scope

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft NUREG; request for comments.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is revising its licensing guidance for licenses of broad scope. The NRC is requesting public comment on draft NUREG–1556, Volume 11, Revision 1, ''Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Licenses of Broad Scope.'' The document has been updated from the previous revision to include safety culture, security of radioactive materials, protection of sensitive information, and changes in regulatory policies and practices. This document is intended for use by applicants, licensees, and the NRC staff and will also be available to Agreement States.

DATES: Submit comments by February 26, 2014. Comments received after this date will be considered if it is practical to do so, but the NRC is only able to assure consideration of comments received on or before this date.

ADDRESSES: You may submit comment 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–2014–0006. 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.
- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: 3WFN–06–A44MP, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Tomas Herrera, Office of Federal and State Materials and Environmental Management Programs; U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7138; email: *Tomas.Herrera@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2014–0006 when contacting the NRC about the availability of information regarding this document. You may access 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–2014–0006.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library 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 draft NUREG–1556, Volume 11, Revision 1, is available in ADAMS under Accession No. ML14015A114.
- *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 draft NUREG–1556, Volume 11, Revision 1, is also available on the NRC's public Web site on the: (1) ''Consolidated Guidance About Materials Licenses (NUREG–1556)'' page at *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/;* and the (2) ''Draft NUREG-Series Publications for Comment'' page at *http://www.nrc.gov/public-involve/doc-comment.html#nuregs.*

B. Submitting Comments

Please include Docket ID NRC–2014–0006 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want 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, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Further Information

The NUREG provides guidance to an applicant in preparing a broad scope license application and provides the NRC with criteria for evaluating a license application. The purpose of this notice is to provide the public with an opportunity to review and provide comments on draft NUREG–1556, Volume 11, Revision 1, ''Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Licenses of Broad Scope.'' These comments will be considered in the final version or subsequent revisions.

Dated at Rockville, Maryland, this 16th day of January, 2014.

For the U.S. Nuclear Regulatory Commission.

Laura A. Dudes,

Director, Division of Materials Safety and State Agreements, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. 2014–01490 Filed 1–24–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0005]

Draft Program-Specific Guidance About Academic, Research and Development, and Other Licenses of Limited Scope Including Electron Capture Devices and X-Ray Fluorescence Analyzers

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft NUREG; request for comments.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is revising its licensing guidance for academic, research and development, and other licenses of limited scope including electron capture devices and X-ray fluorescence analyzers. The NRC is requesting public comment on draft NUREG–1556, Volume 7, Revision 1, ''Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Academic, Research and Development, and Other Licenses of Limited Scope Including Electron Capture Devices and X-Ray Fluorescence Analyzers.'' The document has been updated from the previous revision to include safety culture, security of radioactive materials, protection of sensitive information, and changes in regulatory policies and practices. This document is intended for use by applicants, licensees, and the NRC staff and will also be available to Agreement States.

DATES: Submit comments by February 26, 2014. Comments received after this date will be considered if it is practical to do so, but the NRC is only able to assure consideration of comments received on or before this date.

ADDRESSES: You may submit comment 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–2014–0005. 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.
- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: 3WFN–06–A44MP, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Tomas Herrera, Office of Federal and State Materials and Environmental Management Programs; U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7138; email: *Tomas.Herrera@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2014–0005 when contacting the NRC about the availability of information regarding this document. You may access 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–2014–0005.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library 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 draft NUREG–1556, Volume 7, Revision 1, is available in ADAMS under Accession No. ML14015A110.
- *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 draft NUREG–1556, Volume 7, Revision 1, is also available on the NRC's public Web site on the: (1) ''Consolidated Guidance About Materials Licenses (NUREG–1556)'' page at *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/;* and the (2) ''Draft NUREG-Series Publications for Comment'' page at *http://www.nrc.gov/public-involve/doc-comment.html#nuregs.*

B. Submitting Comments

Please include Docket ID NRC–2014–0005 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want 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, then you should inform those persons not to include identifying or contact information that

they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Further Information

The NUREG provides guidance to an applicant in preparing an academic, research and development, and other licenses of limited scope application for use of unsealed radioactive materials in laboratory studies or similar activities, veterinary uses of licensed materials, and small sealed sources such as in electron capture devices and X-ray fluorescence analyzers. The NUREG also provides the NRC with criteria for evaluating a license application. The purpose of this notice is to provide the public with an opportunity to review and provide comments on draft NUREG–1556, Volume 7, Revision 1, ''Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Academic, Research and Development, and Other Licenses of Limited Scope Including Electron Capture Devices and X-Ray Fluorescence Analyzers.'' These comments will be considered in the final version or subsequent revisions.

Dated at Rockville, Maryland, this 16th day of January, 2014.

For the U.S. Nuclear Regulatory Commission.

Laura A. Dudes,

Director, Division of Materials Safety and State Agreements, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. 2014–01487 Filed 1–24–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–335, 50–389, 50–250, and 50–251; NRC–2014–0012]

License Nos. DPR–67, NPF–16, DPR–31, and DPR–41; Florida Power & Light Company, St. Lucie Plant, Units 1 and 2, Turkey Point Nuclear Generating, Units 3 and 4

AGENCY: Nuclear Regulatory Commission.

ACTION: Director's decision; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is giving notice that the Director of the Office of Nuclear Reactor Regulation has issued a director's decision with regard to a petition dated April 23, 2012, filed by Mr. Thomas King (the petitioner).

ADDRESSES: Please refer to Docket ID NRC–2014–0012 when contacting the NRC about the availability of information regarding this document. You may access 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–2014–0012. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.*
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission (NRC) has issued a Director's Decision on a petition filed by Mr. Thomas King (hereafter referred to as ''the petitioner''). The petition, dated April 23, 2012, (ADAMS Accession No. ML13295A021), concerns the operation of the St. Lucie Plant, Units 1 and 2, and the Turkey Point Nuclear Generating Units 3 and 4 (St. Lucie and Turkey Point plants), which are operated by Florida Power & Light Company (the licensee).

The petitioner requested that the NRC take immediate enforcement action in the form of shutting down or prohibiting the restart of the St. Lucie and Turkey Point plants until a criminal investigation of the AMES Group, LLC (AMES, a contractor that performed work for the licensee at the St. Lucie and Turkey Point plants) is complete and everything has been verified safe. The petitioner requested that the NRC prevent the St. Lucie and Turkey Point plants from starting up until the licensee's contractor is cleared, all documents and work performed on safety-related equipment at both plants is independently verified, and all critical work and motor-operated valve testing is redone. As the basis for the request, the petitioner stated that the licensee was in violation of its policies and procedures on contractor trustworthiness and that work on safety-related equipment may have been done by unqualified contractor employees.

The NRC sent a copy of the proposed director's decision to the petitioner and the licensee for comment on November 1, 2013 (ADAMS Accession No. ML13198A110). The NRC requested that the petitioner and the licensee provide comments within 30 days on any part of the proposed director's decision which they considered to be erroneous or on any issues in the petition that were not addressed. The NRC did not receive comments.

The Director of the Office of Nuclear Reactor Regulation denied the petitioner's request to shut down or prevent restart of the St. Lucie and Turkey Point plants. The NRC staff found no basis for taking enforcement action against the licensee based on the petitioner's concerns. The NRC did not substantiate the petitioner's concern that AMES had sought to misrepresent the capabilities of its technicians to NRC licensed facilities. The NRC did not substantiate that the contractor willfully submitted falsified training and qualification documents for any AMES employee for consideration by the licensee. The director's decision (DD–14–01) under § 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Requests for Action Under This Subpart,'' explains the reasons for this decision. The complete text of the Director's Decision is available online in the NRC Library at *http://www.nrc.gov/reading-rm.html* by searching for ADAMS Accession No. ML13329A091. It is also available for inspection at the NRC's Public Document Room located at One White Flint North, Room O1–F21, 11555 Rockville Pike, Rockville, Maryland 20852.

The NRC will file a copy of the Director's Decision with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206. As provided for by this regulation, the Director's Decision will constitute the final action of the Commission 25 days after the date of the decision unless the Commission, on its own motion, institutes a review of the Director's Decision in that time.

Dated at Rockville, Maryland, this 14th day of January 2014.

For the Nuclear Regulatory Commission.

Eric J. Leeds,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 2014–01491 Filed 1–24–14; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Notice of Sunshine Act Meeting

TIME AND DATE: 2 p.m., Wednesday, March 12, 2014.

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue, NW., Washington, DC.

STATUS: Hearing open to the public at 2 p.m.

PURPOSE: Annual Public Hearing to afford an opportunity for any person to present views regarding the activities of the Corporation.

PROCEDURES:

Individuals wishing to address the hearing orally must provide advance notice to OPIC's Corporate Secretary no later than 5 p.m. Wednesday, March 5, 2014. The notice must include the individual's name, title, organization, address, email, telephone number, and a concise summary of the subject matter to be presented.

Oral presentations may not exceed ten (10) minutes. The time for individual presentations may be reduced proportionately, if necessary, to afford all participants who have submitted a timely request an opportunity to be heard.

Participants wishing to submit a written statement for the record must submit a copy of such statement to OPIC's Corporate Secretary no later than 5 p.m. Wednesday, March 5, 2014. Such statement must be typewritten, double-spaced, and may not exceed twenty-five (25) pages.

Upon receipt of the required notice, OPIC will prepare an agenda for the hearing identifying speakers, setting forth the subject on which each participant will speak, and the time allotted for each presentation. The agenda will be available at the hearing.

A written summary of the hearing will be compiled, and such summary will be made available, upon written request to OPIC's Corporate Secretary, at the cost of reproduction.

CONTACT PERSON FOR INFORMATION: Information on the hearing may be obtained from Connie M. Downs at (202) 336–8438, or via email at *connie.downs@opic.gov.*

SUPPLEMENTARY INFORMATION: OPIC is a U.S. Government agency that provides, on a commercial basis, political risk insurance and financing in friendly developing countries and emerging democracies for environmentally sound projects that confer positive developmental benefits upon the project country while creating employment in the U.S. OPIC is required by section 231A(c) of the Foreign Assistance Act of 1961, as amended (the ''Act'') to hold at least one public hearing each year.

Dated: January 23, 2014.

Connie M. Downs,

OPIC Corporate Secretary.

[FR Doc. 2014–01573 Filed 1–23–14; 4:15 pm]

BILLING CODE 3210–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, January 30, 2014 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Piwowar, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: January 23, 2014.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2014–01618 Filed 1–23–14; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: [79 FR 3261, January 17, 2014]

STATUS: Open Meeting.

PLACE: 100 F Street NE., Washington, DC.

DATE AND TIME OF PREVIOUSLY ANNOUNCED MEETING: Wednesday, January 22, 2014 at 10:00 a.m.

CHANGE IN THE MEETING: Cancellation of Meeting.

The Open Meeting scheduled for Wednesday, January 22, 2014 at 10:00 a.m. was cancelled.

For further information please contact the Office of the Secretary at (202) 551–5400.

Dated: January 22, 2014.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2014–01513 Filed 1–23–14; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission Investor Advisory Committee will hold a meeting on Friday, January 31, 2014, in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE., Washington, DC. The meeting will begin at 10:00 a.m. (E.D.T.) and will be open to the public. Seating will be on a first-come, first-served basis. Doors will open at 9:30 a.m. Visitors will be subject to security checks. The meeting will be webcast on the Commission's Web site at *www.sec.gov.*

On January 13, 2014, the Commission issued notice of the Committee meeting (Release No. 33–9510), indicating that the meeting is open to the public and inviting the public to submit written comments to the Committee. This Sunshine Act notice is being issued because a quorum of the Commission may attend the meeting.

The agenda for the meeting includes: Remarks from Commissioners; a recommendation from the Market Structure Subcommittee and the Investor as Purchaser Subcommittee regarding decimalization; discussion of crowdfunding; discussion of rebates and payments for order flow; and nonpublic subcommittee meetings.

For further information, please contact the Office of the Secretary at (202) 551–5400.

Dated: January 23, 2014.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2014–01621 Filed 1–23–14; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71361; File No. SR–NYSEMKT–2014–03]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Proposing To Extend the Operation of Its Supplemental Liquidity Providers Pilot, Currently Scheduled To Expire on January 31, 2014, Until the Earlier of the Securities and Exchange Commission's Approval To Make Such Pilot Permanent or July 31, 2014

January 21, 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 January 6, 2014 NYSE MKT LLC (''Exchange'' or ''NYSE MKT'') 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—Equities), currently scheduled to expire on January 31, 2014, until the earlier of the Securities and Exchange Commission's (''Commission'') approval to make such Pilot permanent or July 31, 2014.

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,[3] currently scheduled to expire on January 31, 2014, until the earlier of Commission approval to make such Pilot permanent or July 31, 2014.

Background [4]

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'').[5] 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.'' [6] Separately, the NYSE established the SLP Pilot, which established SLPs as a new class of market participants to supplement the liquidity provided by DMMs.[7]

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 January 31, 2014.[8] The NYSE is in the process of requesting an extension of their SLP Pilot until July 31, 2014 or until the Commission approves the pilot as permanent.[9] The extension of the NYSE SLP Pilot until July 31, 2014 runs parallel with the extension of the NMM pilot until July 31, 2014, or until the Commission approves the NMM Pilot as permanent.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *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–011–103) (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); and 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).

[4] The information contained herein is a summary of the NMM Pilot and the SLP Pilot. *See supra* note 3 and *infra* note 5 for a fuller description of those pilots.

[5] *See* Securities Exchange Act Release No. 58845 (October 24, 2008), 73 FR 64379 (October 29, 2008) (SR–NYSE–2008–46).

[6] *See* NYSE Rule 103.

[7] *See* NYSE Rule 107B and NYSE MKT Rule 107B—Equities. NYSE amended the monthly volume requirements to an ADV that is a specified percentage of NYSE CADV. *See* Securities Exchange Act Release No. 67759 (August 30, 2012), 77 FR 54939 (September 6, 2012) (SR–NYSE–2012–38).

[8] *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); and 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).

[9] *See* SR–NYSE–2014–03.

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.[10] The Exchange's SLP Pilot is scheduled to end operation on January 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, 2014, 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 January 31, 2014.[11]

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,[12] in general, and furthers the objectives of Sections 6(b)(5) of the Act,[13] 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 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. The Exchange also 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 an existing pilot program. 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,[14] 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[15] and Rule 19b–4(f)(6)[16] 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.[17]

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)[18] 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. The Commission believes that waiver of the 30-day operative delay period is consistent with the protection of investors and the public interest because waiver would allow the pilot program to continue uninterrupted. Accordingly, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, and designates the

[10] *See* Securities Exchange Act Release No. 61308 (January 7, 2010), 75 FR 2573 (January 15, 2010) (SR–NYSEAmex–2009–98).

[11] The NMM Pilot was scheduled to expire on January 31, 2014 as well. On January 6, 2014, the Exchange filed to extend the NMM Pilot until July 31, 2014 (*See* SR–NYSEMKT–2014–02).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78f(b)(8).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6).

[17] 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.

[18] 17 CFR 240.19b–4(f)(6)(iii).

proposed rule change to be operative upon filing with the Commission.[19]

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.[20]

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–2013–03 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2014–03. 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–2014–03 and should be submitted on or before February 18, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–01425 Filed 1–24–14; 8:45 am]

BILLING CODE 8011–01–P

[19] 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).

[20] 15 U.S.C. 78s(b)(3)(C).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71360; File No. SR–NYSE–2014–02]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change Amending Supplementary Material .20 to Rule 103 Which Sets Forth Net Liquid Assets Requirements for Member Organizations That Operate as Designated Market Maker Units

January 21, 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 January 6, 2014, the New York Stock Exchange LLC (the ''Exchange'' or ''NYSE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Supplementary Material .20 to Rule 103 (''Rule 103.20''), which sets forth net liquid assets requirements for member organizations that operate as Designated Market Maker (''DMM'') units (''DMM units''). 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 Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 103.20, which sets forth net liquid assets requirements for member organizations that operate as DMM units.[3] Specifically, the Exchange proposes to change the types of financial assets and resources that would count toward meeting the net liquid assets requirement without reducing the level of the overall requirement and reorganize and add detail to the rule so that it is easier to understand.

Current Rule

Under Rule 103.20, the Exchange imposes a net liquid assets requirement on each DMM unit subject to Rule 104 that typically far exceeds the minimum net capital requirement applicable to a broker-dealer under Commission Rule 15c3–1 (''SEC Net Capital Rule'').[4] The purpose of the Exchange's requirement is to reasonably assure that each DMM unit maintains sufficient liquidity to carry out its obligation to maintain an orderly market in its assigned securities in times of market stress. The Exchange established the formula for the current net liquid assets requirement in July 2011, which results in the aggregate net

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Pursuant to Rule 2(j), a DMM unit is defined as a member organization or unit within a member organization that has been approved to act as a DMM unit under Rule 98. Pursuant to Rule 2(i), a DMM is defined as an individual member, officer, partner, employee or associated person of a DMM unit who is approved by the Exchange to act in the capacity of a DMM. All references to rules herein are to NYSE rules, unless otherwise noted.

[4] 17 CFR 240.15c3–1.

liquid assets of all DMM units equaling at least $125 million.[5]

Under current Rule 103.20, each DMM unit must maintain or have allocated to it net liquid assets that are the greater of (1) $1 million or (2) $125,000 for each one-tenth of one percent (0.1%) of Exchange transaction dollar volume[6] in its registered securities exclusive of Exchange Traded Funds (''ETFs''), plus $500,000 for each ETF, plus a market risk add-on of the average of the prior 20 business days' securities haircuts on its DMM dealer's positions computed pursuant to paragraph (c)(2)(vi), exclusive of paragraph (N), under the SEC Net Capital Rule. If the DMM unit is registered in ETFs, then it must maintain the greater of $500,000 for each ETF or $1 million. A DMM unit must inform NYSE Regulation immediately whenever the DMM unit is unable to comply with these requirements.

The term ''net liquid assets'' is defined as excess net capital computed in accordance with the SEC Net Capital Rule and Rule 325, with the following adjustments:

(1) Additions for haircuts and undue concentration charges taken pursuant to Section (c)(2)(vi)(M) of the SEC Net Capital Rule on registered securities in dealer accounts;

(2) Deductions for clearing organization deposits; and

(3) Deductions for any cash surrender value of life insurance policies allowable under the SEC Net Capital Rule.

If two or more DMM units are associated with each other and deal for the same DMM unit account, then the capital requirement of Rule 103.20 applies to such DMM units as one unit, rather than to each DMM unit individually. Any joint account must be approved by NYSE Regulation.

Notwithstanding Rule 98, the DMM unit's net liquid assets needed to meet the requirements of Rule 103.20 must be dedicated exclusively to DMM dealer activities and must not be used for any other purpose without the express written consent of NYSE Regulation.

Solely for the purpose of maintaining a fair and orderly market, NYSE Regulation may, for a period not to exceed five business days, allow a DMM unit to continue to operate despite such DMM unit's noncompliance with the provisions of the minimum requirements of Rule 103.20.

Developments Since July 2011 Rule Implementation

A determination of whether Rule 103.20 is appropriately calibrated such that it is consistent with the overall level of DMM unit risk involves consideration and assessment of many factors, including legal and regulatory developments, market fragmentation, DMM unit end-of-day inventory positions and position duration, and the use of technology to manage market volatility. Since July 2011, the Exchange has continued to regularly assess these factors.

With respect to legal and regulatory developments, the Exchange states that the allocation of capital by market participants has become much more disciplined and stringent following passage of the Dodd-Frank Wall Street Reform and Consumer Protection Act[7] and in light of the impending U.S. implementation of the Basel III regulatory capital reforms from the Basel Committee on Banking Supervision.[8] DMMs frequently are established in segregated units where capital cannot be leveraged across other business activities, as it can in other traditional market making businesses. The Exchange notes that overall DMM unit risk levels have continued to decline due to, among other things, implementation of marketwide volatility controls (e.g., Limit Up/Limit Down price controls),[9] enhanced technology resulting in reduced trading latency levels, clearing organization risk control enhancements, tighter percentage triggers on marketwide circuit breakers,[10] pre-trade risk controls (i.e., SEC Rule 15c3–5,[11] the ''Market Access Rule''), and clearly defined Clearly Erroneous Execution parameters and processes.[12] These initiatives have contributed to reducing the potential for significant and/or rapid movements in the market and help DMM units in satisfying their obligation to maintain an orderly market in assigned securities in times of market stress. The Exchange also recently filed to adopt optional ''kill switch'' mechanisms to reduce systemic risk for member organizations, which is a market-wide initiative that has been discussed among several U.S. equity exchanges.[13]

With respect to market fragmentation, the Exchange notes that both the overall consolidated Tape A volume as well as the Exchange's average daily volume of shares traded have declined approximately 30% since 2010, therefore resulting in less trading both market-wide and at the Exchange in the securities assigned to DMMs.

As a result of this decline in marketplace volume and other factors, the regular need for capital to fund end-of-day position inventories has also declined. For example, the average value of DMM units' end-of-day position inventories decreased by over 50% since the last time the Exchange filed to amend the DMM net capital requirements. As a result, the need to keep dedicated capital in the DMM unit is inefficient and this proposal, as described below, would provide for the ability to utilize capital in a more efficient manner. This decrease in inventories also indicates that DMM units are carrying significantly less overnight risk. Moreover, the duration of a position is also much shorter than it was in years past, which has further contributed to reducing overall DMM risk. Speed is a key tool for managing risk, and the Exchange's focus on reducing round-trip order execution times has helped DMM units reduce exposure time and better manage their risks, while allowing them to offer better, more competitively-priced quotes. The Exchange's round trip for marketable order executions has declined from several hundred milliseconds in Q4 2010 to less than 1 millisecond in Q4 2013, based on an average of the medians.

Finally, as the Exchange's marketplace has become more electronic, DMM units have also increased their utilization of technology to reduce risk exposure, in particular by using algorithms to adjust prices quickly in response to market dynamics. In this regard, rapidly incorporating market information into quotes provides better pricing for investors, better risk control mechanisms for DMM units and therefore a marketplace with greater stability and resilience, all of which the Exchange believes contributes to reducing DMM unit risk.

[5] *See* Securities Exchange Act Release No. 64918 (July 19, 2011), 76 FR 44390 (July 25, 2011) (SR–NYSE–2011–35).

[6] The term ''Exchange transaction dollar volume'' means the most recent Statistical Data, calculated and provided by the NYSE on a monthly basis.

[7] Public Law 111–203, 124 Stat. 1376 (2010).

[8] *See* 78 FR 62018 (October 11, 2013) (Adoption of Regulatory Capital Rules by the Office of the Comptroller of the Currency and the Federal Reserve Board: Regulatory Capital, Implementation of Basel III, Capital Adequacy, Transition Provisions, Prompt Corrective Action, Standardized Approach for Risk-weighted Assets, Market Discipline and Disclosure Requirements, Advanced Approaches Risk-Based Capital Rule, and Market Risk Capital Rule).

[9] *See, e.g.,* Securities Exchange Act Release No. 70530 (September 26, 2013), 78 FR 60937 (October 2, 2013) (File No. 4–631).

[10] *See* Rule 80B.

[11] 17 CFR 240.15c3–5.

[12] *See* Rule 128.

[13] *See* Securities Exchange Act Release No. 71164 (December 20, 2013), 78 FR 79044 (December 27, 2013) (SR–NYSE–2013–80).

Proposed Rule Change

In light of these developments, the Exchange believes that it is now appropriate to amend the rule to expand the types of financial assets and resources permitted to be used to meet the net liquid assets requirement without changing the aggregate level of net liquid assets maintained by all DMM units. The Exchange notes that the proposed rule change is designed to promote a more efficient use of capital. The Exchange believes that the current structure may act as a barrier to entry for potential new DMM units because market makers and traders on other U.S. equity exchanges are not subject to any additional net capital requirements beyond the minimum net capital required by the SEC Net Capital Rule. Providing a broader range of alternatives for meeting the net liquid assets requirement would reduce that barrier to entry and reduce the inefficient use of capital. The Exchange also believes that Rule 103.20 should be revised and reorganized in a manner that would make it clearer and easier to understand.

Proposed Rule 103.20(a) would contain new text setting forth definitions. The term ''Net Liquid Assets'' would be redefined to mean the sum of (A) ''Excess Net Capital'' and (B) ''Liquidity'' dedicated to the DMM unit.[14] The term ''Excess Net Capital'' would have the same meaning as the term excess net capital as computed in accordance with the SEC Net Capital Rule. This would mean the amount identified as item number 3770 of SEC Form X–17A–5 (''FOCUS Report''), except for DMM units that compute net capital under the alternative standard, for which it would mean item number 3910 of the FOCUS Report. The additions to and deletions from net liquid assets under current Rule 103.20(a)(iv)(A)–(C) as described above would no longer apply.

Liquidity would be defined to mean undrawn or actual borrowings that are dedicated to the DMM unit's business, including:

(A) Undrawn committed lines of credit from a bank, as defined in Section 3(a)(6) of the Act; [15]

(B) undrawn committed lines of credit from an affiliate of the DMM unit or from the member organization of which the DMM unit is a part; and

(C) actual borrowings after the effective date of the rule that (i) have been used to purchase DMM unit securities, U.S. Treasury securities, or reverse repurchase agreements collateralized by U.S. Treasury securities, or (ii) are held as cash.[16]

Proposed Rule 103.20(b)(1) would set forth the minimum Net Liquid Assets requirement. The proposed rule change draws from the text of current Rules 103.20(a) and (b), but reorders the text using the new definitions proposed above to make it easier to understand. As noted above, the aggregate level of Net Liquid Assets of $125 million would not change, but the permitted components of Net Liquid Assets and proportions thereof would change. Thus, proposed Rule 103.20(b)(1) would provide that each DMM unit must at all times maintain or have allocated to it minimum Net Liquid Assets equal to the greater of (i) $1 million or (ii) $125,000 for every 0.1% of Exchange Transaction Dollar Volume [17] in each of the DMM unit's registered securities. The market risk add-on requirement under current Rule 103.20(b)(i)(B) as described above would no longer apply.

Under the proposed rule change, there would no longer be a separate financial requirement for ETFs,[18] thus harmonizing the financial requirements applicable to ETFs with those applicable to other securities. Although the Exchange does not currently list or trade any ETFs or other exchange traded products (''ETPs''), future business developments could result in an expansion of products traded on the Exchange to include them. Under the current rule, if a DMM unit were assigned a significant number of ETFs, the net liquid assets requirements for those ETFs would significantly exceed the net liquid assets requirements applicable to an equal number of other securities. The Exchange believes that ETFs and ETPs should be subject to the same requirements as other securities.[19]

Under proposed Rule 103.20(b)(2), the portion of a DMM unit's Net Liquid Assets that is derived from Excess Net Capital must at all times equal or exceed 40% of a DMM unit's total Net Liquid Assets requirement. Excess Net Capital that is allocated to the DMM unit must be dedicated exclusively to the DMM unit's activities and may not be used by other business units within, or for any other purpose of, the member organization. This is designed to reasonably assure that DMM units maintain sufficient levels of Excess Net Capital and that their Net Liquid Assets are not overly weighted with borrowings or credit lines.

Proposed Rule 103.20(b)(3) would be substantially the same as current Rule 103.20(a)(v). The proposed rule would provide that if two or more DMM units were associated with each other and deal for the same joint DMM unit account, the Net Liquid Assets requirements enumerated in proposed Rule 103.20 would apply to such DMM units treated as one unit, rather than to each DMM unit individually, and any joint account involving two or more DMM units would be required to be approved in writing by NYSE Regulation or its designee.

Under proposed Rule 103.20(b)(4), all Liquidity would be required to be subject to a written agreement that provided for a commitment period of not less than 30 calendar days and, once borrowed, an initial repayment term of not less than 30 calendar days, and an unconditional, irrevocable commitment with no material adverse change or other limiting clauses, other than provisions to accelerate the commitment period to 30 calendar days. Such written agreement must be made available to the Exchange upon request.

Under proposed Rule 103.20(b)(5), all Liquidity provided via a commitment to a DMM unit from an affiliate, or to a DMM unit from the member organization of which the DMM unit is a part, would be required to be included in a comprehensive liquidity plan prepared by the affiliate or the member organization, as the case may be, that provided for stress testing of the overall Liquidity of all entities that rely on such Liquidity, including the DMM unit, and the plan must show excess Liquidity for a period of at least 30 calendar days beyond the date that the DMM unit is relying on Liquidity for its Net Liquid Assets computation. The DMM unit would be required to arrange for the

[14] The capitalized, defined terms used in the proposed rule change would have the specific meanings proposed herein. Non-capitalized forms of the terms (e.g., liquidity instead of Liquidity) would have the general industry meaning. The Exchange proposes to amend the title of Rule 103.20 to be ''DMM Financial Requirements,'' instead of the current ''DMM Capital Requirements'' title, to reflect the proposed alternatives to capital when determining Net Liquid Assets.

[15] 15 U.S.C. 78c(a)(6).

[16] If a DMM utilizes an undrawn committed line of credit after the effective date of the rule to make such purchases, the amount of the credit line would continue to count toward Liquidity. Any reduction in the value of purchased securities would be reflected in Excess Net Capital.

[17] The meaning of Exchange Transaction Dollar Volume would not change, but it would become a defined term for purposes of Rule 103.20. *See, e.g.,* current Rule 103.20(b)(iii), proposed Rule 103.20(a)(4) and *supra* note 6.

[18] *See* current Rules 103.20(a)(ii) and (b)(i)(A).

[19] The Exchange further notes that the current ETF financial requirements date back to a time when the overall financial requirements for specialists (predecessors to DMM units) were significantly higher, and have not been modernized to account for a changing micro and macro market structure, despite decreases in the financial requirements applicable to other securities. *See* Securities Exchange Act Release No. 54205 (July 25, 2006), 71 FR 43260 (July 31, 2006) (SR–NYSE–2005–38).

affiliate(s), or the member organization of which the DMM unit is a part, to submit liquidity plans to the Exchange or its designee upon request.

The requirement that DMM units notify the Exchange if they are unable to satisfy the requirements of Rule 103.20 would be moved from current Rule 103.20(a)(iii) to proposed Rule 103.20(c), titled ''Notification Requirements,'' and further revised. Proposed Rule 103.20(c)(1) would specify that a DMM unit must immediately notify the Exchange when (A) the DMM unit's Net Liquid Assets fall below the minimum requirements; (B) the percentage of Net Liquid Assets derived from the DMM unit's Excess Net Capital falls below 40% of the total Net Liquid Assets requirement; (C) Liquidity has a commitment term of less than 30 calendar days from the date of the DMM unit's Net Liquid Assets computation; (D) the DMM unit is not in compliance with one or more terms of its loan or commitment agreements relating to its DMM activities; or (E) the repayment date of any actual borrowing is 30 days or less. The Exchange would also maintain the current provision under Rule 103.20(c) that provides the Exchange with the flexibility to allow a DMM unit to continue to operate as such for a limited period of time despite not meeting certain requirements of Rule 103.20. Specifically, proposed Rule 103.20(c)(2) would provide that if the Exchange received notice of a condition under proposed Rule 103.20(c)(1), the Exchange could allow a DMM unit to continue to operate as such for a period not to exceed five business days from the date of such notice in order to permit the DMM unit to resolve such condition. If the DMM unit were granted such a period and timely resolved the condition requiring notice under paragraph (c)(1), it could continue to operate as a DMM unit thereafter. The Exchange notes that regardless of whether a resolution period was granted, the Exchange retains the discretion to take enforcement action against any member organization for non-compliance with the Exchange's rules in appropriate circumstances.

The Exchange believes that the proposed change would result in DMM units maintaining a robust level of capital through a means that is less burdensome for DMM units to satisfy. The Exchange notes that it would continue to assess DMM unit financial requirements and that the Financial Industry Regulatory Authority, Inc. (''FINRA''), on behalf of the Exchange, would monitor DMM unit Net Liquid Assets on a daily basis.[20] The Exchange would notify DMM units of the implementation date of this rule change via a Member Education Bulletin.

The proposed change is not otherwise intended to address any other issues and the Exchange is not aware of any problems that DMM units 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,[21] in general, and furthers the objectives of Section 6(b)(5) of the Act,[22] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed change would remove impediments to, and perfect the mechanisms of, a free and open market and a national market system by reducing the burden on DMM units to maintain inordinate levels of excess net capital. The Exchange believes that using Liquidity to satisfy a portion of the DMM unit Net Liquid Assets requirements would be more efficient and less burdensome than the existing requirements, under which DMM units must generally maintain materially more net liquid assets than they have historically needed on a day-to-day basis. When maintained as excess net capital, these ''excess'' assets cannot be as efficiently utilized. The Exchange further anticipates that Liquidity would generally be made available to a DMM unit at a lower cost than additional capital.

The Exchange believes that using a combination of Excess Net Capital and Liquidity for purposes of satisfying the DMM unit Net Liquid Assets requirement would reasonably assure that DMM units have sufficient liquidity to carry out their obligations to maintain an orderly market in their assigned securities in times of market stress. In this regard, the Exchange notes that overall DMM unit risk levels have continued to decline due to, among other things, implementation of marketwide volatility controls (*e.g.,* Limit Up/Limit Down price controls), enhanced technology resulting in reduced trading latency levels, clearing organization risk control enhancements, tighter percentage triggers on marketwide circuit breakers, pre-trade risk controls (i.e., the Market Access Rule), and clearly defined Clearly Erroneous Execution parameters and processes. These initiatives have contributed to reducing the potential for significant and/or rapid movements in the market and provide support to DMM units in satisfying their obligation to maintain an orderly market in assigned securities in times of market stress. An initiative to develop a marketwide ''kill switch'' to reduce systemic risk has also been discussed among several U.S. equity exchanges. The Exchange further believes that continued market fragmentation, the decline in the average value of DMM units' end-of-day position inventories and the shorter duration of positions, and improved technology to manage market risk also support the proposed rule change.

The need for a source of liquid assets could occur during times of market stress when DMM units need to acquire more and larger positions at times when their capital levels are largely comprised of DMM unit positions and their liquidity has been exhausted. While these purchases and sales of DMM unit positions are generally ''capital neutral,'' absent a significant market movement, to the extent the DMM unit needs to engage in additional transactions, it could require additional liquidity to settle these transactions. The Exchange believes that requiring at least 40% of the Net Liquid Assets requirement to be satisfied by Excess Net Capital, rather than Liquidity, would be consistent with the Act and protect investors and the public interest because it is set at a level that the Exchange believes exceeds the amount of capital that historical DMM unit losses have required. Additionally, 40% would be the minimum level of Excess Net Capital to satisfy the Net Liquid Assets requirement, such that DMM

[20] *See* Rule 0 (describing the regulatory services agreement between NYSE and FINRA). In particular, FINRA would monitor actual DMM unit borrowings after the effective date of the proposed rule to assess whether proceeds have been used to purchase DMM unit securities, U.S. Treasury securities, or reverse repurchase agreements collateralized by U.S. Treasury securities, or are held as cash. This could be accomplished, for example, by comparing the timing of the borrowings to the timing of a DMM unit's purchases of the corresponding assets.

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

units would remain able to maintain higher levels of Excess Net Capital and therefore be less weighted with Liquidity. Also, while the market risk add-on under current Rule 103.20(b)(i)(B) would no longer apply to the amount of Excess Net Capital that the DMM unit must maintain, neither would the additions to net liquid assets allowed for haircuts and undue concentration charges under current Rule 103.20(a)(iv), therefore effectively cancelling each other out.

The Exchange further believes that the proposed change would protect investors and the public interest by reducing existing barriers to entry for new DMM units and mitigating the potential loss of existing DMM units. Stabilizing and increasing the pool of DMM units with a more efficient financial structure would be beneficial to the Exchange and would also enhance market quality and thereby support investor protection and public interest goals.

The Exchange believes that harmonizing the financial requirements applicable to ETFs with those applicable to other securities would remove impediments to, and perfect the mechanisms of, a free and open market and a national market system by eliminating a potential disincentive to seeking appointment as a DMM unit in ETFs. Investors would continue to be protected and the public interest would continue to be served because DMM units appointed to ETFs would be subject to the same Net Liquid Assets requirements as DMM units appointed to other securities, which would reasonably assure maintenance of sufficient liquidity to carry out DMM unit obligations to maintain an orderly market in such assigned ETFs in times of market stress. The Exchange does not believe that there is a basis to conclude that ETFs subject DMM units to greater risk than other securities. The Exchange therefore does not believe that there is a need for DMM units to maintain capital for ETFs or ETPs at levels that are greater than the levels required for other securities.

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,[23] 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 proposed change is designed to amend the structure of DMM unit financial requirements, but not the overall level thereof. This proposed change in the structure of required DMM unit capital would eliminate a potential barrier to entry for new DMM units and thereby promote intramarket competition.

The Exchange notes that market makers and traders on other U.S. equity exchanges are not subject to financial requirements beyond those required by the SEC Net Capital Rule. Nonetheless, DMM units have unique affirmative obligations and the Exchange continues to believe that it is appropriate that their financial requirements be higher than other market participants. The proposal would support intermarket competition by structuring DMM unit financial requirements in a way that is more manageable for member organizations, including both existing and potential future DMM units, and would thereby promote greater interest in seeking DMM unit appointments on the Exchange rather than as comparable market participants on other markets.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2014–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2014–02. 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.

[23] 15 U.S.C. 78f(b)(8).

All submissions should refer to File Number SR–NYSE–2014–02 and should be submitted on or before February 18, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–01424 Filed 1–24–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71362; File No. SR–NYSE–2014–03]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Proposing To Extend the Operation of Its Supplemental Liquidity Providers Pilot, Currently Scheduled To Expire on January 31, 2014, Until the Earlier of the Securities and Exchange Commission's Approval To Make Such Pilot Permanent or July 31, 2014

January 21, 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 January 6, 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 January 31, 2014, until the earlier of the Securities and Exchange Commission's (''Commission'') approval to make such Pilot permanent or July 31, 2014. 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.

[24] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 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,[3] currently scheduled to expire on January 31, 2014, until the earlier of Commission approval to make such Pilot permanent or July 31, 2014.

Background[4]

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'').[5] 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.[6] Separately, the NYSE established the SLP Pilot, which established SLPs as a new class of market participants to supplement the liquidity provided by DMMs.[7]

The SLP Pilot is scheduled to end operation on January 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 January 31, 2014.[8]

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

[3] *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); and 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).

[4] The information contained herein is a summary of the NMM Pilot and the SLP Pilot. *See supra* note 3 and *infra* note 5 for a fuller description of those pilots.

[5] *See* Securities Exchange Act Release No. 58845 (October 24, 2008), 73 FR 64379 (October 29, 2008) (SR–NYSE–2008–46).

[6] *See* NYSE Rule 103.

[7] *See* NYSE Rule 107B. The Exchange amended the monthly volume requirements to an ADV that is a specified percentage of NYSE CADV. *See* Securities Exchange Act Release No. 67759 (August 30, 2012), 77 FR 54939 (September 6, 2012) (SR–NYSE–2012–38).

[8] The NMM Pilot was scheduled to expire on January 31, 2014. On January 6, 2014, the Exchange filed to extend the NMM Pilot until July 31, 2014. *See* (SR–NYSE–2013–01) [sic]. *See also* Securities Exchange Act Release Nos. 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).

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, 2014, in order to allow the Exchange to formally submit a filing to the Commission to convert the Pilot rule to a permanent rule.[9]

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,[10] in general, and furthers the objectives of Sections 6(b)(5) of the Act,[11] 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 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. The Exchange also 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 an existing pilot program. 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,[12] 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 [13] and Rule 19b–4(f)(6) [14] 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.[15]

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)[16] 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. The Commission believes that waiver of the 30-day operative delay period is consistent with the protection of investors and the public interest because waiver would allow the pilot program to continue uninterrupted. Accordingly, 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 upon filing with the Commission.[17]

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.[18]

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

[9] The NYSE MKT SLP Pilot (NYSE MKT Rule 107B—Equities) is also being extended until July 31, 2014 or until the Commission approves it as permanent (*See* SR–NYSEMKT–2014–03).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78f(b)(8).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

[15] 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.

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] 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).

[18] 15 U.S.C. 78s(b)(3)(C).

• Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2013–03 on the subject line.

Paper Comments

• Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2014–03. 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–2014–03 and should be submitted on or before February 18, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–01426 Filed 1–24–14; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71363; File No. SR–NYSEMKT–2014–01]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending NYSE MKT Rule 500—Equities to Extend the Operation of the Pilot Program That Allows Nasdaq Stock Market Securities to be Traded on the Exchange Pursuant to a Grant of Unlisted Trading Privileges Until the Earlier of a Permanent Approval or July 31, 2014

January 21, 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 January 6, 2014, NYSE MKT LLC (''Exchange'' or ''NYSE MKT'') 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 amend NYSE MKT Rule 500—Equities to extend the operation of the pilot program that allows Nasdaq Stock Market (''Nasdaq'') securities to be traded on the Exchange pursuant to a grant of unlisted trading privileges. The pilot program is currently scheduled to expire on January 31, 2014; the Exchange proposes to extend it until the earlier of Securities and Exchange Commission (''Commission'') approval to make such pilot permanent or July 31, 2014. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend NYSE MKT Rule 500—Equities to extend the operation of the pilot program that allows Nasdaq securities to be traded on the Exchange pursuant to a grant of unlisted trading privileges. The pilot program is currently scheduled to expire on January 31, 2014; the Exchange proposes to extend it until the earlier of Commission approval to make such pilot permanent or July 31, 2014.

NYSE MKT Rules 500–525—Equities, as a pilot program, govern the trading of any Nasdaq-listed security on the Exchange pursuant to unlisted trading privileges (''UTP Pilot Program'').[3] The Exchange hereby seeks to extend the operation of the UTP Pilot Program, currently scheduled to expire on January 31, 2014, until the earlier of Commission approval to make such pilot permanent or July 31, 2014.

The UTP Pilot Program includes any security listed on Nasdaq that (i) is designated as an ''eligible security'' under the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privilege Basis, as amended (''UTP Plan''),[4] and (ii) has

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19 b–4.

[3] *See* Securities Exchange Act Release No. 62479 (July 9, 2010), 75 FR 41264 (July 15, 2010) (SR–NYSEAmex–2010–31). *See also* Securities Exchange Act Release Nos. 62857 (September 7, 2010), 75 FR 55837 (September 14, 2010) (SR–NYSEAmex–2010–89); 63601 (December 22, 2010), 75 FR 82117 (December 29, 2010) (SR–NYSEAmex–2010–124); 64746 (June 24, 2011), 76 FR 38446 (June 30, 2011) (SR–NYSEAmex–2011–45); 66040 (December 23, 2011), 76 FR 82324 (December 30, 2011) (SR–NYSEAmex–2011–104); 67497 (July 25, 2012), 77 FR 45404 (July 31, 2012) (SR–NYSEMKT–2012–25); 68561 (January 2, 2013), 78 FR 1290 (January 8, 2013) (SR–NYSEMKT–2012–86); and 69814 (June 20, 2013), 78 FR 38762 (June 27, 2013) (SR–NYSEMKT–2013–53).

[4] *See* Securities Exchange Act Release No. 70953 (November 27, 2013), 78 FR 72932 (December 4, 2013) (File No. S7–24–89). The Exchange's predecessor, the American Stock Exchange LLC, joined the UTP Plan in 2001. *See* Securities Exchange Act Release No. 55647 (April 19, 2007), 72 FR 20891 (April 26, 2007) (File No. S7–24–89). In March 2009, the Exchange changed its name to NYSE Amex LLC, and, in May 2012, the Exchange

Continued

been admitted to dealings on the Exchange pursuant to a grant of unlisted trading privileges in accordance with Section 12(f) of the Act,[5] (collectively, ''Nasdaq Securities'').[6]

The Exchange notes that its New Market Model Pilot (''NMM Pilot''), which, among other things, eliminated the function of specialists on the Exchange and created a new category of market participant, the Designated Market Maker (''DMM''),[7] is also scheduled to end on January 31, 2014.[8] The timing of the operation of the UTP Pilot Program was designed to correspond to that of the NMM Pilot. In approving the UTP Pilot Program, the Commission acknowledged that the rules relating to DMM benefits and duties in trading Nasdaq Securities on the Exchange pursuant to the UTP Pilot Program are consistent with the Act[9] and noted the similarity to the NMM Pilot, particularly with respect to DMM obligations and benefits.[10] Furthermore, the UTP Pilot Program rules pertaining to the assignment of securities to DMMs are substantially similar to the rules implemented through the NMM Pilot.[11] The Exchange has similarly filed to extend the operation of the NMM Pilot until the earlier of Commission approval to make the NMM Pilot permanent or July 31, 2014.[12]

Extension of the UTP Pilot Program in tandem with the NMM Pilot, both from January 31, 2014 until the earlier of Commission approval to make such pilots permanent or July 31, 2014, will provide for the uninterrupted trading of Nasdaq Securities on the Exchange on a UTP basis and thus continue to encourage the additional utilization of, and interaction with, the Exchange, and provide market participants with improved price discovery, increased liquidity, more competitive quotes and greater price improvement for Nasdaq Securities.

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 the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. In particular, the Exchange believes that its proposal to extend the UTP Pilot Program is consistent with (i) Section 6(b) of the Act,[13] in general, and furthers the objectives of Section 6(b)(5) of the Act,[14] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; (ii) Section 11A(a)(1) of the Act,[15] in that it seeks to ensure the economically efficient execution of securities transactions and fair competition among brokers and dealers and among exchange markets; and (iii) Section 12(f) of the Act,[16] which governs the trading of securities pursuant to UTP consistent with the maintenance of fair and orderly markets, the protection of investors and the public interest, and the impact of extending the existing markets for such securities.

Specifically, the Exchange believes that extending the UTP Pilot Program would provide for the uninterrupted trading of Nasdaq Securities on the Exchange on a UTP basis and thus continue to encourage the additional utilization of, and interaction with, the Exchange, thereby providing market participants with additional price discovery, increased liquidity, more competitive quotes and potentially greater price improvement for Nasdaq Securities. Additionally, under the UTP Pilot Program, Nasdaq Securities trade on the Exchange pursuant to rules governing the trading of Exchange-Listed securities that previously have been approved by the Commission. Accordingly, this proposed rule change would permit the Exchange to extend the effectiveness of the UTP Pilot Program in tandem with the NMM Pilot, which the Exchange has similarly proposed to extend until the earlier of Commission approval to make such pilot permanent or July 31, 2014.[17]

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,[18] 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 UTP Pilot Program will promote competition in the trading of Nasdaq Securities and thereby provide market participants with opportunities for improved price discovery, increased liquidity, more competitive quotes, and greater price improvement.

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.

subsequently changed its name to NYSE MKT LLC. *See* Securities Exchange Act Release Nos. 59575 (March 13, 2009), 74 FR 11803 (March 19, 2009) (SR–NYSEALTR–2009–24) and 67037 (May 21, 2012), 77 FR 31415 (May 25, 2012) (SR–NYSEAmex–2012–32).

[5] 15 U.S.C. 78l.

[6] ''Nasdaq Securities'' is included within the definition of ''security'' as that term is used in the NYSE MKT Equities Rules. *See* NYSE MKT Rule 3—Equities. In accordance with this definition, Nasdaq Securities are admitted to dealings on the Exchange on an ''issued,'' ''when issued,'' or ''when distributed'' basis. *See* NYSE MKT Rule 501—Equities.

[7] *See* NYSE MKT Rule 103—Equities.

[8] *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); 61725 (March 17, 2010), 75 FR 14223 (March 24, 2010) (SR–NYSEAmex–2010–28); 62820 (September 1, 2010), 75 FR 54935 (September 9, 2010) (SR–NYSEAmex–2010–86); 63615 (December 29, 2010), 76 FR 611 (January 5, 2011) (SR–NYSEAmex–2010–123); 64773 (June 29, 2011), 76 FR 39453 (July 6, 2011) (SR–NYSEAmex–2011–43); 66042 (December 23, 2011), 76 FR 82326 (December 30, 2011) (SR–NYSEAmex–2011–102); 67495 (July 25, 2012), 77 FR 45406 (July 31, 2012) (SR–NYSEMKT–2012–21); 68559 (January 2, 2013), 78 FR 1286 (January 8, 2013) (SR–NYSEMKT–2012–84); and 69812 (June 20, 2013), 78 FR 38766 (June 27, 2013) (SR–NYSEMKT–2013–51).

[9] 15 U.S.C. 78.

[10] *See* SR–NYSEAmex–2010–31, *supra* note 3, at 41271.

[11] *Id.*

[12] *See* SR–NYSEMKT–2014–02.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78k–1(a)(1).

[16] 15 U.S.C. 78l(f).

[17] *See supra* note 13.

[18] 15 U.S.C. 78f(b)(8).

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 [19] and Rule 19b–4(f)(6) [20] 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.[21]

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) [22] 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. The Commission believes that waiver of the 30-day operative delay period is consistent with the protection of investors and the public interest because waiver would allow the pilot program to continue uninterrupted. Accordingly, 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 upon filing with the Commission.[23]

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.[24]

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–2013–01 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2014–01. 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–2014–01 and should be submitted on or before February 18, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–01427 Filed 1–24–14; 8:45 am]

BILLING CODE 8011–01–P

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f)(6).

[21] 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.

[22] 17 CFR 240.19b–4(f)(6)(iii).

[23] 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).

[24] 15 U.S.C. 78s(b)(3)(C).

[25] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 8609]

Culturally Significant Objects Imported for Exhibition Determinations: ''Golden Visions of Densatil: A Tibetan Buddhist Monastery'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Golden Visions of Densatil: A Tibetan Buddhist Monastery,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Asia Society, New York, NY, from on or about February 19, 2014, until on or about May 18, 2014, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: January 17, 2014.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–01492 Filed 1–24–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice To Rescind a Notice of Intent To Prepare a Supplemental Draft Environmental Impact Statement; U.S. 231 Dubois County, IN

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice to rescind a Notice of Intent to prepare an Environmental Impact Statement.

SUMMARY: The FHWA is issuing this notice to advise the public that we are rescinding the Notice of Intent (NOI) to prepare a Supplemental Environmental Impact Statement (SEIS) for improvements that were proposed for U.S. 231 Jasper Huntingburg project in Dubois County, Indiana. In March 2004, FHWA released the U.S. 231 Draft EIS. The NOI for the SEIS was published in the **Federal Register** on June 2, 2010.

FOR FURTHER INFORMATION CONTACT: Michelle Allen, Planning/Environmental Specialist, Federal Highway Administration, Indiana Division, 575 North Pennsylvania Street, Room 254, Indianapolis, Indiana, Telephone: (317) 226–7344.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Indiana Department of Transportation, is rescinding the NOI to prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the U.S. 231 Jasper Huntingburg project in Dubois County, Indiana. Due to a reevaluation of the traffic information, the project is no longer warranted and the Notice of Intent is rescinded.

Authority: 23 U.S.C. 31.5; 23 CFR 771.123; 49 CFR 1.48.

Dated: January 14, 2014.

Richard J. Marquis,

Division Administrator, Indianapolis, Indiana.

[FR Doc. 2014–01498 Filed 1–24–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2009–0203]

Pipeline Safety: Meeting of the Technical Pipeline Advisory Committee and the Liquid Pipeline Advisory Committee

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of advisory committee meeting.

SUMMARY: This notice announces a public meeting of the Gas Pipeline Advisory Committee (GPAC), also known as the Technical Pipeline Safety Standards Committee, and the Liquid Pipeline Advisory Committee (LPAC), also known as the Technical Hazardous Liquid Pipeline Safety Standards Committee.

DATES: The committees will meet in joint sessions on Tuesday, February, 25, 2014, from 1 p.m. to 5 p.m. and on Wednesday, February 26, 2014, from 9 a.m. to 5 p.m., EST.

The meetings will not be web cast; however, presentations will be available on the meeting Web site and posted on the E-Gov Web site: *http://www.regulations.gov* under docket number PHMSA–2009–0203 within 30 days following the meeting.

ADDRESSES: The meeting location, agenda, and any additional information will be published on the PHMSA Web site (*http://www.phmsa.dot.gov/public*) under ''Latest News'' on the homepage. In the interim, please register on the following pipeline advisory committee page: *https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=94.* An email announcing the meeting location will be forwarded to all who have preregistered with PHMSA as soon as the meeting location is determined.

Any additional information will be published on the PHMSA Web site (*http://www.phmsa.dot.gov/public*) under ''Latest News'' on the homepage.

Comments on the meeting may be submitted to the docket in the following ways:

E-Gov Web site: http://www.regulations.gov. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

Fax: 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590–001.

Hand Delivery: Room W12–140 on the ground level of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Instructions: Identify the docket number PHMSA–2009–0203 at the beginning of your comments. Note that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. You should know that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). Therefore, you may want to review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (65 FR 19476) or view the Privacy Notice at *http://www.regulations.gov* before submitting any such comments.

Docket: For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* at any time or to Room W12–140 on the ground level of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: ''Comments on PHMSA–2009–0203.'' The Docket Clerk will date-stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (Internet, fax, or professional delivery service) of submitting comments to the docket and ensuring their timely receipt at DOT.

Privacy Act Statement

Anyone may search the electronic form of comments received in response to any of our dockets by the name of the individual who submitted the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). DOT's complete Privacy Act Statement was published in the **Federal Register** on April 11, 2000 (65 FR 19476).

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities, or to seek special assistance at the meeting, please contact Cheryl Whetsel at 202–366–4431 by February 10, 2014.

FOR FURTHER INFORMATION CONTACT: For information about the meeting, contact Cheryl Whetsel by phone at 202–366–4431 or by email at *cheryl.whetsel@dot.gov*.

SUPPLEMENTARY INFORMATION:

I. Meeting Details

The committees will meet to discuss whether or not to support the exclusion of section 4.2 of ASTM D2513–09a, ''Standard Specification for Polyethylene (PE) Gas Pressure Pipe, Tubing, and Fittings,'' for PE materials. Section 4.2 addresses the use of rework materials. Other topics to be discussed will include performance metrics for pipeline operations, safety management systems in other industries, and agency, State, and stakeholder priorities.

Members of the public may attend and make a statement during the advisory committee meeting. If you intend to make a statement, please notify PHMSA in advance by forwarding an email to *cheryl.whetsel@dot.gov* by February 10, 2014.

II. Committee Background

The GPAC and LPAC are statutorily mandated advisory committees that advise PHMSA on proposed safety standards, risk assessments, and safety policies for natural gas pipelines and for hazardous liquid pipelines. Both committees were established under the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 1) and the pipeline safety law (49 U.S.C. Chap. 601). Each committee consists of 15 members—with membership evenly divided among the Federal and State government, the regulated industry, and the public. The committees advise PHMSA on the technical feasibility, practicability, and cost-effectiveness of each proposed pipeline safety standard.

III. Agenda

The Agenda will be published on the PHMSA Web site.

Authority: 49 U.S.C. 60102, 60115; 60118.

Issued in Washington, DC, on January 17, 2014.

Jeffrey D. Wiese,

Associate Administrator for Pipeline Safety.

[FR Doc. 2014–01347 Filed 1–24–14; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of new system of records.

SUMMARY: The Privacy Act of 1974 (5 U.S.C. 552(e)(4)) requires that all agencies publish in the **Federal Register** a notice of the existence and character of their systems of records. Notice is hereby given that the Department of Veterans Affairs (VA) is establishing a new system of records entitled ''VHA Corporate Data Warehouse-VA'' (172VA10P2).

DATES: Comments on this new system of records must be received no later than *February 26, 2014.* If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the new system will become effective February 26, 2014.

ADDRESSES: Written comments concerning the proposed amended system of records may be submitted by: mail or hand-delivery to Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; fax to (202) 273–9026; or email to *http://www.Regulations.gov.* All comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 (this is not a toll-free number) for an appointment.

FOR FURTHER INFORMATION CONTACT: Veterans Health Administration (VHA) Privacy Officer, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420; telephone (704) 245–2492.

SUPPLEMENTARY INFORMATION: *Background:* VHA is the largest health care provider in the country. In order to maintain this organization, VHA collects patient health data, financial data, employee data, and patient entered data for patient care, decision support, population studies, research, behavior profiling, workflow integration and other business intelligence applications. The data is entered and stored in the appropriate system of record.

I. *Description of Proposed Systems of Records:* The proposed system of record identifies data warehouses that contains health information such as patient assessments, diagnoses, treatments, tests, and pharmaceutical data. The records include information created or collected during the course of normal clinical and administrative work and is provided by employees, students, volunteers, caregivers, contractors, subcontractors, and consultants. It also contains patient self-entered data and patient financial information provided by patients or other governmental agencies.

All data collected by the organization and centrally stored in the Corporate Data Warehouse (CDW) provides a central source of data that supports the delivery of health care, supports management decision making, allows for performance measurement, and provides a rich resource for VHA research. The CDW is located in Austin, Texas. VA delivers information technology support by dividing the United States into four regions. Each region contains a regional data warehouse (RDW) that may contain some or all of the CDW content.

VHA uses data stored in data warehouses to prepare various management, tracking, and follow-up reports necessary for the effective operation of VHA as it plans for and then delivers quality health care, which includes evaluating patient eligibility, benefits and care services; monitoring the distribution and utilization of resources including provider panel management; tracking disease and patient outcomes; program review, accreditation and licensing; quality assurance audits and investigations; law enforcement investigations; and measuring Veterans Integrated Service Network (VISN) performance. The data may be used to validate labor policies and practices and be extracted or interrogated by VA researchers in accordance with established protocols. The data warehouses covered by this system of records are identified and listed with their physical location in Appendix A.

II. *Proposed Routine Use Disclosures of Data in the System:* To the extent that records contained in the system include information protected by 38 U.S.C. 7332, (i.e., medical treatment information related to drug abuse, alcoholism or alcohol abuse, sickle cell anemia or infection with the human immunodeficiency virus), that information cannot be disclosed under a routine use unless there is also specific statutory authority permitting disclosure.

VHA is proposing the following routine use disclosures of information to be maintained in the system:

1. On its own initiative, VA may disclose information, except for the names and home addresses of veterans and their dependents, to a Federal, State, local, tribal, or foreign agency charged with the responsibility of investigating or prosecuting civil, criminal or regulatory violations of law, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto. On its own initiative, VA may also disclose the names and addresses of veterans and their dependents to a Federal agency charged with the responsibility of investigating or prosecuting civil, criminal or regulatory violations of law, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto. VA must be able to comply with the requirements of agencies charged with enforcing the law and conducting investigations. VA must also be able to provide information to State or local agencies charged with protecting the public's health as set forth in State law.

2. Disclosure may be made to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and to identify the type of information requested), when necessary to obtain information relevant to an individual's eligibility, care history, or other benefits.

3. Disclosure may be made to an agency in the executive, legislative, or judicial branch, or the District of Columbia's government in response to its request or at the initiation of VA, in connection with disease-tracking, patient outcomes, bio-surveillance, or other health information required for program accountability.

4. The record of an individual who is covered by a system of records may be disclosed to a Member of Congress, or a staff person acting for the Member, when the Member or staff person requests the record on behalf of and at the written request of the individual. Individuals sometimes request the help of a Member of Congress in resolving some issues relating to a matter before VA. The Member of Congress then writes to VA, and VA must be able to give sufficient information to give an appropriate response to the inquiry.

5. Disclosure may be made to the National Archives and Records Administration (NARA) and the General Services Administration (GSA) in records management inspections conducted under authority of Title 44, Chapter 29, U.S.C. NARA and GSA are responsible for management of old records no longer actively used, but which may be appropriate for preservation, and for the physical maintenance of the Federal Government's records. VA must be able to provide the records to NARA and GSA in order to determine the proper disposition of such records.

6. VA may disclose information from this system of records to the Department of Justice (DOJ), either on VA's initiative or in response to DOJ's request for the information, after either VA or DOJ determines that such information is relevant to DOJ's representation of the United States or any of its components in legal proceedings before a court or adjudicative body, provided that, in each case, the agency also determines prior to disclosure that release of the records to the DOJ is a use of the information contained in the records that is compatible with the purpose for which VA collected the records. VA, on its own initiative, may disclose records in this system of records in legal proceedings before a court or administrative body after determining that the disclosure of the records to the court or administrative body is a use of the information contained in the records that is compatible with the purpose for which VA collected the records.

7. Records from this system of records may be disclosed to a Federal agency or to a State or local government licensing board and/or to the Federation of State Medical Boards or a similar non-government entity which maintains records concerning individuals' employment histories or concerning the issuance, retention or revocation of licenses, certifications, or registration necessary to practice an occupation, profession or specialty, in order for the agency to obtain information relevant to an agency decision concerning the hiring, retention or termination of an employee.

8. Records from this system of records may be disclosed to inform a Federal agency, licensing boards or the appropriate non-government entities about the health care practices of a terminated, resigned or retired health care employee whose professional health care activity so significantly failed to conform to generally accepted standards of professional medical practice as to raise reasonable concern for the health and safety of patients receiving medical care in the private sector or from another Federal agency.

9. For program review purposes and the seeking of accreditation and/or certification, disclosure may be made to survey teams of the Joint Commission (JC), College of American Pathologists, American Association of Blood Banks, and similar national accreditation agencies or boards with whom VA has a contract or agreement to conduct such reviews but only to the extent that the information is necessary and relevant to the review. VA health care facilities undergo certification and accreditation by several national accreditation agencies or boards to comply with regulations and good medical practices. VA must be able to disclose information for program review purposes and the seeking of accreditation and/or certification of health care facilities and programs.

10. Disclosure may be made to a national certifying body which has the authority to make decisions concerning the issuance, retention or revocation of licenses, certifications or registrations required to practice a health care profession, when requested in writing by an investigator or supervisory official of the national certifying body for the purpose of making a decision concerning the issuance, retention or revocation of the license, certification or registration of a named health care professional. VA must be able to report information regarding the care a health care practitioner provides to a national certifying body charged with maintaining the health and safety of patients by making a decision about a health care professional's license, certification or registration, such as issuance, retention, revocation, suspension or other actions.

11. Disclosure may be made to officials of labor organizations recognized under 5 U.S.C. chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

12. Disclosure may be made to the VA-appointed representative of an employee of all notices, determinations, decisions, or other written communications issued to the employee in connection with an examination ordered by VA under medical evaluation (formerly fitness-for-duty) examination procedures or Department-filed disability retirement procedures.

13. VA may disclose information to officials of the Merit Systems Protection Board (MSPB), or the Office of Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions, promulgated in 5 U.S.C. 1205 and 1206, or as authorized by law.

14. VA may disclose information to the Equal Employment Opportunity Commission (EEOC) when requested in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or for other functions of the EEOC as authorized by law or regulation. VA must be able to provide information to the EEOC to assist it in fulfilling its duties to protect employee's rights, as required by statute and regulation.

15. VA may disclose to the Fair Labor Relations Authority (FLRA) (including its General Counsel) information related to the establishment of jurisdiction, the investigation and resolution of allegations of unfair labor practices, or information in connection with the resolution of exceptions to arbitration awards when a question of material fact is raised; to disclose information in matters properly before the Federal Services Impasse Panel, and to investigate representation petitions and conduct or supervise representation elections. VA must be able to provide information to FLRA to comply with the

statutory mandate under which it operates.

16. Disclosure of health record data, excluding name and address, unless name and address is furnished by the requester, may be made to epidemiological and other research facilities for research purposes determined to be necessary and proper when approved in accordance with VA policy.

17. Disclosure of name(s) and address(s) of present or former personnel of the armed services, and/or their dependents, may be made to: (a) A Federal department or agency, at the written request of the head or designee of that agency; or (b) directly to a contractor or subcontractor of a Federal department or agency, for the purpose of conducting Federal research necessary to accomplish a statutory purpose of an agency. When disclosure of this information is made directly to a contractor, VA may impose applicable conditions on the department, agency, and/or contractor to ensure the appropriateness of the disclosure to the contractor.

18. Disclosures of relevant information may be made to individuals, organizations, private or public agencies, or other entities with whom VA has a contract or agreement, or where there is a subcontract to perform the services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor or subcontractor to perform the services of the contract or agreement. This routine use includes disclosures by the individual or entity performing the service for VA to any secondary entity or individual to perform an activity that is necessary for individuals, organizations, private or public agencies, or other entities or individuals with whom VA has a contract or agreement to provide service to VA.

19. Disclosure to other Federal agencies may be made to assist such agencies in preventing and detecting possible fraud or abuse by individuals in their operations and programs.

20. VA may, on its own initiative, disclose any information or records to appropriate agencies, entities, and persons when: (1) VA suspects or has confirmed that the integrity or confidentiality of information in the system of records has been compromised; (2) VA has determined that as a result of the suspected or confirmed compromise, there is a risk of embarrassment or harm to the reputations of the record subjects, harm to economic or property interests, identity theft or fraud, or harm to the security, confidentiality, or integrity of this system or other systems or programs (whether maintained by VA or another agency or entity) that rely upon the potentially compromised information; and (3) the disclosure is to agencies, entities, or persons whom VA determines are reasonably necessary to assist or carry out VA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm. This routine use permits disclosures by VA to respond to a suspected or confirmed data breach, including the conduct of any risk analysis or provision of credit protection services as provided in 38 U.S.C. 5724, as the terms are defined in 38 U.S.C. 5727.

21. VA may disclose information from this system to a Federal agency for the purpose of conducting research and data analysis to perform a statutory purpose of that Federal agency upon the prior written request of that agency, provided that there is legal authority under all applicable confidentiality statutes and regulations to provide the data and VA has determined prior to the disclosure that VA data handling requirements are satisfied.

22. VA may disclose information from this system of records to the Office of Management and Budget (OMB) for the performance of its statutory responsibilities for evaluating Federal programs. VA must be able to provide information to OMB to assist it in fulfilling its duties as required by statute and regulation.

23. VA may disclose this information to the Department of Defense (DoD) for joint ventures between the two Departments to promote improved patient care, better health care resource utilization, and formal research studies.

III. *Compatibility of the Proposed Routine Uses:* The Privacy Act permits VA to disclose information about individuals without their consent for a routine use, when the information will be used for a purpose that is compatible with the purpose for which VA collected the information. In all of the routine use disclosures described above, either the recipient of the information will use the information in connection with a matter relating to one of VA's programs, will use the information to provide a benefit to VA, or disclosure is required by law.

The notice of intent to publish an advance copy of the system notice have been sent to the appropriate Congressional committees and to the Director of the Office of Management and Budget (OMB) as required by 5 U.S.C. 552a(r) (Privacy Act) and guidelines issued by OMB (65 FR 77677), December 12, 2000.

Approved: December 20, 2013.

Jose D. Riojas,

Chief of Staff, Department of Veterans Affairs.

172VA10P2

SYSTEM NAME:

''VHA Corporate Data Warehouse-VA''

SYSTEM LOCATION:

CDW is located at the VA Corporate Data Center Operations, Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The records contain information for all individuals

(1) receiving health care from VHA;

(2) receiving health care from DoD;

(3) providing the health care;

(4) or working for VA or DoD.

Individuals encompass Veterans, members of the armed services, current and former employees, trainees, caregivers, contractors, sub-contractors, consultants, volunteers, and other individuals working collaboratively with VA.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records may include information related to:

1. Patient health record detailed information, including information from Patient Health Record—VA (24VA10P2) and Patient National Databases—VA (121VA10P2).

2. The record may include identifying information (e.g., name, birth date, death date, admission date, discharge date, gender, social security number, taxpayer identification number); address information (e.g., home and/or mailing address, home telephone number, emergency contact information such as name, address, telephone number, and relationship); prosthetic and sensory aid serial numbers; health record numbers; integration control numbers; information related to medical examination or treatment (e.g., location of VA medical facility providing examination or treatment, treatment dates, medical conditions treated or noted on examination); information related to military service and status;

3. Patient health insurance information; including information from Revenue Program Billing and Collection Records—VA (114VA16)

4. Medical benefit and eligibility information; including information from Revenue Program Billing and Collection Records—VA (114VA16)

5. Patient aggregate workload data such as admissions, discharges, and outpatient visits; resource utilization such as laboratory tests, x-rays, pharmaceuticals, prosthetics and sensory aids; employee workload and productivity data;

6. Information on services or products needed in the provision of medical care (i.e. pacemakers, prosthetics, dental implants, hearing aids, etc.) data collected may include vendor name and address, details about and/or evaluation of service or product, price/fee, dates purchased and delivered;

7. Health care practitioners' identification number;

8. Employees salary and benefit information;

9. Financial Information from the Financial Management System;

10. Human resource information including employee grade, salary, and tour of duty;

11. Compensation and pension determinations, Veteran eligibility, and other information associated administering Veteran benefits by the Veterans Benefit Administration;

12. Data from other Federal agencies;

13. Patient self-entered data (online forms, etc).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code, Section 501.

PURPOSE(S):

The records and information may be used for clinical decision support, mobile applications presenting patient data, statistical analysis to produce various management, workload tracking, and follow-up reports; to track and evaluate the ordering and delivery of equipment, services and patient care; for the planning, distribution and utilization of resources; to monitor the performance of VISNs; and to allocate clinical and administrative support to patient medical care. The data may be used for VA's extensive research programs in accordance with VA policy and to monitor for bio-terrorist activity. In addition, the data may be used to assist in workload allocation for patient treatment services including provider panel management, nursing care, clinic appointments, surgery, diagnostic and therapeutic procedures; to plan and schedule training activities for employees; for audits, reviews and investigations conducted by the Network Directors Office and VA Central Office; for quality assurance audits, reviews and investigations; for law enforcement investigations; and for personnel management, evaluation and employee ratings, and performance evaluations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the extent that records contained in the system include information protected by 38 U.S.C. 7332, i.e., medical treatment information related to drug abuse, alcoholism or alcohol abuse, sickle cell anemia or infection with the human immunodeficiency virus, that information cannot be disclosed under a routine use unless there is also specific statutory authority permitting disclosure.

1. On its own initiative, VA may disclose information, except for the names and home addresses of veterans and their dependents, to a Federal, State, local, tribal or foreign agency charged with the responsibility of investigating or prosecuting civil, criminal or regulatory violations of law, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto. On its own initiative, VA may also disclose the names and addresses of veterans and their dependents to a Federal agency charged with the responsibility of investigating or prosecuting civil, criminal or regulatory violations of law, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto.

2. Disclosure may be made to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and to identify the type of information requested), when necessary to obtain information relevant to an individual's eligibility, care history, or other benefits.

3. Disclosure may be made to an agency in the executive, legislative, or judicial branch, or the District of Columbia's government in response to its request or at the initiation of VA, in connection with disease-tracking, patient outcomes, bio-surveillance, or other health information required for program accountability.

4. The record of an individual who is covered by a system of records may be disclosed to a Member of Congress, or a staff person acting for the Member, when the Member or staff person requests the record on behalf of and at the written request of the individual. Individuals sometimes request the help of a Member of Congress in resolving some issues relating to a matter before VA.

5. Disclosure may be made to NARA and GSA in records management inspections conducted under authority of Title 44, Chapter 29, of the U.S.C. NARA and GSA are responsible for management of old records no longer actively used, but which may be appropriate for preservation, and for the physical maintenance of the Federal Government's records.

6. VA may disclose information from this system of records to the DOJ, either on VA's initiative or in response to DOJ's request for the information, after either VA or DOJ determines that such information is relevant to DOJ's representation of the United States or any of its components in legal proceedings before a court or adjudicative body, provided that, in each case, the agency also determines prior to disclosure that release of the records to the DOJ is a use of the information contained in the records that is compatible with the purpose for which VA collected the records.

7. Records from this system of records may be disclosed to a Federal agency or to a State or local government licensing board and/or to the Federation of State Medical Boards or a similar non-government entity which maintains records concerning individuals' employment histories or concerning the issuance, retention or revocation of licenses, certifications, or registration necessary to practice an occupation, profession or specialty, in order for the agency to obtain information relevant to an agency decision concerning the hiring, retention or termination of an employee.

8. Records from this system of records may be disclosed to inform a Federal agency, licensing boards or the appropriate non-government entities about the health care practices of a terminated, resigned or retired health care employee whose professional health care activity so significantly failed to conform to generally accepted standards of professional medical practice, as to raise reasonable concern for the health and safety of patients receiving medical care in the private sector or from another Federal agency.

9. For program review purposes and the seeking of accreditation and/or certification, disclosure may be made to survey teams of the JC, College of American Pathologists, American Association of Blood Banks, and similar national accreditation agencies or boards with whom VA has a contract or agreement to conduct such reviews but only to the extent that the information is necessary and relevant to the review. VA health care facilities undergo certification and accreditation by several national accreditation agencies or boards to comply with regulations and good medical practices.

10. Disclosure may be made to a national certifying body which has the authority to make decisions concerning the issuance, retention or revocation of licenses, certifications or registrations required to practice a health care profession, when requested in writing by an investigator or supervisory official of the national certifying body for the purpose of making a decision concerning the issuance, retention or revocation of the license, certification or registration of a named health care professional.

11. Disclosure may be made to officials of labor organizations recognized under 5 U.S.C. Chapter 71, when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

12. Disclosure may be made to the VA-appointed representative of an employee of all notices, determinations, decisions, or other written communications issued to the employee in connection with an examination ordered by VA under medical evaluation (formerly fitness-for-duty) examination procedures or Department-filed disability retirement procedures.

13. VA may disclose information to officials of the MSPB, or the Office of Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions, promulgated in 5 U.S.C. 1205 and 1206, or as authorized by law.

14. VA may disclose information to the EEOC when requested in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or for other functions of the EEOC as authorized by law or regulation.

15. VA may disclose to the FLRA (including its General Counsel) information related to the establishment of jurisdiction, the investigation and resolution of allegations of unfair labor practices, or information in connection with the resolution of exceptions to arbitration awards when a question of material fact is raised; to disclose information in matters properly before the Federal Services Impasse Panel, and to investigate representation petitions and conduct or supervise representation elections.

16. Disclosure of health record data, excluding name and address, unless name and address is furnished by the requester, may be made to epidemiological and other research facilities for research purposes determined to be necessary and proper when approved in accordance with VA policy.

17. Disclosure of name(s) and address(s) of present or former personnel of the armed services, and/or their dependents, may be made to: (a) A Federal department or agency, at the written request of the head or designee of that agency; or (b) directly to a contractor or subcontractor of a Federal department or agency, for the purpose of conducting Federal research necessary to accomplish a statutory purpose of an agency. When disclosure of this information is made directly to a contractor, VA may impose applicable conditions on the department, agency, and/or contractor to insure the appropriateness of the disclosure to the contractor.

18. Disclosures of relevant information may be made to individuals, organizations, private or public agencies, or other entities with whom VA has a contract or agreement or where there is a subcontract to perform the services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor or subcontractor to perform the services of the contract or agreement. This routine use includes disclosures by the individual or entity performing the service for VA to any secondary entity or individual to perform an activity that is necessary for individuals, organizations, private or public agencies, or other entities or individuals with whom VA has a contract or agreement to provide the service to VA.

19. Disclosure to other Federal agencies may be made to assist such agencies in preventing and detecting possible fraud or abuse by individuals in their operations and programs.

20. VA may, on its own initiative, disclose any information or records to appropriate agencies, entities, and persons when: (1) VA suspects or has confirmed that the integrity or confidentiality of information in the system of records has been compromised; (2) VA has determined that as a result of the suspected or confirmed compromise, there is a risk of embarrassment or harm to the reputations of the record subjects, harm to economic or property interests, identity theft or fraud, or harm to the security, confidentiality, or integrity of this system or other systems or programs (whether maintained by VA or another agency or entity) that rely upon the potentially compromised information; and (3) the disclosure is to agencies, entities, or persons whom VA determines are reasonably necessary to assist or carry out VA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm. This routine use permits disclosures by VA to respond to a suspected or confirmed data breach, including the conduct of any risk analysis or provision of credit protection services as provided in 38 U.S.C. 5724, as the terms are defined in 38 U.S.C. 5727.

21. VA may disclose information from this system to a Federal agency for the purpose of conducting research and data analysis to perform a statutory purpose of that Federal agency upon the prior written request of that agency, provided that there is legal authority under all applicable confidentiality statutes and regulations to provide the data and VA has determined prior to the disclosure that VA data handling requirements are satisfied.

22. VA may disclose information from this system of records to OMB for the performance of its statutory responsibilities for evaluating Federal programs. VA must be able to provide information to OMB to assist it in fulfilling its duties as required by statute and regulation.

23. VA may disclose this information to the DoD for joint ventures between the two Departments to promote improved patient care, better health care resource utilization, and formal research studies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on Storage Area Networks.

RETRIEVABILITY:

Records are retrieved by name, social security number, or other assigned identifiers of the individuals on whom they are maintained.

SAFEGUARDS:

1. Access to and use of data warehouses are limited to those persons whose official duties require such access, and the VA has established security procedures to ensure that access is appropriately limited. Information security officers and system data stewards review and authorize data access requests. VA regulates data warehouse access with security software that relies on network authentication. VA requires information security training to all staff and instructs staff on the responsibility each person has for safeguarding data confidentiality.

2. Physical access to computer rooms housing data warehouses are restricted to authorized staff and protected by a variety of security devices. Unauthorized employees, contractors, and other staff are not allowed in computer rooms.

3. Data transmissions between operational systems and data warehouses maintained by this system of record are protected by state of the art telecommunication software and hardware. This may include firewalls, intrusion detection devices, encryption, and other security measures necessary to safeguard data as it travels across the VA Wide Area Network.

4. In most cases, copies of back-up computer files are maintained at off-site locations.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with records disposition authority approved by the Archivist of the United States. The records are disposed of in accordance with General Records Schedule 20, item 4.

Item 4 provides for deletion of data files when the agency determines that the files are no longer needed for administrative, legal, audit, or other operational purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Officials responsible for policies and procedures; Assistant Deputy Under Secretary for Health for Informatics and Analytics (10P2), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. Officials maintaining this system of records; Director, National Data Systems (10P2C), Austin Information Technology Center, 1615 Woodward Street, Austin, Texas 78772.

NOTIFICATION PROCEDURE:

Individuals who wish to determine whether this system of records contains information about them should contact the Director of National Data Systems (10P2C), Austin Information Technology Center, 1615 Woodward Street, Austin, Texas 78772. Inquiries should include the person's full name, social security number, location and dates of employment or location and dates of treatment, and their return address.

RECORD ACCESS PROCEDURE:

Individuals seeking information regarding access to and contesting of records in this system may write or call the Director of VHA National Data Systems (10P2C), located at the VA Corporate Data Center Operations, Austin Campus, 1615 Woodward Street, Austin, Texas 78772, or call the VA National Service Desk and ask to speak with the VHA Director of National Data Systems at (512) 326–6780.

CONTESTING RECORD PROCEDURES:

(See Record Access Procedures above.)

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by veterans, VA employees, VA computer systems, Veterans Health Information Systems and Technology Architecture (VistA), VA Medical Centers, VA Program Offices, VISNs, DoD, other Federal Agencies.

VA Appendix A

Database name	Location
Corporate Data Warehouse	Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.
Regional Data Warehouses (RDW)	Region 1 Data Warehouse, Herakles Data Center, 1100 North Market Blvd, Sacramento, CA 95834.
Region 2 Data Warehouse	Little Rock VA Medical Center, IRM/Bldg 102, 2200 Ft. Roots Drive, North Little Rock, AR 72114.
Region 3 Data Warehouse	Durham VAMC, 508 Fulton Street, Durham, NC 27705.
Region 4 Data Warehouse	Sungard Availability Services, 401 N. Broad Street, Suite 11.803, Philadelphia, PA 19108.
Veterans Informatics, Information and Computing Infrastructure (VINCI)	Austin Information Technology Center 1615 Woodward Street Austin, TX 78772.

[FR Doc. 2014–01497 Filed 1–24–14; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 79 Monday,

No. 17 January 27, 2014

Part II

The President

Memorandum of January 22, 2014—Establishing a White House Task Force To Protect Students From Sexual Assault

Federal Register
Vol. 79, No. 17
Monday, January 27, 2014

Presidential Documents

Title 3—

The President

Memorandum of January 22, 2014

Establishing a White House Task Force To Protect Students From Sexual Assault

Memorandum for the Heads of Executive Departments and Agencies

The prevalence of rape and sexual assault at our Nation's institutions of higher education is both deeply troubling and a call to action. Studies show that about one in five women is a survivor of attempted or completed sexual violence while in college. In addition, a substantial number of men experience sexual violence during college. Although schools have made progress in addressing rape and sexual assault, more needs to be done to ensure safe, secure environments for students of higher education.

There are a number of Federal laws aimed at making our campuses safer, and the Departments of Education and Justice have been working to enforce them. Among other requirements, institutions of higher education participating in Federal student financial assistance programs (institutions), including colleges, universities, community colleges, graduate and professional schools, for-profit schools, trade schools, and career and technical schools, must provide students with information on programs aimed at preventing rape and sexual assault, and on procedures for students to reporting rape and sexual assault. Institutions must also adopt and publish grievance procedures that provide for the prompt and equitable resolution of rape and sexual assault complaints, and investigate reports of rape and sexual assault and take swift action to prevent their recurrence. Survivors of rape and sexual assault must also be provided with information on how to access the support and services they need. Reports show, however, that institutions' compliance with these Federal laws is uneven and, in too many cases, inadequate. Building on existing enforcement efforts, we must strengthen and address compliance issues and provide institutions with additional tools to respond to and address rape and sexual assault.

Therefore, I am directing the Office of the Vice President and the White House Council on Women and Girls to lead an interagency effort to address campus rape and sexual assault, including coordinating Federal enforcement efforts by executive departments and agencies (agencies) and helping institutions meet their obligations under Federal law. To these ends, it is hereby ordered as follows:

Section 1. *Establishment of the White House Task Force to Protect Students from Sexual Assault.* There is established a White House Task Force to Protect Students from Sexual Assault (Task Force). The Task Force shall be co-chaired by designees of the Office of the Vice President and the White House Council on Women and Girls.

(a) Membership of the Task Force. In addition to the Co-Chairs, the Task Force shall consist of the following members:

(i) the Attorney General;

(ii) the Secretary of the Interior;

(iii) the Secretary of Health and Human Services;

(iv) the Secretary of Education;

(v) the Director of the Office of Science and Technology Policy;

(vi) the Director of the Domestic Policy Council;

(vii) the Cabinet Secretary; and

(viii) the heads of agencies or offices as the Co-Chairs may designate.

(b) A member of the Task Force may designate, to perform the Task Force functions of the member, senior officials who are part of the member's agency or office, and who are full-time officers or employees of the Federal Government.

Sec. 2. *Mission and Function of the Task Force.* (a) The Task Force shall work with agencies to develop a coordinated Federal response to campus rape and sexual assault. The functions of the Task Force are advisory only and shall include making recommendations to meet the following objectives:

(i) providing institutions with evidence-based best and promising practices for preventing and responding to rape and sexual assault;

(ii) building on the Federal Government's existing enforcement efforts to ensure that institutions comply fully with their legal obligations to prevent and respond to rape and sexual assault;

(iii) increasing the transparency of the Federal Government's enforcement activities concerning rape and sexual assault, consistent with applicable law and the interests of affected students;

(iv) broadening the public's awareness of individual institutions' compliance with their legal obligation to address rape and sexual assault; and

(v) facilitating coordination among agencies engaged in addressing rape and sexual assault and those charged with helping bring institutions into compliance with the law.

(b) In accordance with applicable law and in addition to regular meetings, the Task Force shall consult with external stakeholders, including institution officials, student groups, parents, athletic and educational associations, local rape crisis centers, and law enforcement agencies.

(c) Because rape and sexual assault also occur in the elementary and secondary school context, the Task Force shall evaluate how its proposals and recommendations may apply to, and may be implemented by, schools, school districts, and other elementary and secondary educational entities receiving Federal financial assistance.

Sec. 3. *Action Plan.* (a) Within 90 days of the date of this memorandum, the Task Force shall develop and submit proposals and recommendations to the President for:

(i) providing examples of instructions, policies, and protocols for institutions, including: rape and sexual assault policies; prevention programs; crisis intervention and advocacy services; complaint and grievance procedures; investigation protocols; adjudicatory procedures; disciplinary sanctions; and training and orientation modules for students, staff, and faculty;

(ii) measuring the success of prevention and response efforts at institutions, whether through compliance with individual policies or through broader assessments of campus climate, attitudes and safety, and providing the public with this information;

(iii) maximizing the Federal Government's effectiveness in combatting campus rape and sexual assault by, among other measures, making its enforcement activities transparent and accessible to students and prospective students nationwide; and

(iv) promoting greater coordination and consistency among the agencies and offices that enforce the Federal laws addressing campus rape and sexual assault and support improved campus responses to sexual violence.

(b) Within 1 year of the date of this memorandum, and then on an annual basis, the Task Force shall provide a report to the President on implementation efforts with respect to this memorandum.

Sec. 4. *General Provisions.* (a) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an agency or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) The heads of agencies and offices shall assist and provide information to the Task Force, consistent with applicable law, as may be necessary to carry out the functions of the Task Force. Each agency and office shall bear its own expenses of participating in the Task Force.

(d) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(e) The Secretary of Education is authorized and directed to publish this memorandum in the *Federal Register*.

THE WHITE HOUSE,
Washington, January 22, 2014.

[FR Doc. 2014–01645
Filed 1–24–14; 11:15 am]
Billing code 4000–01

Reader Aids

Federal Register

Vol. 79, No. 17

Monday, January 27, 2014

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.fdsys.gov.**

Federal Register information and research tools, including Public Inspection List, indexes, and Code of Federal Regulations are located at: **www.ofr.gov.**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

Reminders. Effective January 1, 2009, the Reminders, including Rules Going Into Effect and Comments Due Next Week, no longer appear in the Reader Aids section of the Federal Register. This information can be found online at **http://www.regulations.gov.**

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, JANUARY

1–324 2
325–528 3
529–748 6
749–1302 7
1303–1590 8
1591–1732 9
1733–2074 10
2075–2358 13
2359–2580 14
2581–2760 15
2761–3070 16
3071–3300 17
3301–3480 21
3481–3722 22
3723–4072 23
4073–4264 24
4265–4388 27

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.

3 CFR

Proclamations:
9073 749
9074 751
9075 753
9076 3477
9077 3479
9078 ..... 3719, 4265

Executive Orders:
13656 4263

Administrative Orders:
Memorandums:
Memorandum of December 27, 2013 527
Memorandum of January 9, 2014 2577
Memorandum of January 22, 2014 4385
Notices:
Notice of January 21, 2014 3721

5 CFR

550 529
870 530
890 531
894 531
2641 1

Proposed Rules:
179 609
315 610
870 613

6 CFR

5 2

7 CFR

205 3301
210 ..... 325, 2761
271 5
272 5
274 5
276 5
277 5
400 2075
407 2075
457 2075
915 2773
930 2775
1222 3696

Proposed Rules:
1211 2805
1216 3139

9 CFR

11 3071

Proposed Rules:
94 3741

10 CFR

218 16
429 500
430 500
431 16
490 16
601 16
820 16
824 16
851 16
1013 16
1017 16
1050 16

Proposed Rules:
Ch. I 3543
30 3328
40 3328
50 3328
52 3328
60 3328
61 ..... 3328, 4102
63 3328
70 3328
71 3328
72 3328
430 3742
431 2383

11 CFR

111 3302

12 CFR

234 3666
237 340
615 3543
652 3071

Proposed Rules:
30 4282
170 4282
Ch. II 3329
201 615
1006 2384

13 CFR

Ch. I 1303, 1309
115 2084

14 CFR

25 ..... 1591, 2359, 2365
39 ..... 344, 532, 536, 540, 543, 545, 549, 1315, 1733, 2366, 3303, 3481, 4267, 4269
61 20
71 ..... 346, 3305, 3315, 4073
73 3326
91 2088
95 2368
97 ..... 3072, 3073
121 2088
125 2088
141 20

Proposed Rules:
25 ..... 1334, 1336, 1337, 1339, 2384, 2387, 2388
39 ..... 65, 70, 72, 74, 76, 763,

1772, 1774, 2391, 2593, 2595, 2805, 3139, 3336, 3339, 3341, 4300
71 .....1341, 1342, 1344, 1345, 1346, 1607, 3544, 3545

15 CFR

740.....22, 264
742.....22
744.....22
770.....22
772.....22
774.....22, 264

16 CFR

1112.....2581
1222.....2581

17 CFR

42.....2370
200.....1734
239.....1316
240.....1522, 2777
249.....1522, 2777
270.....1316
274.....1316
300.....2779
Proposed Rules:
Ch. I.....1347, 4104
150.....2394, 3547
230.....3926
232.....3926
239.....3926
240.....3926
260.....3926

18 CFR

11.....3075
35.....755, 4075
40.....3723
292.....3483
Proposed Rules:
40.....3547

19 CFR

12.....2088, 2781
Proposed Rules:
7.....2395
163.....2395
168.....2395
178.....2395

21 CFR

14.....2093
225.....3738
510.....2785, 2786
529.....2785, 2786
814.....1735
866.....3739
876.....3088
892.....3088
Proposed Rules:
25.....3742
870.....765
1308.....1776

22 CFR

120.....26
121.....26, 34
123.....26, 34
124.....26, 34
125.....34
126.....26

23 CFR

771.....2107

26 CFR

1 .....755, 2094, 2589, 3094
31.....4077
57.....3483
602.....3483
Proposed Rules:
1 .....3042, 3142, 3145, 4105, 4302

27 CFR

Proposed Rules:
9.....2399
478.....774

28 CFR

Proposed Rules:
527.....78

29 CFR

101.....3483
102.....3483
2700.....3104
4007.....347
4022.....2591
Proposed Rules:
1904.....778

32 CFR

161.....708
Proposed Rules:
767.....620

33 CFR

110.....2371
117 .....1741, 2098, 3495, 3496
165 .....2371, 3105, 3497, 3499, 3502, 4077
Proposed Rules:
140.....1780, 2254
145.....2254
146.....1780
148.....2254
149.....2254
165 .....1789, 2597, 3552, 3555

34 CFR

685.....3108

36 CFR

Proposed Rules:
13.....2608
242.....1791

37 CFR

Proposed Rules:
1.....3146, 4105
2.....3750
3.....3146
5.....3146
6.....3750
7.....3750
11.....3146

38 CFR

3.....2099
4.....2099
17.....1330, 1332
36.....2100
60.....2099
Proposed Rules:
3.....430
13.....430

39 CFR

20.....3327
121.....4079
775.....2102
Proposed Rules:
111.....375
121.....376

40 CFR

9.....350
52.....47, 51, 54, 57, 364, 551, 573, 577, 580, 1593, 1596, 2375, 2787, 3120, 3504, 3506, 4082, 4274
63.....367
70.....2787, 4274
98.....3507
180 .....582, 1599, 3508, 3512
228.....372
260.....350
261.....350
300.....61
Proposed Rules:
49.....2546
52 ...378, 631, 784, 1349, 1350, 1608, 1612, 1795, 2144, 2404, 2808, 3147, 3757, 4121, 4308, 4313
60.....1352, 1430
63 .....379, 1676, 3557
70.....1430, 4313
71.....1430
81.....3757, 4121
98.....1430, 2614
745.....1799

42 CFR

85a.....2789
412.....61, 1741
413 .....63, 1741, 1742
414.....1741
419.....1741
424 .....63, 1741, 1742
430.....2948
431.....2948
435.....2948
436.....2948
440.....2948
441.....2948
447.....2948
482.....61, 1741
485.....61, 1741
489.....61, 1741
Proposed Rules:
85a.....2809
100.....1804
409.....1918
417.....1918
422.....1918
423.....1918
424.....1918

44 CFR

64.....4085
67 .....2103, 3518, 4089, 4091, 4094, 4097, 4100
Proposed Rules:
67.....381

45 CFR

Proposed Rules:
160.....298
162.....298
164.....784

46 CFR

30.....2106
150.....2106
153.....2106
Proposed Rules:
4.....1780
25.....2254
27.....2254
28.....2254
30.....2254
31.....2254
32.....2254
34.....2254
50.....2254
56.....2254
70.....2254
71.....2254
72.....2254
76.....2254
78.....2254
90.....2254
91.....2254
92.....2254
95.....2254
107.....2254
108.....2254
109.....1780
113.....2254
114.....2254
116.....2254
118.....2254
122.....2254
125.....2254
132.....2254
147.....2254
159.....2254
160.....2254
161.....2254
162.....2254
164.....2254
167.....2254
169.....2254
175.....2254
176.....2254
177.....2254
181.....2254
182.....2254
185.....2254
188.....2254
189.....2254
190.....2254
193.....2254

47 CFR

0.....3123
1.....588, 3133
2.....588
4.....3123
12.....3123
27.....588, 3133
73.....3135, 3558
90.....588
95.....2793
Proposed Rules:
22.....2615
24.....2615
27.....2615
73.....2405
76.....4138
87.....2615
90.....2615

48 CFR

225.....3519
252.....3519

49 CFR

213.....4234

214 1743
385 3520
386 3520
391 2377
622 2107
1554 2119

Proposed Rules:

543 3153
571 631

50 CFR

17 ....1552, 2380
622 3136
648 3137
665 ....2382, 4276
679 ....601, 603, 758, 2794, 4279, 4280

Proposed Rules:

17 ....796, 800, 1615, 1805, 3559
100 1791
224 4313
300 ....1354, 1810
622 81
648 ....1813, 4319
665 1354
679 381

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**.

Last List January 24, 2014

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.